LEX LEYTON

# Return to Work Road Map.

Employers will need to adopt a highly considered approach to the return to work challenge. This should be specifically tailored to their unique circumstances, with due consideration given to all the potential issues which could arise as staff start to return. The following points will be vital to address to ensure a smooth transition.

## Step 1 - Information gathering and assessment:

- What are the Government's plans for your industry? When will financial support be scaled back? We now know that the furlough scheme will continue until October 2020 and that it will permit part-time work.
- What level of return do your need and when? Assess on a department-by-department basis.
- What are the financial scenarios and risks of the plan?
- Record all notes and conversations in a business case which should be kept under continuous review.

## Step 2 - Operational considerations:

- Consider all relevant guidance to include specific government workplace guidance covering eight key workplace settings – please refer to our health and safety advice.
- Consider what employees can reasonably do given the restrictions and guidance. Consider any supply chain and customer restrictions/requirements.
- Consult with employees, and trade union health and safety representatives where relevant, to inform risk assessments. These should be kept under continuous review.

## Step 3 - Workforce rationalisation:

- Does the output of Steps 1 and 2 require a reduction in your workforce? If so, how long do you expect this reduction to last? If it is short-term, then consider whether sources of Government assistance (such as the extended furlough scheme), cost-cutting, contractual variations or use of existing reserves can avoid the need for restructuring. If it is likely to be long-term, then restructuring and redundancies may be unavoidable.
- Consider options to avoid redundancies – please refer to our Top 10 Alternatives to Redundancy
- If redundancy is unavailable, you should establish how many roles are affected. If you propose to make between 20 and 99 employees redundant within 90 days, collective consultation will be required; this leads to a freeze on dismissals within 30 days (45 days if over 100 redundancies are proposed). It is important to factor this in to any financial and personnel planning.

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## Step 5 - The mechanics of returning to work

- Bringing people back who are furloughed is subject to what is detailed in each individual's furlough agreement.
- Anyone who is shielding may be eligible to remain on furlough and not be required to return to work.
- Have a clear business case to justify who the business plans to unfurlough, why and for how long. Ensure managers enacting any return to work strategy are clear and consistent in how the business case is applied and communicated.
- Enter into purposive dialogue with employees around business requirements and give notice in writing of a return date, outlining how the return will be managed.
- Be flexible to the circumstances of employees.
- Be aware of alternatives if employees initially refuse your plans for their return to work.
- Be prepared to share the results of your risk assessments.
- Consider inviting volunteers first.
- Utilise any available employee data to inform decisions. This may include conducting a staff survey on wellbeing, remote working and productivity and concerns around returning to work.

## The impact on workers:

**It is important for employers to consider the potential impact on their workers of returning to work after such a long break.**

**Practical:**

- Consider the impact on employees of challenges around their commute to work
- Ensure your risk assessments are informed by practical input on how employees go about their day to day tasks and address employee concerns.

**Personal:**

- Be considerate and flexible with those who have children and no childcare or school available.
- Circulate EAP details if available. Have information on mental health support available from charitable groups, such as MIND.
- Consider re-inductions for those returning from furlough or WFH.

**Environment:**

- Managers will need strong communication and engagement skills to police the measures employers put in place to benefit workplace safety. They must also listen to the concerns and ideas from colleagues and your supply chain.
- Ensure you have a clear and widely disseminated whistleblowing policy and procedure.
- Introduce phased reintegration and clear training for workers returning from furlough (whether part or full-time) or working from home. This support will help to reduce risk, improve employee engagement and ensure employers are able to address the range of employee challenges that will arise (examples include lack of available childcare, coping with change and adjusting to new systems of work).
- It is absolutely key that concerns on all fronts are responded to, to ensure strong and consistent communication. Employers should have a robust plan in place for communicating with employees to benefit goodwill, and minimise risks and negativity around returning to work.