



Living with Covid: consideration of the legal issues

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Duty to Ensure Health and Safety

- Health and Safety at Work etc Act 1974
 - s2- the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees
 - s3-the duty of every employer to.... ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety
- Implied term
- Common law duty of care
- Equality Act 2010 - reasonable adjustments



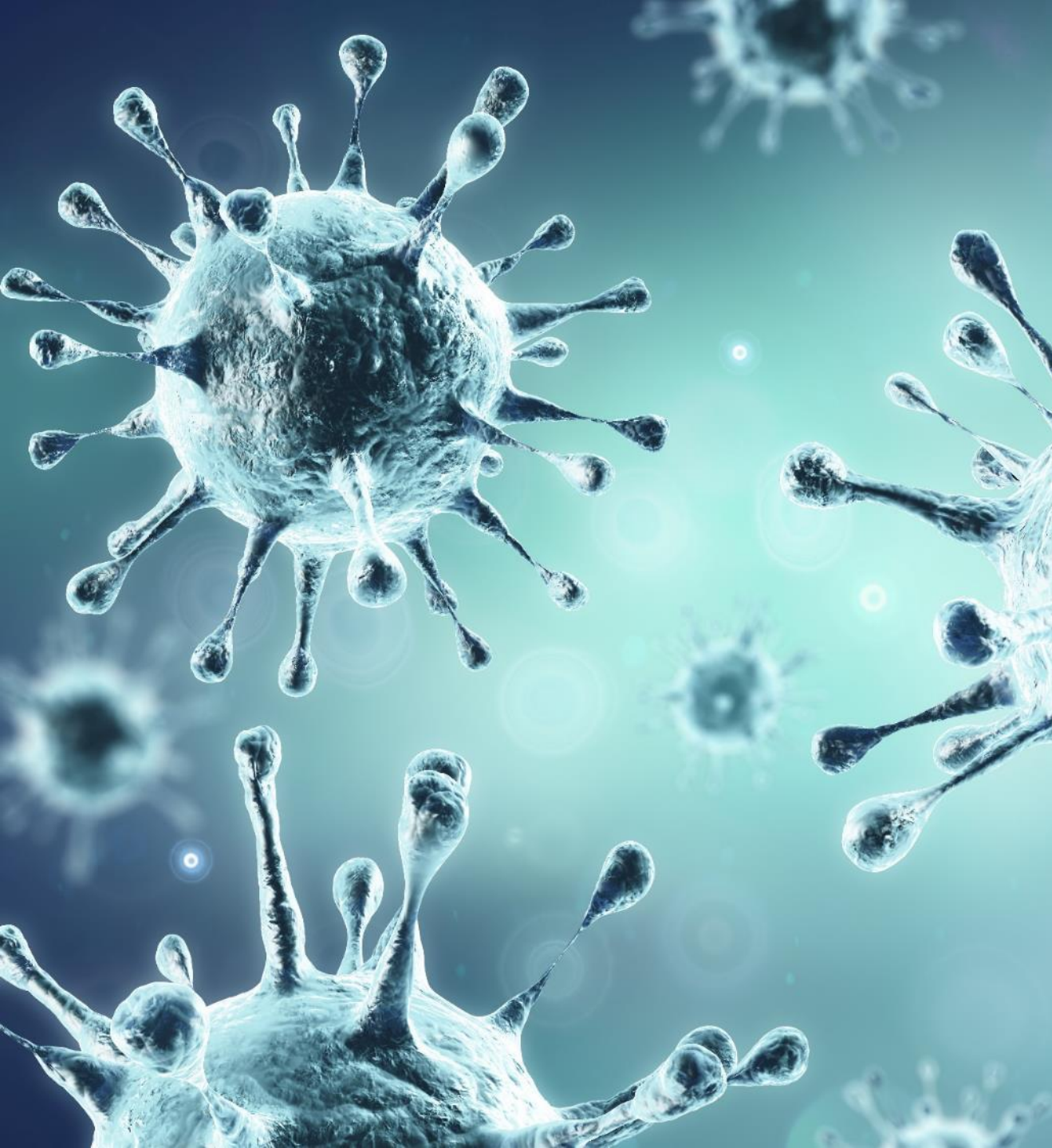
Working Safely

Working with Covid?

Risk assessment?

New public health guidance

Watch this space!



What Does Working Safely Look Like?

- Changes to self isolation- can you require an employee to stay home?
- Requiring masks?
- Requiring employees to take a test?
- Vulnerable staff?
- Reasonable management instruction?

Statutory Sick Pay

How does Covid-19 now affect statutory sick pay?





What About the Employee's Duty?

- s7 Health and Safety at Work etc Act 1974- duty of every employee at work to take reasonable care of their own health and safety and that of others
- Misconduct- disciplinary action?

Flexible working

- What is a flexible working request?
- Who can make a flexible working request?
- How do you make a flexible working request?
- Do you have to accept a flexible working request?





Hybrid Working

- What is hybrid working?
- Flexible working vs home working
- Policies to consider?
- Contractual term?
- Requirement to attend office?

Long Term Covid

- Would it be considered a disability?
- What amounts to a “disability”?
 - Physical or mental impairment
 - Substantial and long term adverse effect...
 - ...on ability to carry out day-to-day activities
 - (Section 6(1) Equality Act 2010)
- Reasonable adjustments?





Amend Policies

- Sickness absence and pay
- Health and Safety
- Disciplinary offences
- Homeworking / hybrid working
- Flexible working
- Contractual changes?

Managing Safety Concerns

- How do you handle employees concerned with safety at work?
- How do you deal Health and Safety rule changes?
 - Discussions with employees
 - Informal or formal approach?
 - Health and Safety protection; no service requirement/no compensation limit
 - Disability?

Takeaways

- Health and safety duties
- Risk assessment
- Infection control: guidance
- Employee issues / unfair dismissal and discrimination – be reasonable
- Policies / contracts



**Key
Takeaways**



Any Questions?

Speakers

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