

## Consultation into mandatory Covid jobs for NHS staff

**The Government has launched a consultation into making Covid and/or flu vaccines mandatory for all frontline health and care staff. We explore what employers should know below:**

- As a judicial review into the legality of mandatory Covid vaccines for care home staff continues, the consultation to extend this rule to NHS staff began on 9 September 2021 and is expected to last for six weeks.
- If approved, it would mean that all staff who are in contact with people receiving care would need to show proof of vaccination, unless they are medically exempt.
- It is expected that there would be a higher focus on redeployment to back-office roles for employees who don't get the vaccine, rather than dismissal.
- However, staff who remain unvaccinated may need to be dismissed if there are no non-frontline roles available for them.
- Moving employees to another role in these wider healthcare settings may be easier than with care home staff due to the nature of work and diversity of roles.
- This means there may be fewer dismissals but procedures will still be needed for redeployment.
- A final decision on this is expected this winter.
- Care home staff have until 16 September 2021 to get their first dose so they are fully vaccinated by 11 November 2021.

### Ni increased to fund health and social care

National Insurance contributions (NIC) will increase from April 2022. It includes what the Government is calling a new Health and Social Care Levy, a UK-wide 1.25% increase in NIC for both employers and employees. The proposal emphasises that 70% of the money raised from businesses will come from the largest 1% of businesses, while 40% of all businesses will pay nothing extra.

#### Did you know?

Following this announcement, employers will have to prepare their payroll teams for the adjustment from next April, to ensure they are meeting their own legal obligations and making the correct deductions from employee wages.

### Labour proposes day one right again unfair dismissal

Labour's leader Sir Keir Starmer has proposed that a government under his leadership would offer all workers protection against unfair dismissal from day one. As an effort to "strive for better prospects and dignity for all workers", Sir Starmer also proposes to ban zero-hour contracts, extend statutory sick pay to all workers, and increase the national minimum wage to at least £10 an hour.

#### Did you know?

Unless the Labour Party win the next UK general election in 2024, employers should not expect any of these proposals to become law anytime soon. Employers should therefore carry out their business under the current legal parameters.

### EAT: part-time worker not treated unfavourably

The Employment Appeal Tribunal (EAT) has rejected a claim that a worker was treated unfavourably because he was denied the opportunity to take a break on some occasions compared to those working full-time. As the basis of its judgment, the EAT noted that the worker's part-time status was not the sole reason for him receiving no break, rather the fact that he had worked a shorter shift, on some occasions, than his colleagues on a full-time contract.

#### Did you know?

If the treatment in question is not the worker's part-time status then the claim will likely fail for the purposes of the law on part time workers.

Although a final decision is not expected until winter, employers may begin to figure out how they can redeploy staff who do not wish to be vaccinated. Contact our 24-hour Advisory Service for up-to-date guidance on this and more.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.