



Navigating return to the office anxieties

By **Ben Smith** - 28 May 2021

As the UK tentatively moves towards re-opening after the latest lockdown, employers will be putting serious thought into returning staff to offices in numbers. Some will relish the chance to get back to their desks, but for others the thought of returning to the office is not so welcome. This is not just about an unwillingness to lose out on the comforts of working from home (though who among us won't miss wearing comfy clothes and slippers all day?) – all of us have been deeply affected by living through a global pandemic and it is likely that the enduring impact on mental health will be with us for the long term.

So, what does that mean for employers, eager to get back to something like normal in the workplace?

Ensure workplaces are COVID secure

A fundamental step to manage staff concerns is ensuring that the government's COVID-secure guidelines are followed. Staff should be central to the decision making here to ensure that employees feel they have a voice in making the workplace safe.

But for some employees, even the most stringent COVID precautions won't be enough to stop the COVID anxiety. That puts employers in a difficult position, however a recent decision of the Employment Tribunal gives employers some comfort that following the government guidance will go a long way to protect them from claims from disgruntled employees.

The case (*Rodgers v Leeds Laser Cutting Ltd*) looked back to the early days of the pandemic in March 2020. The claimant was an employee who refused to come into work, despite the employer putting in place safety measures, because of his general concerns about the pandemic. He was dismissed. The Tribunal found the dismissal was not automatically unfair on health and safety grounds because his concerns related to the general COVID pandemic, not those specific to the workplace. The employer had put in place measures to protect employees, in line with the government guidance at the time, and that was sufficient. The case does not give a blank cheque to employers but is reassuring for employers that are following the government guidance and ensuring that in practice workplaces are kept safe.

Be sensitive



For some, the transition away from home working will be tough. Employers should be sensitive to their employees, who may be struggling in visible and invisible ways.

- Engage with staff to find out if there are common areas of concern that can be addressed in office planning.
- Be aware of the signs of mental ill health. This will allow employers to tailor management and other support to the individual.
- Be flexible to individual needs. Some employees may need a slower transition back to the office than others, so serious consideration should be given to accommodating that, subject to business requirements.

Encourage vaccination

Vaccination take up in the UK has been high and vaccination is one of the key tools that seems to be allowing us to move towards something like normal.

While mandating vaccination is not advisable, due to a whole host of employment law issues, there are lots of things employers can do to encourage vaccination among staff that are significantly less risky. This could include promoting positive messages about vaccination and signposting NHS vaccination resources. Employers might also consider offering paid time off so workers can attend a vaccine appointment during working hours and sick pay for the minority of individuals who have side effects from the vaccine. Many leading employers in the UK are already [joining with the government to pledge](#) to encourage vaccination among their staff.

When considering strategies to encourage vaccination, employers should always keep in mind that this can be a tricky area to navigate, particularly from a data protection perspective. See our article [here](#) for more.

If you would like advice on returning to the workplace please contact your usual GQ|Littler lawyer or email info@gqlittler.com.