

This Week in Employment Law

06-12-2021



Covid booster jabs extended to over-18s

With the government urging all over-18s who are eligible to get the Covid booster jab when it is offered to them, in response to the new Omicron variant, we consider the implications for employers.

- Covid booster jabs are being offered to all over-18s with the aim of completing the rollout by the end of January 2022.
- This will mean a greater number of the workforce taking time off to attend the vaccination appointment.
- Employers are under no legal obligation to provide leave and/or pay to attend vaccination appointments but employers should recognise that not offering this might discourage employees from getting vaccinated.
- Any existing policies on time off for medical appointments must still be adhered to.
- Employers may want to write to staff to inform them of the booster vaccine rollout, encourage them to take-up the booster jab when it is offered to them and remind them of the Covid safety measures they must follow in the workplace.
- Employers should review and update their existing Covid vaccine policies to include their stance on booster jabs.
- Some employers may wish to contractually require employees to get booster doses. Technically, such requirements will be a change to existing terms and conditions, therefore best practice dictates employers should develop a robust business case and fully consult with affected individuals, including collective consultation for some organisations, to reduce the risk of claims such as constructive dismissal, unfair dismissal, discrimination, failure to consult or breach of contract.

Government consultation on flexible working closes

The government's public consultation into flexible working closed on Wednesday (1 December). This looked at making flexible working a day-one right for all employees, allowing more than one request per year and shortening the timeframe employers have to process requests. An outcome is not expected until the new year, where parliament will likely debate the responses before reaching a decision.

Did you know?

Since 2014 all employees with at least 26 weeks continuous service at the date the application is made have the statutory right to request a flexible working arrangement. Only one statutory request can be made in any 12-month period.

Independent report proposes 'rest stops' for night workers

Autonomy, an independent research organisation, has published a report, 'Working Nights', putting forward proposals to improve access to amenities and infrastructure for night workers. The proposals include 24 hour 'rest stops' so night workers can eat, use toilets, rest, shield from bad weather, and store belongings, as well as providing a point of contact for vulnerable night workers.

Did you know?

The report also proposes enforcing a 'night time living wage' to reflect the higher costs of working at night, such as reduced transport options, lack of childcare and health issues caused by the detrimental impact of night working.

Tribunal claim succeeds based on unconscious bias

A civil servant who worked for the Foreign, Commonwealth and Development Office has won her claim for direct race discrimination. The Tribunal concluded that the discrimination was unconscious, there was no overt malice or discriminatory attitude towards the claimant, however unfair assumptions were made about her and "minds were closed".

Did you know?

This case highlights the importance of being aware of unconscious bias in the workplace and taking steps to remove unconscious bias from all employment practices, including recruitment, disciplinary procedures and promotions.

Employers should consider implementing a Covid vaccine policy, if they have not done so already, setting out their stance on leave and pay to attend Covid vaccine appointments. 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.