

## BACK TO BUSINESS HRL CHECKLIST

The following checklist aims to help you to identify which human resources and legal issues are currently of most relevance to your business in the context of Covid-19. We hope these questions will be useful for brainstorming possible steps you could take to maximise the efficiency of your operations moving forward and to ensure as smooth a return as possible to “business-as-usual” for you and your staff.

Return to work		Check
1	Have you conducted a full and detailed risk assessment to identify Covid-19 risks in your workplace? Have you consulted on this with a recognised trade union or, if you do not have a recognised union, with a health and safety representative or with employees directly? If you need support from Make UK’s Health and Safety experts on carrying out a risk assessment, please call us on 0808 168 5874 or email <a href="mailto:enquiries@makeuk.org">enquiries@makeuk.org</a>	
2	What safety measures do you need to implement in your working environment to reduce the Covid-19 risk, taking into account the results of your risk assessment, your obligations to employees (in particular those with protected characteristics), the <a href="#">Government guidance on working safely</a> and employees’ anxiety about returning to work while the pandemic is still ongoing?	
3	How will you continue to support individuals who are shielding and therefore still need to remain at home? How will you reintroduce other vulnerable employees, or those who live with someone who is shielding/vulnerable, back in to the workplace? Will you need them to return at the same time as other employees, or would you prefer that they remain away from the workplace for longer as the recovery beds in? Will you be able to ensure that they can remain 2 metres away from others and will you put particular safety measures in place for them?	
4	How are you proposing to monitor and manage Covid-19 related absences, both in the initial recovery period and over the longer term, in a fair and non-discriminatory way?	
5	Do you need to review your absence and attendance management policies, in particular looking at trigger thresholds and whether you wish to disregard some or all Covid-19 related absence?	
6	What resources do you have in place to support your staff from a mental health perspective on their return to work, especially if they have suffered a death in the family?	
7	How will you ensure that all employees are virus-free, e.g. by self-certification or testing? Have you considered the GDPR implications of gathering, processing and storing health data? Do you need to review your privacy notice to ensure that it covers this?	
8	Do you need to review/upgrade your occupational health resources?	
9	What approach will you take to employees who deliberately put other employees’ safety at risk, or employees who refuse to work with others?	
10	Did you have any new employees start working for you, or existing employees in respect of whom you had to carry out a follow-up right to work check, during lockdown? If so, are you aware of when the <a href="#">Home Office’s temporary Covid-19 right to work checking measures</a> will end? Are you prepared to undertake the necessary retrospective right to work checks on these employees when they do?	
11	Have you considered running induction or re-induction for new recruits and returning employees? What training will you provide on any applicable safety and social distancing measures in the workplace?	

Restructure of the workforce		Check
1	Do you need to streamline some of your processes due to a downturn in work? Does this mean you will need fewer people? Do you know how to reduce your headcount while complying with the law? <a href="#">Have you accessed the Make UK Webinar on Redundancies in the Context of Covid-19?</a>	
2	Are your problems likely to be temporary or permanent? (NB Lay-off or reduced hours solutions may be appropriate if you are confident the causes of current issues will resolve within the short to medium term but, if you are not, implementing such solutions could simply be delaying inevitable redundancies.)	

3	Even if you think that redundancies should not be necessary as sales may pick up, do you need to conduct a review of your business structure to identify ways of reducing costs in the short-term to manage the current reduction in revenue while sales are low?	
4	Would changes to your employment terms and conditions help to reduce costs in the long term? If so, are you familiar with the process you should undertake to change employee terms and conditions? Keep in mind that making unilateral changes could result in employees claiming unlawful deduction from wages and/or constructive dismissal, so seeking employee agreement to any changes is usually the safest approach.	
5	If you are considering redundancies, which of your roles can you manage without? Do you need all your shifts or office locations? Have you considered possible alternatives to redundancy?	
6	Do you need to file a HR1 form and conduct statutory collective consultation (i.e. where 20 or more redundancies are proposed at one establishment within a 90 day period)? Be aware of the risks of failing to comply – namely, criminal offence for failure to file an HR1 and protective awards of up to 90 days gross' pay per employee for failure to consult.	
7	How will you conduct redundancy consultation? If collective consultation is needed, who are the appropriate employee representatives and will you need to hold elections? For both collective and individual consultation, how will you overcome any logistical challenges that arise, either as a result of employees not being in the workplace (e.g. if they are off sick, working from home, or on furlough), or from social distancing measures you are having to implement in the workplace?	
8	How will you undertake selection? Do you have appropriate objective selection criteria in mind? Do managers require training on how to conduct selection fairly?	
9	Do you need to start redundancy consultations while employees are still on furlough?	
10	Do you need to review furlough arrangements in light of the government's announcement to extend the furlough scheme and make furlough more flexible, including the potential requirement for employers to contribute to furlough pay from August? You will need to keep communicating with any furloughed staff as more details of the extension and flexibility become available.	
11	Do you have a company redundancy payments scheme? Is it contractually binding? Are payments under it affordable bearing in mind the number of redundancy dismissals you need to make?	
12	What support can you offer to at risk employees to help them find a job somewhere else?	

<b>Workforce planning for longer term sustainability</b>		Check
1	Consider who you should include in your strategic planning meetings when looking at long term sustainability (for example, which members of your management team should be included).	
2	Draw up a strategic plan, which focuses on long term sustainability in your business.	
3	If appropriate, carry out a company-wide skills assessment, which focuses on current and future business needs.	
4	Do you need to consider implementing different ways of working moving forward?	
	o Have you reviewed what technology is available to help you work smarter in future?	
	o Will you require all of your current office space?	
	o How can you maximise the efficiency/productivity of your site?	
5	Have you identified 'key roles' within the business and put in place a succession planning programme?	
6	Do you need to undertake a Job Analysis to identify the roles you require for the future (which might involve re-shaping existing roles)?	
7	Should you undertake a Job Evaluation and pay benchmarking process to ensure you are paying salaries in line with market rates, to enable you to attract and retain the talent you need to grow the business in the recovery period and beyond?	

<b>Flexible working</b>		Check
1	What process will you follow if you want to implement remote working for employees who have previously been site/office-based?	
2	If you require employees to return to work on site, and they submit flexible working requests asking to work from home, or seeking other changes, how will you ensure that you deal with these requests fairly?	
3	Do your managers need refresher training in this area, taking into account how flexible and remote working practices have functioned during the Covid-19 pandemic?	
4	Do you have a flexible working/home working policy that is robust, but fair?	
5	Will you consider making use of the additional flexibility in the furlough scheme, due to take effect in August, which is expected to allow employees to work for you part-time whilst on furlough?	

<b>Contingency planning for future events (such as a second wave of the pandemic, or similar)</b>		Check
1	Do you have a contingency plan to make sure you have the right people and skills in place to continue business as usual during difficult times?	
2	Have you considered assessing the robustness of your IT infrastructure and data storage, as well as your business and people processes to identify how you would cope with any future events that prevent you from working under established and normal conditions?	
3	Do you have the right policies and processes in place to maintain business continuity and support your people if you find yourselves at risk?	
4	Should you add a lay-off clause to your contracts going forward and what is your process to add this to current employee contracts?	
5	Do you have a change management strategy?	
6	How will BREXIT impact your business going forwards? Do you need to review your business travel policies in light of restrictions imposed during the pandemic? Have you attended the Make UK course on EU workers?	

<b>Employee Engagement</b>		Check
1	How will you monitor employee engagement moving forwards (e.g. communication, understanding company goals and objectives, wellbeing/support and personal development)?	
2	Are you going to introduce a new strategy and communications plan to refresh and re-engage with the workforce? If so, have you based this on employee feedback?	
3	Do you have an employee representation body/ forum? Have you considered how effective this has been and whether it could be better used in the future?	

<b>Wider HR considerations</b>		Check
1	Have you reviewed all areas of your business and considered how they have been affected by the pandemic?	
2	Do you need to review your general employment policies, including your disciplinary, grievance and whistleblowing processes?	
3	How will you deal with different working practices that may have emerged during the Covid-19 pandemic? Do your line managers need support and training in this regard?	
4	How will you support employees who have suffered harassment in the workplace (e.g. because they look Chinese) during Covid-19?	
5	How will you manage any conflicts within the workforce? Have you considered using mediation?	
6	Have you carried out an equality impact assessment for any changes you propose to make to working practices moving forwards?	

7	Have you considered GDPR implications of any changes you propose to make to working practices moving forwards? Have you carried out a Data Protection Impact Assessment?	
8	What support will you require to implement your HR Strategy in the following areas?	
	o resourcing	
	o skills acquisition and development	
	o culture, values and attitude	
	o commitment	
	o productivity	
	o performance management	
	o rewards	

<b>L&amp;D</b>		Check
1	Have you considered succession planning and up-skilling your workforce to make your business more likely to survive?	
2	Have you reviewed your training needs to ensure you train employees on all relevant areas to enable the business to keep going in the event of a similar crisis arising in the future?	
3	Do you need to train your line managers to ensure they have the necessary skills to manage the return to work?	
4	Do you need to help your employees to build their personal resilience in the workplace?	
5	Do you need to review how effective your employees are at time management? This is especially important if you have a reduced workforce.	
6	Do you have any employees who are under-performing? Do your managers have the ability to deal with this, or do you need to consider training them on performance management?	

<b>Financial Impact (+Reward, Comp &amp; Bens)</b>		Check
1	Have you identified and costed the implications of the Covid-19 related challenges for your particular business?	
2	What are your priorities in terms of saving money? Should your business change direction to survive new operating conditions? Are there any quick wins?	
3	Are your suppliers and partners likely to remain solvent?	
4	Have you applied for and obtained relevant grants or funding? Are there limitations to how these grants / funding can be spent?	
5	Are there any insurance policies under which you can claim for losses?	

We appreciate that there are many considerations and that your internal resources, time and/or specialist expertise may be stretched in these difficult times. We have an experienced and dedicated team of Make UK HR & legal consultants available to help you work through any queries or concerns.

If you would like to find out how we can provide practical guidance in HR or legal support, please contact your Account Manager, Legal Adviser, or Nicola Kibble from our HR & Legal Commercial Services Team, who will be able to discuss your particular requirements.

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14 May 2020