



Collinson

Grant



 Watershed

Planning for the 'new normal'

The working day webinar

2nd June 2020

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# Work areas

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- Working from home
- Dependent on the proximity of contact, type of work and the number of workers, the work area may require significant reconfiguration:
  - using screens or barriers
  - favouring back to back or side to side work
  - creating fixed teams or partners to reduce the number of potential contacts
  - zoning of working areas and personal protective clothing requirements (office working – close quarter assembly)
  - closer, more enclosed work areas may require more advanced personal protective equipment (PPE). For example, the assigned protection factor (APF) for a Filter Face Piece 1 (FFP1) mask is 4 whereas the APF for an FFP3 mask is 20
  - running shifts

# How do I change employment contracts?

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- Four methods:
  - 1 Rely on a flexibility clause if the proposed change is authorised by the contract
  - 2 Obtain consent

If you can't obtain consent:

  - 3 Dismiss and re-engage employees
  - 4 Unilaterally impose changes
- Consider procedural requirements – consultation (including collective, if 20 or more employees)
- Potential award for failing to collectively consult is 90 days gross pay per employee, amongst other liabilities

# Work situations and other considerations

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- Considering work situations:
  - getting to and from work
  - moving around
  - common areas
- Once work area zoning is in place and you have demonstrated control of other work situations it may be appropriate to re-introduce staff in phases

# Can I compel my staff to return to work and what can I do if they refuse?

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- Can they work from home?
- Protection from dismissal under s.100 ERA 1996:
  - absence due to **circumstances of danger** that the employee **reasonably** believed to be **serious and imminent**, and they could not reasonably have been expected to **avert** that danger
  - taking **appropriate** steps to protect themselves or others from **danger** which they reasonably believed to be **serious and imminent**
- Section 44 covers detriments
- Other protection - s100(1)(c) (raising health and safety concerns) and for whistleblowing
- If the refusal doesn't satisfy the tests for protection and the employee is not being reasonable, you can take disciplinary action and withhold pay for absence

# How can we deal with the new rules for people returning from abroad?

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- From 8th June 2020, everyone, including those who live in the UK, entering from overseas must self-isolate for 14 days
- There are certain exemptions
- Random checks to ensure compliance
- A breach of self-isolation punishable with a £1,000 fixed penalty notice in England and Wales and may face further action
- Actions:
  - consider whether it is reasonable to impose your own restrictions - consent to go abroad?
  - consider policy on pay for those self-isolating on return
  - communicate the policy

# What COVID-19 related redundancy considerations are there?

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- Practical considerations
- Financial considerations
- Consider alternatives to redundancy – furlough?
- Will there be 'special circumstances' meaning that you can't comply?



# Questions and answers

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## Home truths: Some insights on productivity drawn from 50 years of management consulting

These home truths are built on our experiences and observations gained through examining productivity in our clients' organisations. These describe a number of tendencies which work against productivity and need to be countered:

- Work expands to fill the time available
- Experience shows that, without managerial attention, the workforce will grow faster than the work it is employed to do
- Managers are usually looking to enlarge their teams and often see bigger teams as the route to better jobs with more responsibility, money and security
- Employees have frailties too – they often make extra (non-value adding) work for each other without realising it
- People naturally elaborate their own work rather than simplify it
- In defining 'output' let your customer decide what it is (needs to be) not the employee or manager
- The three biggest influences on productivity are the organisation structure, the quality of performance information and the ability of managers to use that information to manage effectively

Home truths are neither universal nor exhaustive

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