



This Week in Employment Law

08-11-2021

## Mandatory Covid vaccination to be introduced for frontline NHS workers

**The Government has announced that the Covid vaccine will be mandatory for frontline NHS workers in England from April 2022. We look at how this new requirement will work in practice.**

- Recent reports suggested this would only apply to NHS workers, however the Government has confirmed that the requirement will also apply to frontline staff within wider health and social care settings regulated by CQC.
- Frontline NHS and health and social care workers have until 1 April 2022 to receive both doses of the Covid vaccine. If they are not fully vaccinated by then and not medically exempt, they will need to be redeployed to alternative non-frontline positions or face dismissal.
- This requirement will apply to health and adult social care staff who have face to face contact with patients as well as ancillary staff such as porters and receptionists who may have social contact with patients but are not directly involved in their care.
- The process is likely to be similar to what is already in place for care home workers in England. There will only be limited exemptions such as on medical grounds and for those who don't have face to face contact with patients.
- The Government has decided not to make flu vaccines mandatory at present but this will be kept under review.
- Organisations affected by this development need to start putting measures in place to comply with the April 2022 deadline and start considering what redeployment opportunities are available for unvaccinated staff.

### Azeem Rafiq racism case rocks English cricket

The Chairman of Yorkshire County Cricket Club has resigned following the Club's initial failure to take any disciplinary action in response to serious allegations of racism made by one of its former players, Azeem Rafiq, despite an investigation finding that Mr Rafiq had been subjected to racial harassment and bullying. There are reports that use of a racially offensive term was considered 'banter'.

#### Did you know?

This case highlights the dangers of allowing 'banter' to be used as an excuse for racial harassment and bullying in the workplace. Employers should ensure all staff are aware that 'banter' of this nature will not be tolerated.

### Mandatory vaccine deadline in care homes expires

The mandatory Covid vaccination deadline for care home workers in England expires on Thursday 11 November 2021. From that date care home workers and volunteers who have not produced evidence that they have received both doses of the Covid vaccine or are medically exempt, need to be redeployed to a role outside the care home or face dismissal.

#### Did you know?

Those who have self-certified their medical exemption by 11 November 2021 are permitted to work until 24 December 2021 by which point they must have obtained and produced their official medical exemption.

### Dismissal for Zionism comments was unfair

The Employment Appeal Tribunal has found that a Council employee was unfairly dismissed for 'serious misconduct' following comments he made about Zionism at a demonstration outside Parliament. The Council employer failed to inform the employee of the specific allegation and the possibility of a warning as a lesser sanction was not discussed with him.

#### Did you know?

The Employment Appeal Tribunal also upheld the Tribunal's decision to make a reinstatement order. This means the employer must give the employee their old job back and treat the employee as though they had not left.

Health and social care employers required to comply with the mandatory vaccine requirement should start putting a process in place now to inform staff of this new development and check their vaccine status. 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.