

## Preparing for the return to work after Coronavirus

### **Will restrictions still be in place when we are able to return to work?**

Although we do not have any clear guidance yet, it is predicted that some social distancing measures will remain in force for several months, specifically relating to the vulnerable category.

### **How can I ensure that all my staff are not taking annual leave towards the end of the year when we are returning to normal?**

Even if your employees are furloughed, they can still take annual leave, and we would advise you to encourage them to do so if you are concerned about needing to arrange cover later in the year. You can also require an employee to use their annual leave by giving them twice as much notice as the period you require them to take. If an employee has been prevented from taking their annual leave due to Coronavirus, they can carry this forward however if they can use it whilst the business is closed, this should be considered.

### **How do I bring my staff off furlough leave?**

Your employees are expected to be available for work throughout furlough, and therefore 24 hours should be sufficient notice for them to return to work. You should notify them in writing that they are required to return to work and will no longer be designated as a furloughed worker.

### **What are my options if I do not require all my staff to return due to a shortage in work?**

There are several options available to you dependant upon your employment contracts. If this is a temporary shortage of work, and your employment contract allows, you can temporarily place staff on lay off but retain them as employees by paying Statutory Guarantee Pay. If you need to take more permanent action then you may have a potential redundancy situation.

### **How do I begin the redundancy process?**

If you are considering redundancies you must ensure that you follow a fair consultation procedure. before starting this procedure we would suggest that you seek legal advice to ensure that the correct process is followed as there may also be additional duties such as minimum period of consultation or electing employee representatives.

### **What if I need to reduce my staff hours on their return?**

Again, if this is temporary and the employment contract allows, you can temporarily place them on short time working where you reduce their hours and they are paid only for those hours worked. If it is a more permanent measure then this will be a change of terms and conditions and there is a procedure to follow in order to do this. We can help guide you through this process and provide you with all the documentation you need.

### **Is there anything I need to put in place before we return to work?**

Many employers are not aware that The Good Work Plan came into force on 6 April 2020, due to the fact it has been overshadowed by the pandemic. The Good Work Plan sets out various changes to employment law, including that an employee is entitled to written statement of terms from their commencement date (you previously had two months to issue an employment contract). In addition, there are various requirements as to what must be included in a written employment contract, including any benefits the employee may be entitled to. It is important

that you comply with these legislation changes, and also that the clauses are drafted carefully to ensure any benefits remain discretionary.

**If you have any queries about employees returning to work or require assistance updating your employment contracts to ensure they are compliant with the new legislation, contact our specialist Employment and HR team today on [employment@fta-law.com](mailto:employment@fta-law.com).**