



Date confirmed for mandatory vaccine in care homes

The Government has confirmed that the new rules on mandating the Covid-19 vaccine for all care home staff in England will come into force on 11 November 2021. We explore what employers should know below:

- In April 2021, the Government launched a five-week consultation on whether the Covid-19 vaccine should be compulsory for care home staff.
- The Government's response announced a 16-week grace period from 22 July 2021 for all care home workers to be vaccinated.
- 16 September 2021 is the last date for care workers to get their first vaccine so they are fully vaccinated before regulations come into force.
- The Government has also now published the impact statement, in which it sets out the effect it believes mandatory vaccination will have on care homes.
- It predicts that 7% of care home workers, which is around 40,000 staff out of 570,000 working in care homes in England, will refuse to have the vaccine.
- Resourcing problems may arise for affected employers if staff choose not to have the vaccine and dismissals may be necessary.
- When terminating employment, a full and fair procedure should still be followed as a change in the law in this way does not mean an exemption from normal rules on achieving a fair dismissal.

New sexual harassment duty on employers

The Government has announced that the law on preventing sexual harassment in the workplace is to be strengthened. In particular, it will place a stronger duty on employers to proactively take steps to prevent sexual harassment. In addition, employer liability for third party harassment will return and the time limit for making a tribunal claim of harassment may be extended from 3 to 6 months.

Did you know?

Although further clarification on the new rules is needed from the Government, employers should be prepared to make changes to their existing policies on sexual harassment in the workplace, or create new ones in line with the impending rules.

Inquiry into the menopause in the workplace launched

The Women and Equalities Committee is running an inquiry into workplace issues surrounding the menopause. It will consider whether further legislation is required to enable employers to have a workplace menopause policy to protect people at work going through the menopause, and how practices to address this can be implemented.

Did you know?

It remains to be seen whether the Government will decide to change the law on this issue. However, taking a positive and proactive approach to managing the menopause at work can help employers to retain valued staff, attract new talent, boost productivity, and improve staff wellbeing.

SC: claimants must show discrimination evidence

The Supreme Court (SC) has held that although the wording surrounding burden of proof changed when the Equality Act 2010 was introduced, the law has not changed and claimants are still obligated to provide proof of discrimination when bringing a claim to an employment tribunal. The claimant in this case brought a claim after over 30 of his IT and management job applications were rejected by the respondent.

Did you know?

This decision reaffirms the law. The burden of proof in like cases is placed on claimants who must persuade a tribunal that, on the balance of probabilities, discrimination is likely to have occurred.

Care home employers may face resourcing issues if a substantial number of staff do not want to have the vaccine, meaning alternative options will need to be considered. Contact our 24-hour Advisory Service for up-to-date guidance on this and more.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.