

Are employers allowed to mandate that you receive a covid-19 vaccine before returning to the workplace?

As the vaccination programme continues to roll out, HR Team Director, Breda Cullen, provides her expert advice as to how this will affect workplaces in terms of the legalities in mandating a vaccination.

Ms Cullen said: "Employers should begin preparations and revise organisation policies to incorporate a 'Returning to Work' policy into employee handbooks."

Ms Cullen continued: "At present, there is no employment law surrounding how employers might manage the introduction of a vaccine, and whether they can make it mandatory or not. However, in all circumstances it will be important to be clear within internal policies and procedures."

A survey of 1,000 British people conducted by Kantar found that while 75% of people said they would be likely to get vaccinated, 11% said they would 'probably not' and a further 8% stated 'definitely not'. This leads to ethical and legal issues employers could be faced with if staff refuse to accept vaccination.

There are widespread fears that it is likely that a vaccine would be used before its safety and effectiveness were fully understood. However, employers may want to mandate coronavirus vaccinations to protect employees and customer health, and reduce the likelihood of transmission



on the job.

"Employers should suggest and recommend a vaccine but not mandate it, given the uncertainty over potential long-term side effects," Ms Cullen added.

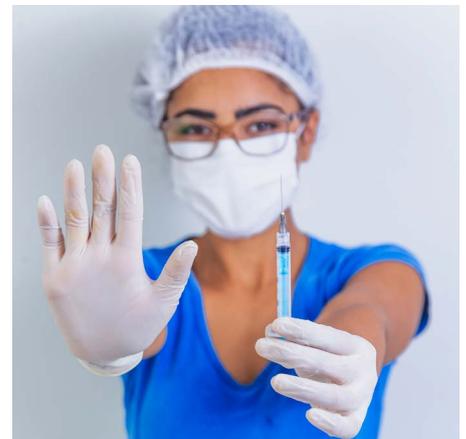
"Many employees will have their own personal views relating to taking a vaccine, and this will need to be respected by employers, where possible."

A Covid-19 vaccine mandate may be required in certain environments that present high risk for virus transmission, such as meat plants, high capacity venues or a health-care facility.

This would be required more so than it would in a workplace where employees can be safely spaced apart or consider remote working options.

"Most employers are likely to be flexible on Covid-19 vaccination in the interest of avoiding conflict within the organisation, bad publicity and potential litigation, especially if employees are able to work remotely.

"Employers are advised to suggest and recommend receiving a vaccine, but not mandate it, given the uncertainty over potential long-term side effects," Ms Cullen added.



Netflix has stated that staff will return to offices when a Covid-19 vaccine is approved, whereas Google, Twitter and many more organisations have committed to long-term remote work plans. Ms Cullen added: "Safe working procedures are an essential line of defence against Covid-19. Employers should have Covid-19 working protocols in place which contain many measures to protect against cross-infection. Regardless of this, now is a good time to carry out risk assessments and ensure working practices are adequately controlled and safe. Safe Team - a division of HR Team - provides these services.

"Ultimately, it is a personal choice for every person. In these uncertain times, employers need to start thinking about their strategy when it comes to minimising the potential of any related absences, workplace unrest or further closure of business due to an outbreak," said Ms Cullen.

HR Q&A



Can I implement an invasive form of surveillance to monitor my employees working from home?

Spyware technology may seem sneaky, but it is not prevented from being permissible in UK law. It is legal for employers to track employees work - monitoring staff is a complex area, and there are various legal rules that deal with this.

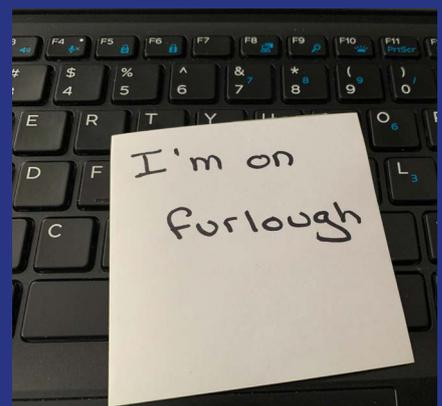
Employees are entitled to a right to privacy, and employers also owe a duty of trust to their staff. This means that it can be more difficult for management to justify the use of surveillance, such as keystroke and screen monitoring. However, these are generally still allowed. As a basic, employees must be aware of any surveillance and it should not be intrusive. A policy should be in place and the monitoring should be in-line with data protection legislation.



Will allowances be made for furloughed staff from April onwards as the National Minimum Wage increases?



Furlough pay is not affected by pay increases (or national minimum wage increases) that take place after the reference period used for determining their pay, because the reference period does not change.



PERFORMANCE MANAGEMENT

Effective performance management is essential to any business, as it increases employee engagement and productivity.

Performance management is an essential part of your overall strategy - team goals need to be set and communicated, and performance progress still needs to be measured.

HR Team Director, Breda Cullen, says: "Good performance management is built on clearly setting expectations, ensuring employee accountability and providing regular feedback to staff. Communication is key - daily

team briefings, regular management meetings and one to one meetings with employees should be implemented. "Establishing an employee's skill or will; the establishment of basic standards, expectations and targets (BET); adopting appropriate management style and clear communication are the four integral parts to address and improve an employee's performance," Ms Cullen explains.

UNDERPERFORMING EMPLOYEES

"When it comes to underperforming employees, nine out of ten times the issue at hand is a result of the inability to communicate clearly with staff rather than outside influences.

"An employee left to his or her own devices and not made fully aware of the requirements of a role will likely underachieve in terms of performance. More often than not, a lack of clarity

signals an imminent failure to deliver. "Written communication is vitally important in every operation but in the absence of face to face briefings, the message can very often get lost and or forgotten - so it is important have regular face to face meetings whether online (in light of current restrictions) or in-person," says Ms Cullen.

REASONS AN EMPLOYEE MAY BE UNDERPERFORMING:

1. The wrong person was hired for the role.
2. No clear expectations of the employee were established.
3. Poor job role design.
4. Ineffective induction and training.
5. Ineffective working environment.
6. Unsuitable organisational structure.
7. Ineffective or no communication.
8. Lack of rewards or motivation.
9. Insufficient performance feedback.
10. Outside influences.

Ms Cullen added: "Unique to HR Team is our tried and tested BET system, which clearly outlines how to achieve efficiency and improve performance in the workforce."

HR Team's BET system is broken down as follows:

Basic standards for employees

An organisation's basic standards must be clearly outlined from day one and are non-negotiable. These standards may include matters such as time keeping, code of conduct, social media policy, mobile-phone policy, sickness protocols, employee presentation/ appearance, etc.

Expectations of employees

Job descriptions outline clear roles and responsibilities for employees. These must be communicated clearly to ensure that every employee understands what is expected and required of them in the organisation.

Targets for employees

A lack of clearly defined goals or key performance indicators can severely affect your organisation. Hold regular team briefings to determine deadlines, financial targets,



HR TEAM'S UPCOMING PERFORMANCE MANAGEMENT WEBINAR



When is the webinar?

The webinar will take place on February 23, 2021 from 11am-12pm.

What will you learn from the webinar?

You will be equipped to effectively manage the performance of your staff using structured feedback. You will also be knowledgeable on the systems required to do this. You will also be able to identify the risks in managing staff performance so that your business is protected from costly tribunal claims.

This session will focus on the following elements:

- How to set basic standards.
- How to provide clarity to staff on their own job role.
- How to set targets.
- Defining underperformance and how to address this effectively.
- How to give constructive and structured feedback.
- How to implement a Performance Improvement Plan.

Please register for the webinar [here](#).

FORTHCOMING HR AND EMPLOYMENT LAW WEBINARS

HR Team has a number of free employment law and HR webinars planned throughout 2021.

Whether you have a specific HR question related to Covid-19 or you want to keep up with the ever-evolving developments, we invite you to join our experts as they discuss the key areas that are affecting employers right now.

Registration is free, and the list of upcoming webinars, along with a link to this month's webinar is below.

Thursday, February 25 Performance Management

Time: 11am-12pm.

Join the webinar [here](#).

Thursday, March 25 The Performance Appraisal

Join the webinar [here](#).

Thursday, April 29 Managing Sickness Absence

Join the webinar [here](#).

Thursday, May 27 The Disciplinary Process

Join the webinar [here](#).

Thursday, June 25 The Grievance Process

Join the webinar [here](#).

Thursday, September 23 Recruitment and Selection

Join the webinar [here](#).

Thursday, October 28 Managing Social Media in the Workplace

Join the webinar [here](#).

Thursday, November 25 Managing the Probationary Period

Join the webinar [here](#).

Thursday, December 16 Setting Employee Targets for the Year Ahead

Join the webinar [here](#).

Cost of Webinars: Complimentary

Who should participate?

Line Managers, Supervisors/Team leaders, middle/senior managers, HR personnel and Business Owners.

Do you have an employment law question?

We help business start-ups, SMEs and large multinational organisations. Call to speak to us today on any aspect of employment law or strategic human resource services. **Tel: 028 71271 882 or from ROI: 01 695 0749.**

Alternatively, contact us via email:

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