EMPLOYER'S GUIDE

BACK TO WORK AFTER FURLOUGH
3 STEPS TO PREPARE YOUR BUSINESS STRATEGY

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Who are HR:4UK?

**HR:4UK** is a leading provider of HR & Employment, Payroll & Pensions and Health & Safety services.

- 30 years industry experience
- 5-star rated client reviews
Introducing Angela Clay

As a HR & Employment Law solicitor and Managing Director, I am responsible for HR:4UK’s role as a leading professional HR service for UK businesses.
Successfully Surviving the Crisis

My vision is for your business to come out of this crisis successfully by offering you clear, professional, practical advice and support.
3 Steps to Prepare Your Business Strategy for When Furlough Ends

• How to successfully plan what to do when furlough ends.

• How to safely plan redundancies, short-time working and lay-off.

• How to manage staff overhead costs so that you can bounce back fast.
Why do You Need a Post-Furlough Plan?

The question should be:

What should you be doing NOW to prepare for when furlough ends?
Plan Now to Stay Ahead of the Competition

• Now that the UK is reported to be past the peak of its coronavirus outbreak, the government have yet to release their lockdown exit plan.

• Businesses need to concentrate their efforts on discovering solutions for the rapidly shifting state of work.
How Has Your Business Been Affected by COVID19

• Office Premises
• Operational Structure
• Organisational Structure
• Revenue Stream
Returning to Work will Depend on Your Closure Arrangements

• **Business not trading:** All staff furloughed.

• **Business partially trading:** Some staff furloughed, some working from home or in the workplace (essential).

• **Business trading:** Fully operational with staff working from home.
Long-Term Remote Working

• If working from home is going to be a longer term strategy, you will need to review long-term remote home working policies.
• Risk assessments for remote / home workers should be carried out.
Long-Term Remote Working

• Data suggests some employees wellbeing and productivity has increased whereas others report the opposite.
• Wherever possible employers should continue to allow staff to work from home.
Safety Must be the Priority for all Businesses

• For all businesses the priority should be the safe return of staff to the workplace.

• Decide how your business will approach the theoretical shift in the perception of remote working.

• Remote working will become a mainstay of employee negotiations across the globe.
COVID-19 Transmissions

• It is understood that COVID-19 is transmitted by 2 main routes:
  • Proximity to an infected person. Within 2 metres or less or possibly through inhalation into the lungs.
  • Where someone touches a person or object which has become infected by respiratory objects containing the virus.
Health & Safety Priorities

• Employers need to take steps to minimise the risk of transmission.
• Cleaning your workplace must be a key area in your return to work plan.
• Carry out a risk assessment to identify the likelihood of employees contracting COVID-19 at work and measures to control that risk.
Health & Safety Priorities

• Take steps to ensure good hygiene practices and reducing face-to-face contact wherever possible to reduce the risk of infection within your business.

• Does your business have a COVID-19 H&S policy? If not, implement one. This should form part of any Employee Handbook.
Steps to Achieve a More Hygienic Workplace

• Encourage frequent and thorough handwashing for at least 20 seconds with hot water and soap.

• Replace multi-use fabric towels with single use paper towels.

• Provide sanitising hand gel for staff use and position bottles around the workplace.
Steps to Achieve a More Hygienic Workplace

• Tissues – Ensure plentiful supply and make sure staff are aware of advice to dispose of used tissues immediately after coughing or sneezing.

• Avoid Sharing Equipment – Discourage staff from sharing equipment such as keyboards, telephones, mice etc. If sharing equipment e.g. shift changes, provide antibacterial wipes.
Planning Tip 1

• Hygiene supplies. Do you have any of these items in place or do you need to place an order?
• Order now as hundreds of thousands of businesses will be doing the same.
Steps to Achieve a More Hygienic Workplace

• Remind staff to avoid touching their faces
• Follow the 2m social distancing rule.
• Follow the guidance from Public Health England.
Steps to Achieve a More Hygienic Workplace

• Keep number of staff on premises at any one time to a minimum.
• Restrict number of staff in communal areas such as kitchens and washrooms.
Steps to Achieve a More Hygienic Workplace

• Organise shift patterns so that the same cohorts of staff work together consistently to minimise the number of individuals coming into contact.
Steps to Achieve a More Hygienic Workplace

• Put up signs to remind employees about social distancing.
• Use floor markings for 2m rule.
• Rearrange the workplace and increase distancing between workstations.
• Stagger break times/shift start/finish times to reduce congestion.
Planning Tip 2

• Do you require signs? Order now as hundreds and hundreds of businesses will be doing the same.

• Direct Signs  www.directsigns.co.uk

• sales@directsigns.co.uk
Social distancing Signs and Products

Direct Signs (UK) Ltd have a new range of Social distancing Signs & Products designed specifically to remind your Staff and Visitors of their responsibility to reduce the spread of Coronavirus in the workplace.
Steps to Achieve a More Hygienic Workplace

• For businesses unable to practice social distancing during work activities the Government has issued advice for specific sectors

HSE Guidance

• Employers must fulfil their usual H&S duties during lockdown and take steps to protect their staff from COVID-19.

• HSE have specific guidance for employers:

• https://www.hse.gov.uk/news/coronavirus.htm
Planning Tip 3

• Review your current cleaning arrangement and adjust as appropriate.
• Do you need to increase the frequency of your office clean?
• If you need to get a specialist cleaning unit in, book it sooner rather than later.
Disposing of Rubbish

- Rubbish from staff suspected of COVID-19 must be double-bagged and tied before storing safely.
- If staff test negative it can be thrown away. If positive the local health protection team will instruct on disposal.
Controlling Legionella Risks

• Legionella is a high risk in water systems not regularly used e.g. buildings closed up.
• Consider carrying out a water risk assessment including a water test.
Controlling Legionella Risks

• For small systems:
  • Flush all outlets for 2-5 minutes to draw fresh water into the system.
  • Ensure cold water outlets are below 20°C.
  • Switch off heating devices.
Planning Tip 4

• Do you need to carry out a water risk assessment? You should take professional advice if your system is large or complex.
• Do you need to carry out any specific biocide treatments before your staff return to work?
Avoid Risks & Know Compliance

• How to safely plan short-time working, lay-off and redundancies.
• Firstly consider do you still have a viable business?
• What does your revenue streams look like?
• Is your business agile enough to survive post furlough and beyond the impact of COVID-19?
Planning Tip 5

• Before you consider short-time working, lay-offs or restructuring your organisation, carry out an assessment on your pipeline.
Planning Tip 6

• Carry out an assessment on your supply chain.
• What impact will they have on you being able to deliver your products and / or services?
HR:4UK

CORONAVIRUS
JOB
RETENTION
SCHEME
REFUNDS 80%
WAGE COSTS
Do You Need to Make Temporary or Permanent Changes?

- Furloughed employees have the same employment rights as they did previously, including SSP, maternity, other paternity rights, and rights against unfair dismissal and to statutory redundancy pay.
- Gov furlough scheme currently ends 30 June 2020. You may still not need to bring in your full workforce.
Short-Time Working

• If you cannot provide work, as a temporary measure an employee can be put on short-time working if permitted by your employment contracts.

• Reducing the number of hours they work with a corresponding reduction in pay.

• Another way to save jobs and prevent redundancies.
Short-Time Working

• If you don’t have contractual rights to impose short-time working you cannot implement short-time working as you risk facing a breach of contract claim and unpaid wages claims in an Employment Tribunal.

• If you used our Furlough agreement with the included variation of terms, you can rely on this to impose short-time working.
If You Don’t Have Contractual Rights to Impose Short-Time Working

• Seek agreement of employees to immediately volunteer for short-time working (this is a quick win).
• Seek express agreement to change / vary their contract or terms of employment to include short-time working.
Lay-Off

• As with short-time working, lay-off is where you cannot provide work, as a temporary measure an employee can be put on lay-off if permitted by your employment contracts.

• Lay-off is where employees are laid off because there is NO work to be provided.
Lay-Off

• Unlike short-time working staff, subject to eligibility, staff are entitled to statutory guaranteed pay of £30 for the first 5 days of work in a 13 week rolling period.
• Employees have the right after 4 consecutive weeks of lay-off or a total of 6 weeks in any 13 week rolling period to claim redundancy.
• Seek professional advice and guidance to follow this specific process.
Lay-Off Pointers

• There is no set criteria for making the difficult decision of who to choose. It is a matter of contact and unlike redundancies there is no statutory test of fairness. Employers should not make decisions that are discriminatory.

• In absence of an express clause which deals with how long an employee can be laid off, an employer can only lay an employee off for a reasonable period.
Statutory Sick Pay (SSP)

• Normal SSP rules apply during any period of short-time working or lay-off.
Planning Tip 7

• Do you need to seek agreement from your staff to vary their contract of employment?

• Do you need expert advice on how to follow due process?
Extend Furlough Leave Periods

• For a phased return to work, If you decide to extend furlough periods for staff beyond the government scheme you will need to bear these costs and will need an employees’ agreement to remain on furlough.
Planning Tip 8

• Carry out a cost assessment of employment costs if extending furlough leave periods.

• Do you need to revisit your furlough agreement to see if you need to seek an additional agreement to further extend their furlough leave?
Redundancy

• If your business is not able to continue trading or you only have enough business for a reduced workforce, you may need to make redundancies.

• Implementing redundancies is a structured approach that requires a lot of planning and following the correct legal process.
Redundancy

• If making 20 or more but less than 100 people redundant, you must start collective consultation 30 days before giving notice of the first redundancy.

• For 100 or more people, the consultation period must be 45 days before giving notice of the first redundancy.
Redundancy

• Redundant staff are entitled to receive notice or payment in lieu of notice, holiday and other contractual entitlements and statutory redundancy pay if they qualify.

• Your business will have to pay all these costs.
Planning Tip 8

• Employers MUST follow due process to ensure they don’t fall foul of employment law and end up in an Employment Tribunal with an unfair dismissal claim.
• Take the time to safeguard and protect your business by seeking professional advice.
CORONAVIRUS & SELF-ISOLATION SICK PAY
Other Matters to Consider When Staff Return to Work

• Staff who are advised to shield: Continue working from home if possible or consider keeping them on furlough (subject to their agreement).

• Displaying COVID-19 symptoms: Self-isolate for 7 days. If they live with someone symptomatic they must self-isolate for 14 days.
Other Matters to Consider When Staff Return to Work

• Staff who have suffered a bereavement: Other than Jack’s law, in case of the death of a child, there is no statutory right for bereavement. Employers should be sympathetic.

• If an employee has died provide support to their colleagues and contact family members to provide support, especially if you have death in service benefits.
JACK’S LAW

NEED A BEREAVEMENT POLICY?

CONTACT US TODAY
Planning Tip 9

• Do you need a bereavement policy putting in place?
• Make sure you have next of kin details.
• Do you need to consider providing support?
Mental Health Awareness

• As a result of the lockdown and impact of COVID-19 many people will be suffering with their mental health.
• Staff may need additional support and line managers will need to be sympathetic and supportive to their teams.
Planning Tip 10

• Do you need to sign up to the Employee Assistance Programme?

• This is an employer funded benefit that offers employees confidential counselling and advice on a wide range of work and personal issues. It is a core component of an organisation's risk and absence management strategy and a versatile resource for managers and HR professionals.
Managing Holidays

• Staff are now allowed to carry forward some of their statutory holiday if they are unable to take them in the current holiday year.

• Staff should be encouraged to take previously agreed or booked holiday even if working from home, for the break.
Planning Tip 11

• Have a clear policy to allow as many people as possible to take holiday this year whilst still maximising key business services.
Refusal to Return to Work

• For employees who simply refuse to return to work consider alternatives such as unpaid leave and paid holiday.

• Listen to concerns and provide assurance about measures in place to protect their health and safety.

• If unreasonable refusal, consider taking disciplinary action but just don’t dismiss as this will likely be an unfair dismissal.
Training

• As staff may have been away for a considerable time consider if any refresher training should be given.
Continued Homeworking

• Deloitte stated that nearly 90% of employees want to retain their right to work from home at least some of the time.

• Digital innovation – tools such as video conferencing e.g. Zoom and instant messaging software provide communication channels to support home working and it is likely we will see far more investment in these areas within the coming months and years.
Results Driven & Work-Life Balance

• Instead of presenteeism being a central issue in the workplace employers may instead base success on results rather than hours behind the desk.

• Unlike any other time in history nearly all workers have been able to have a better work-life balance and able to spend more time with their families.

• During the national crisis there has been increased empathy and perhaps efforts to cultivate and retain this in future should be made.
Cash Flow SOS – How to Manage Staff Overheads to Bounce Back Fast

• The Coronavirus Job Retention Scheme is a mechanism for employers to reclaim up to 80% of staff wage costs from the HMRC till 30 June 2020.

• Will your business be able to support staff overheads with no incoming revenue?

• How to make cost savings to support your business.
ANNUAL LEAVE & PAY FOR FURLOUGH LEAVE
How to Make Cost Savings - Holiday

• Furlough workers are still employed and will continue to accrue the 5.6 weeks statutory annual leave. They retain their right to request and take annual leave.

• Employers can require staff to take annual leave but just give twice as much notice as the period required to take e.g. at least 2 weeks’ notice if you want them to take 1 week’s leave.
How to Make Cost Savings - Holiday

• Holidays must be topped up and paid at full 100% pay.

• Employers can still claim back 80% wages for those holiday days.

• This can be a significant saving for employers.
How to Make Cost Savings - Redundancy

• You are permitted to make an employee redundant while on furlough.

• They will still be entitled to statutory redundancy pay.
Planning Tip 12

• For redundancy - Use the time to consult with employees while they are on furlough and tie in (if possible) their termination date with the end of the furlough scheme on 30 June 2020.
Notice Pay While on Furlough

• Salary payments made by employers during furlough can still be reclaimed from HMRC (subject to limits) despite the employee working out their notice period.
Notice Pay While on Furlough

• Whether an employee receives 80% or 100% is a question of debate.

• We believe that the employee notice period will need to be paid at 100% salary.

• Employers can still claim 80% of salary through the CJRS scheme and top this up to 100% making a considerable saving to the business.
Let us help you

CORONAVIRUS CRISIS PACKAGE
Coronavirus Crisis Package Offer
Contact Us Today

• 3 Months support to cover your business during the CJRS Scheme and Post-Furlough to ensure your compliance with employment law and the HMRC.

• Support tailored to your individual business needs and future plans Post-Furlough.
Coronavirus Crisis Package Offer
Contact Us Today

• Flexible pricing scaled to your requirements and respectful of your financial pressures.

• For more information talk to us 01455 444 222 or info@hr4uk.com
Furlough Friday Webinars
Join us Every Friday 3pm – 4pm

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Thank you for your time.