

HR CHECKLIST: COVID-19 RETURN TO THE WORKPLACE

Many employers will have brought employees back to the workplace in recent months following the lifting of Covid-19 restrictions. In light of rising case numbers and the possibility that the Government will implement its 'Plan B' as winter approaches, which may mean reintroducing the requirement to work from home where possible, employers need to keep their working practices under review and ensure they are able to maintain safety and efficiency going forwards.

Use this checklist to review your arrangements and consider adjustments to your working practices to adapt to the changing environment.

Health and safety

Risk assessment

- Have you carried out a detailed Covid-19 risk assessment since the lifting of restrictions and the return of the bulk of your workforce (if applicable)?
- How frequently do you review your detailed Covid-19 risk assessment to ensure that it provides an up-to-date picture of the risks in your workplace?
- Have you consulted on your risk assessment (and any updates to it) with union appointed health and safety representatives or, if you do not have a recognised union, with elected health and safety representatives or with employees directly?

If you need support from Make UK's Health and Safety experts on carrying out or updating a risk assessment, please call us on **0808 168 5874** or email enquiries@makeuk.org

Controls

What safety measures do you need to implement in your working environment to reduce the Covid-19 risk, taking into account:

- The results of your risk assessments (see above)
- Your obligations to employees (in particular those with protected characteristics)
- The latest **Government guidance on working safely** [▶](#)
- Employees' anxiety about being in the workplace while the pandemic is still ongoing

Testing and vaccination

Testing policy

- How do you seek to ensure that all employees attending the workplace are virus-free?
- Do you operate testing at the workplace or require employees to **access LFD tests for themselves?**
- If so, have you put in place a testing policy (detailing, for example, who should be tested, the frequency of testing and what will be done with the results)?
- How are you ensuring compliance with your data protection law obligations in respect of employees' test result data?

Vaccination

- What is your stance on vaccination?
- Do you wish to insist that your staff are vaccinated?
- Are you asking employees to disclose their vaccination status to you? The **ICO** has indicated that, from a data protection law perspective, whether you can do this depends on whether the data is necessary and relevant for a specific purpose. Collecting data on vaccination status purely for monitoring purposes is difficult to justify but employers may, for example, be able to justify collecting data on employees' vaccination status in order to understand who would need to self-isolate as a contact of a person with confirmed Covid-19 in the event of an outbreak at the workplace.

Make UK's view, which is shared by **Acas**, is that most employers cannot impose a requirement for employees to be vaccinated. However, you could encourage employees to take the vaccination when it is offered to them, for example by providing factual information on it in line with current public health advice, allowing employees paid time off to attend vaccination appointments and paying employees full pay if they need time off sick with side effects. See the vaccinations section of our **FAQs** for further information.

Covid-related absence from work

Communications on self-isolation requirements

- Do you need to review your staff policies/communications so that it is clear to employees that they must not attend the workplace if they are required to self-isolate and they must inform you of the self-isolation requirement as soon as possible?

Monitoring and management

- How have you been monitoring and managing Covid-related absences and are you comfortable that what you have been doing is fair and non-discriminatory?

Absence management policies

- Have you reviewed your absence and attendance management policies, in particular looking at trigger thresholds and whether you wish to disregard some or all Covid-related absence?
- What is your position on company sick pay for Covid-related absence and is this properly reflected in your policy documentation?

Data protection

- Is the way you collect and process Covid-related absence data compatible with data protection law and is your data protection compliance documentation broad enough to cover this processing?

We have updated our Make UK Essential GDPR Templates for HR to address the processing of Covid-related absence data – for further information and to purchase the Templates, please visit our **website**.

Home and hybrid working

Policies

- Do you have flexible working/home and hybrid working policies that are robust but fair?
- Have you reviewed these policies recently in light of how working attitudes and practices have evolved during the Covid-19 pandemic?

Manager competency

- Do your managers need refresher training on managing flexible and home/hybrid working requests (in particular, how to do so fairly), taking into account how working practices have functioned during the Covid-19 pandemic?

Employer-led moves to long-term home and hybrid working

- Are you intending to make home working arrangements introduced due to the pandemic more permanent?
- Do you have a plan in place for how to consult employees on and seek their agreement to such changes?

Employee-led requests for long-term home and hybrid working

- Have you sought to require employees who have been working from home during the pandemic to return to the workplace following the lifting of Covid-19 restrictions?
- How are you approaching requests from such employees to continue working from home, either some or all of the time?

Risk assessments and equipment

- If employees do become permanent home or hybrid workers, do you need to conduct additional risk assessments of their home workstations and should you consider providing extra equipment?

Data security for homeworking

- How are you dealing with data security in the context of the increase in home working during the pandemic?
- Have you revised your data protection and other relevant policies to reflect any new rules around video conferencing and use of staff's own devices and to ensure that personal data and confidential information is disposed of securely at home?

Planning for 'Plan B'

- Do you have a plan in place to facilitate a quick return to working from home where possible in the event that the Government implements its 'Plan B' pandemic response for the winter?
- Are there any lessons learnt from the initial move to homeworking at the start of the first lockdown that mean you would do things differently this time around?

Make UK have produced a template home and hybrid working policy which can be downloaded for free [here](#). 

Returning to the workplace

Reintroducing employees to the workplace

- Have you considered running induction or re-induction for new recruits and employees returning to the workplace?
- What training will you provide on any applicable safety measures in the workplace?
- Do you need to refresh training for employees who have previously been trained?

Supporting clinically extremely vulnerable employees

- If you have clinically extremely vulnerable employees who were on furlough under the Coronavirus Job Retention Scheme (Extended CJRS) while it was in operation because they were unable to work from home, have they now returned to the workplace?
- What, if any, additional measures can you put in place to support and reassure such employees regarding safety in the workplace?

Employment contracts and policies

Employment contracts

Are you intending to make any changes to your employment contracts for new starters – or even for current employees – to take into account issues that have arisen during the pandemic? For example:

- Do you want to include more flexibility as to the employee's place of work, including a contractual requirement to work from home if instructed?
- Will you insert lay-off and short-time working provisions to enable you to respond more easily to sudden reductions in business?

Disciplinary, grievance and whistleblowing policies

Have you reviewed your disciplinary, grievance and whistleblowing policies recently to ensure they are current in the context of Covid-19? For example:

- Do they provide details of how meetings/hearings will be conducted if they need to be held remotely?
- Are your definitions of misconduct and gross misconduct broad enough to cover employees attending work when they are required to self-isolate and breaches of other Covid-19 related hygiene or safety rules in the workplace?

Holiday and travel policies

- Do you need to review/update your holiday and travel policies?
- For example, have you considered how you will handle the carry over of large amounts of holiday if employees have been unable to take it due to the pandemic? (Under special regulations introduced in response to the pandemic, employees are able to carry forward up to four weeks' annual leave for up to two years where they have been unable to take that leave due to Covid-19.)

Mental health and wellbeing

- Will you be introducing additional measures to support employees' wellbeing, in view of the challenges they have had to face during the pandemic?
- Do you have resources in place to support employees from a mental health perspective, especially if they have suffered a bereavement?



ABOUT MAKE UK LEGAL SERVICES

Make UK Legal Services brings together a highly-qualified team of legal and employment specialists to give you the in-depth support you need, combining the expertise and capabilities of a law firm with the practical experience of an HR consultancy.

Our balanced, risk-based advice will empower you to stay ahead of change, keep you fully informed and support you to make decisions with confidence. We pride ourselves on providing you with an accessible, high-quality service, personally delivered by our dedicated senior advisors.

To talk to us about how we can support you,
call **0808 168 5874** or email **enquiries@makeuk.org**

Disclaimer: This Checklist is based on the law and official guidance in place as at 25 October 2021.
It is not intended as legal advice and should not be relied upon as such.