

# GETTING BACK TO WORK

## A practical guide for employees

Saturday 04 July marked the greatest relaxation of restrictions in England since lockdown measures were announced in March. With most establishments now open, the number of people back at work is set to grow. Also, more people are being asked to return to their place of work, including offices.

The rules encourage members of the public to remain two metres apart “where possible” or “one metre plus” elsewhere - representing a significant easing of social distancing measures.

People will be encouraged to wear face coverings where it is not possible to keep two metres apart from others. However, many workers fear contracting coronavirus once they return to their workplace.

So what are your rights? And what measures can you take, or expect your employer to take, to make your return as safe as possible?

### Should I be returning to work in any case?

The government is increasingly encouraging workers to return to their office, if it is safe to do so.

For those who do return, full government guidance on working safely in the newly opened sectors has now been published, including separate advice for Scotland, Wales and Northern Ireland. However, these guidelines could be changed at any moment depending on the wider situation.

This means you might get little notice if your employer wants you to get back to work.

### Can my employer make me work despite my coronavirus fears?

Public-facing jobs such as those in bars and restaurants potentially carry a higher risk of catching the virus. But if you do not show up for work when asked, you should not expect to get paid. However, employers need to be extremely careful about deciding to discipline or sack an employee.

Under employment law, workers have the right to walk off the job to protect themselves from “serious and imminent” danger. Firms may think they are enforcing social distancing rules, but no employer can police a workplace 100% and if you feel at serious risk, you are entitled to take action.

#### About People Group

If you are new or experienced in contracting, we offer a range of services to help you get to work and get paid on time. We'll make the experience hassle free and rewarding for you by providing advice & assistance at every stage, plus you'll also get access to a comprehensive range of contractor benefits.

To find out more: [peoplegroupservices.com/contractor](https://peoplegroupservices.com/contractor) [clientcare@peoplegroupservices.com](mailto:clientcare@peoplegroupservices.com)

## Will vulnerable people have to return to work?

There are 2.2 million people in England classified as being at high-risk, including those who have received organ transplants or are on immunosuppression drugs. From 01 August these individuals will no longer need to shield and may return to work as long as their workplace is 'covid-secure' (more on what this means below).

Employers have a duty to be especially careful to protect high risk people, which might mean varying their responsibilities, or keeping them on furlough until it is safer for them to return. There are, however, no new special rules to protect people in these groups who are asked to go into work. But some already exist – if you are disabled or pregnant, for example, your employer has extra obligations.

Employees may be able to argue that it will be discriminatory to force them to attend work outside the home. It will be up to the employer to show that they have listened to legitimate concerns and made reasonable adjustments.

If you are pregnant your employer is obliged to make sure you can do your job safely. This can mean allowing you to do your job from home or giving you a new role which can be done remotely. If your employer refuses either of these options, and you do not feel safe going into work you should seek advice.

Living with someone who is vulnerable or especially at risk is not necessarily a reason an employee can refuse to return to work. However you can, as an employee, raise a grievance and ask to be listened to and hopefully a compromise may be agreed upon, such as unpaid leave or using up annual holiday. But if an employer can show that a workplace is safe, they may insist on an employee attending.

## What if I don't think my workplace is safe?

Employers need to follow a strict code of measures to create a 'Covid secure' environment, which can include

- Observing the 1m plus rule of social distancing
- Introducing one-way systems to minimise contact
- Frequent cleaning of objects and communal areas
- Storing returned items for 72 hours before returning them to the shop floor
- Table service only in indoor pubs and restaurants
- Venues are expected to collect contact details of customers for the NHS Test and Trace system

If you are unhappy and feel your employer has not addressed your concerns, you should contact your local authority or the Health and Safety Executive, who can force firms to take action.

The Trades Union Congress (TUC) says companies should publish risk assessments, so employees know what safety measures are being taken. However, not all firms have done so or they have not made the measures public. A limited list of companies and their 'covid' policy is available at <https://covidsecurecheck.uk/>.

Under section 100 of the Employment Rights Act 1996 employees may leave a place of work where there is an imminent health and safety danger. So if, for example, you return to find social distancing is impossible, you could argue that this is a reason to leave your workplace.

But in the first instance you should try to resolve the issue with your boss. If you do not get anywhere with this, you should take advice. If you are in a union, it should have a helpline you can call if there is no rep to speak to on site. UNISON provides help and guidance for its members, ACAS is another port of call, as is Citizens Advice.

### How much notice should you get from your employer if they want you to return?

If you are unable to work from home, employers can ask employees to return to work and, technically, no notice is required. But giving at least 48 hours' notice should allow either side to have discussions and air any concerns or even official grievances.

The advisory group ACAS says employers need to check if there are any arrangements in place with unions or similar about notice. The upshot is that workers should be ready to return to work at short notice, but employers should, hopefully, be flexible where possible.

So, while your employer could ask you to return straight away, a good employer would understand if there were things you needed to put in place first and ought to give you a chance to do so.

### What is the current furlough policy?

When you were furloughed your employer should have outlined what would happen when it wanted you to go back to work, and this may have a clause saying that you have to return as soon as you are asked.

The termination of the furlough agreement and when an employee will be expected to return to work will depend on the provisions of the agreement. Even if there is no notice period, a good employer should realise that you may need some time to prepare.

People on furlough have been able to come back to work part-time from 1 July, a month earlier than had previously been announced. This means you should have received full pay for those hours worked, and 80% of pay for the hours covered by the furlough scheme.

As the chancellor Rishi Sunak unwinds the scheme, firms will have begun covering employers' national insurance and pension contributions for furloughed workers from 01 August. Employers who choose to continue to furlough staff will also start paying 10% of furloughed workers' wages in September and 20% in October.

### What happens if my area gets locked down and I cannot go to my work place? Can I be furloughed?

The government has so far reassured employers in locked down areas that the furlough scheme remains in place and they can continue to furlough employees under the scheme, or re-furlough employees who have come back to work.

However, the furlough scheme is now closed to new entrants. This means that, if a business has taken on new staff, it will not be able to use the furlough scheme for them in the event of a local lockdown.

### Can my employer ask me to take a pay cut?

Reducing hours and/or pay constitute a fundamental change to your terms and conditions of employment. You should be consulted about any such proposed changes, and agree them in writing.

Of course, this may be the only economically viable option, and the alternative, if people refuse, could be redundancies. However, to make more than 20 people redundant there will need to be collective consultation.

### What if I need to arrange childcare?

Wraparound care for school-aged children and formal childcare has been reopened over the summer. Legally, you can take time off to look after any dependants – these could be children, or older relatives, but this time is usually unpaid.

If you are currently furloughed and your employer does not have enough work for everyone to go back full-time, they may agree to leave you on furlough so you can continue to earn 80% of your normal pay.

# 5 PRACTICAL WAYS OF PROTECTING YOURSELF IN THE WORKPLACE

While there is much that your employer is expected to do to make your workplace as safe as possible, you can also help to 'control the virus'. Here are some simple and effective actions everyone can take to protect themselves, colleagues at work, and the wider community.

## 1. Wash your hands frequently and catch coughs and sneezes in a tissue

A simple and effective way to protect yourself and others from coronavirus is by making sure you wash your hands frequently with soap and water, or a hand sanitiser if you are out and about. It's particularly important to wash your hands once you get home or arrive at work or before you prepare or eat food.

## 2. Wear a face covering

In situations where you are not readily able to keep a distance of two meters, wearing a face covering can help mitigate the risk of catching or spreading Covid-19.

Here's how to wear a face covering correctly and effectively: <https://www.bbc.co.uk/news/av/health-52606128/coronavirus-and-face-coverings-the-correct-way-to-wear-them>

## 3. Plan ahead based on your situation

Try to minimise situations that place you in closer contact with other people. Consider your commute to work - is it possible to avoid public transport? Could you cycle or walk? Once at the office, are you able to avoid communal areas or areas with high touch points? For example, perhaps taking in a packed lunch means you won't need to use your workplace's kitchen area.

## 4. Be prepared to self-isolate

People with symptoms of coronavirus, or those who have been contacted by the NHS test and trace service should self-isolate at home. This means staying indoors and avoiding contact with other people for seven days after the onset of symptoms (new, continuous cough and/or high temperature). People can return to normal activity after seven days if they do not have a temperature and feel like they are improving.

## 5. Stay up to date using trusted sources of information

- The UK coronavirus (COVID-19) page will keep you in touch with how the Government is responding.
- The NHS coronavirus (COVID-19) page includes a wide range of health-related information.
- If you are planning to travel abroad check the Foreign and Commonwealth Office travel advice page.
- Follow Public Health England or The Department of Health and Social Care on Twitter for regular updates.

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