

**Transition from Lockdown – Returning to the Workplace**  
 Ongoing regular communication with all staff including furloughed staff  
 England (E), Scotland (S), Wales (W)

**Check if your workplace can open**  
 E [link](#)  
 W [link](#)  
 S [link](#)

**Local CV-19 restrictions:**  
 E [link](#)  
 W [link](#)  
 S [link](#)

**No** – remain closed. Continue to engage with all employees. Prepare to open, read latest guidance and start employee return to work consultation  
 E [link](#)  
 W [link](#)  
 S [link](#)

**Yes** – use guidance to prepare steps to open, where possible work from home. Check for regular updates  
 E [link](#), W [link](#), S [link](#)

**Government guidance**  
 • 5 steps to working safely [link](#)  
 • Sector specific guidance  
 E [link](#), W [link](#), S [link](#)

**Acas working safely guidance** [link](#)

**HSE guidance**  
 • Make your workplace covid-secure [link](#)  
 • The basics for your business made simple [link](#)

There is a duty on every employer to consult with employees around health and safety  
**Health and Safety at Work etc Act 1974 s.2(6)** [link](#)

**Important** employers should follow Government guidance but responsibility remains with the employer to assess their own individual workplace risks, set up safe systems for employees and **ensure** the system is implemented

**Commence risk assessments**  
**HSE risk assessments** [link](#)

- Assess the risks
- Mitigate: set up safe system
- Implement systems
- Continuous review

**Ensure** early consultation with staff, trade unions (TUs), employee forums and other stakeholders

**Returning to Work**  
**People Strategy – Employer Considerations & Actions**

All reasonable steps should be taken by employers to help people work from home where possible. For those who cannot work from home and the workplace is open, the government's message is to go to work

**Individual situations** – communicate and engage with staff & TUs early. Actively encourage staff to talk with managers on individual situations and considerations.

**Furlough and ending furlough** - give staff notice in writing, there's no minimum notice period for furlough, but employers should talk with staff about any plans to end furlough as early as possible, encourage staff to raise any concerns about returning to work  
**Acas furlough guidance and templates** [link](#).

**Clinically Extremely Vulnerable People** –  
 E [link](#), W [link](#), S [link](#)  
 HSE [link](#)

Consult with employees on options including short term alternative support options, working from home, reasonable adjustments, remaining on furlough, finding alternative places to work nearer to the individual if public transport is a concern. Consider if an individual risk assessment is required.  
**Acas guidance** [link](#)

**Vulnerable people**, those at high risk and/or living with someone at high risk

**Carers** [link](#), S [link](#) HSE [link](#)

**Self-isolation**  
 • **Acas guidance** [link](#)  
 • NHS Test and trace workplace guidance [link](#) S Test & protect [link](#)  
 • Travel & quarantine E [link](#) S [link](#)

**Annual leave** [link](#) and other types of leave – **Acas guidance** [link](#)

**Parental rights** [link](#)  
**Parents** returning to work after extended leave eligible for furlough [link](#)

**Reservists** returning to civilian work eligible for government support schemes [link](#)

**Potential redundancies?**  
**Acas redundancy flow chart** [link](#)  
**Acas website** [link](#)

**Contract variations?**  
**Acas changing contract flow chart** [link](#)  
**Acas website** [link](#)

**Can an employee be dismissed or not paid for not coming to work because of covid-19?**  
 Potentially yes but proceed with extreme caution and seek specific case-by-case legal advice.  
**Important** - see **Employment Rights Act 1996 ("ERA")** [link](#) – s.44(1)(d) [link](#); s.100(1)(d) [link](#)

**Discrimination and unfair treatment**  
**Acas guidance** [link](#)

An employee or worker is protected by law against unfair treatment and dismissal based on any of the characteristics protected under the Equality Act 2010 [link](#) s.4

**Important** - many health conditions could be considered a disability – see Equality Act 2010 [link](#) s.6(1)

It could be unlawful discrimination if an employer either:

- unreasonably tries to pressure someone to go to work
- unreasonably disciplines someone for not going to work

It does not matter how long they've worked for the employer.  
 Equality Act 2010 [link](#) s. 13 to 27

**Acas senior advisers can provide impartial advice to employers on all these issues. Contact our Customer Services Team on 0300 123 1150 or complete our [online enquiry form](#)**