

Government to revoke mandatory vaccine regulations

The government has announced its intention to introduce regulations revoking vaccination as a condition of deployment across all health and social care settings in England, we look at the implications for employers.

- The government has published the outcome to the public consultation on this issue, showing 90% of respondents supported revoking the legal requirement and only 9% were opposed.
- As such, the government intend for regulations to revoke the legal requirement to come into force on 15 March 2022. The normal parliamentary process, whereby ministers will debate and vote, is expected to take place before then.
- DHSC will consult separately on updating the existing Code of Practice on the prevention and control of infections (this code applies to all CQC registered health and social care providers in England). The consultation will look at strengthening its requirements in relation to Covid; the next steps on this are planned to be set out as soon as possible.
- This change is welcome news for many employers as it means that from 15 March 2022, all staff will be able to continue in their existing role, regardless of Covid vaccination status. Employers should write to their staff to inform them of this.
- From 15 March 2022, employers can choose to re-hire ex-employees who left because they didn't meet the legal requirement, if they wish, although this may not be practical for some employers if vacancies have already been filled.
- Employers should rescind any notices of dismissal issued to employees who failed to meet the legal requirement, where the dismissal has not taken effect, to avoid the risk of unfair dismissal claims.

Celebrating International Women's Day

Organisations are being encouraged to support International Women's Day taking place on Tuesday 8 March 2022. This is a global celebration of women's achievements with the theme this year of 'breaking the bias'. Measures organisations can take to tackle gender bias include providing unconscious bias training, and making changes to their recruitment processes such as using multiple interviewers and a skills-based approach.

Did you know?

The government has announced a pilot scheme to improve pay transparency, where employers will list salary details on job adverts and stop asking about salary history in recruitment processes.

Potential protection for long-Covid sufferers

The Equality and Human Rights Commission (EHRC) has said employers should presume those suffering with long-Covid are protected as having a disability under the Equality Act 2010, to avoid the risk of discrimination or unfair dismissal claims being raised. The EHRC recommends good practice would be to support affected employees by making reasonable adjustments and allowing greater flexibility.

Did you know?

Reasonable adjustments could include making physical adaptations to workspaces, changes to working hours, or considering flexible or hybrid working arrangements.

EAT finds groundsman was not a worker

The Employment Appeal Tribunal (EAT) has rejected a cricket club groundsman's claim for holiday pay as he was found to be self-employed, not a worker. The groundsman set up his own business and was engaged on a self-employed basis. The EAT agreed with the tribunal's assessment that the groundsman was genuinely in business on his own account and the cricket club was a customer of his business.

Did you know?

In this case the self-employed arrangement between the club and the groundsman was found not to be a 'sham' despite the club being a major customer of the groundsman's business.

Employers affected by the removal of the mandatory Covid vaccine legal requirement should speak to staff who have already been re-deployed to discuss their options going forward. 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.