



This week in Employment Law

Testing for COVID-19 in the workplace

What are some of the HR considerations to keep in mind when mass testing staff for COVID-19 in the workplace? We explore what employers should know below:

- Employers whose staff have been allowed to continue going to work despite national lockdown measures across the UK may have already begun mass testing their staff for COVID-19, or are thinking about doing so.
- Mass testing in the workplace can enable employers to spot asymptomatic positive cases of the virus and reduce the possibility of it spreading to other members of staff.
- Employers can therefore encourage staff to take the opportunity to have regular testing which is offered in house.
- It is unlikely that there will be a clause in staff contracts allowing employers to require employees to have the test so to do so is likely to be a change to terms and conditions.
- It is advisable that employers implement a COVID-19 testing policy which staff should have easy access to.
- The policy should set out why testing at work is encouraged, who will manage the process (third party/trained staff), where the testing will take place and how, as well as details on how results will be processed.
- Importantly, in-house testing should not replace any COVID-secure measures in place, such as social distancing and sanitising.
- Staff who test positive and must quarantine may be able to claim £500 from the Government, but this is yet to be confirmed.

Update to the Kickstart Scheme announced

The Kickstart Scheme, an initiative to help young people get into work, has been simplified so employers of all sizes can benefit from it. Effective from 3 February 2021, the limit requiring employers to create a minimum of 30 vacancies before being able to apply directly will no longer exist. Also, new gateways will no longer be accepted from 28 January 2021, but existing ones can continue to operate.

Did you know?

Smaller employers who have had a tough time partnering with a gateway will be able to increase the number of Kickstarters starting new jobs; especially as it has been confirmed that only around 2,000 young people have so far started the scheme.

Furlough scheme may be extended for the fifth time

The Government may be considering extending the furlough scheme for the fifth time as the fight against coronavirus continues. It is being reported that if the Government is to make this move, it will likely be extended until Autumn and announced in the Chancellor's budget on 3 March 2021. This is, however, yet to be confirmed and the scheme is still currently set to close at the end of April 2021.

Did you know?

It is important that employers prepare for all possible outcomes post April 2021. Employers may want to consider alternative ways of managing staff if the scheme does end as planned e.g. agreeing reduced hours with staff or lay-off.

Pregnant officer put on desk duty discriminated against

An employment appeal tribunal (EAT) has dismissed an employer's appeal after the employment tribunal ruled that a pregnant police officer was discriminated against. The claimant was moved from her position on the Response Team (RT) to a desk role at the Crime Management Hub. The EAT's judgement was based on the finding that her RT role could have been modified to allow her to stay on the team.

Did you know?

Pregnant employees have the right not to be unfairly treated. If a pregnant employee's role contains a health risk, employers should consider making adjustments to the role or hours of work.

Implementing an in-house COVID-19 testing policy could help employers to encourage staff participation. Our 24-hour Advisory Service is on hand to provide up-to-date guidance on this and more.