

## COVID-19 AND EMPLOYMENT LAW: HELPING GET EMPLOYEES BACK TO WORK AND BACK TO BUSINESS

**This article is written further to the webinar Employment Law webinar that we hosted on Wednesday 30th September.**

There has never been a more important time for employers to re-assess the employment relationship. Furlough leave is coming to an end and the new Job Support Scheme is already causing worry. Many employees are returning to newly negotiated terms and conditions and many businesses are facing complete overhaul in light of the impact the pandemic has had and are exploring redundancies.

Employers do not generally want to make redundancies but a correct and fair process can help achieve the best, most useful results. The important thing is to start with a clear assessment of what the business needs. It might be that employees can go part time, however it will need to be considered whether the Job Support Scheme makes this more expensive than cutting down the workforce. Businesses worry about losing key staff and not being able to guarantee them a return but the redundancy process can actually be helpful in this regard, as many businesses find things are changing on a weekly basis and other alternatives to redundancy arising throughout the consultation process.

The employment relationship is all about being reasonable. Communication with staff and documenting everything is paramount. Most employees treated with empathy will be on your side, and, of course, the relationship is mutual. Employees need to understand the reasons for the changes, which is where clear and concise communication helps. Naturally the process of change can be trying when employees refuse to engage, or, for example, an employee on maternity leave cries discrimination when she has been selected fairly.

However, as long as businesses have genuine business needs and fulfil the statutory definition of redundancy, that work is diminishing or disappearing in that particular area, it will be difficult for anyone to mount a challenge, maternity leave or not.

Getting back on track can of course present difficulties. What of the problem employees who refuse to come back, the one who flouts your new social distancing guidelines or do not self-isolate when they are supposed to, potentially putting others at risk? In these cases, businesses must be robust and prepared to make it clear that such actions merit possible disciplinary sanctions, including dismissal. Suspension on full pay is also an option whilst you investigate and decide what to do.

There is no doubt these times of adjustment will be difficult for businesses re-grouping, cutting down or changing around their workforces but as far as the logistics go, get the right team around you and there will be no situation that cannot be sorted out on a legally sound basis.

**Prospect Law Ltd**  
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## About the Author

*Prospect Law is a multi-disciplinary practice with specialist expertise in the energy and environmental sectors with particular experience in the low carbon energy sector. The firm is made up of lawyers, engineers, surveyors and finance experts.*

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