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Recovery planning and the European workplace: some key issues

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10 June 2020

Seyfarth Shaw (UK) LLP

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Agenda

01 Managing the return to work: consultation obligations

02 Ending furlough or short pay arrangements

03 Special cases to watch out for

04 How to manage any refusals to return to work

05 Future proofing: changes to individual contracts of employment and/or collective agreements?

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01 Managing the return to work – *a unified approach?*

- Can you build a single strategy or do you need to go country by country because of timing issues and variations in local regulation?
- When communicating to employees/ Works Councils, can you give any common themes or principles?

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01 Managing the return to work – *collective consultation*

- Health and safety: will be a Works Council/ dedicated representative consultation issue everywhere.
- Special sensitivity around health questionnaires and testing
- No consistency of approach across Europe on face masks either
- Don’t fall into the trap of assuming that COVID-19 has created a general exception to basic privacy principles everywhere

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01 Managing the return to work- *individual consultation*

- Addressing individual issues: never forget that fully discharging your collective consultation obligations whether Works Council or otherwise) is not the end of the story.
- You may also have individual level obligations to discharge.
  - Managing higher risk employees
  - Changes to working arrangements

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02 Ending furlough / short time work arrangements

- Generally, you're looking at notification rather than consent.
- Planning to ensure consistency.
- Postponing vacation.
- Furlough: schemes are being adapted in certain countries as lockdown is lifted
- Higher levels of ***in***consistency across Europe here as rules are locally-driven
- There's also been lots of confusion in certain parts of Europe too

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03 What special cases do you need to watch out for?

- Can you be sure that you have taken all necessary steps to protect H&S and are you aware of the consequences if you've not done so?
- Employees who commute on public transport
- Remember that many countries still require home working if this possible for the role and/or for higher risk groups.
- How should you address the challenge of adjusting duties for employees who would usually undertake business travel or who could be described as 'frontline workers'?

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03 What special cases do you need to watch out for?

- Employees who relocated to another country during lockdown
- Employees who may still have a right to work remotely or be furloughed because of heightened vulnerability.
- There’s a whole new range of discrimination issues
- Beware also that some countries are applying limitation on dismissals or restructuring as a consequence of COVID-19

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04 How will you manage any refusals to return to work?

- A universal issue
- Responses are driven by local rules and there is therefore lots of variation

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05 Future proofing

- Based on the experience of the COVID-19 pandemic, and in anticipation of a possible ‘second wave’, what changes should you be looking to make to individual contracts of employment and/or collective agreements?

  - Remote working policies
  - How to enable greater employer flexibility in the future?
  - Adding flexibility to your WC agreements
  - Changes to shift patterns-night workers
  - Ongoing temperature testing
  - Protocols for newly symptomatic employees.
  - Adapting other policies: sickness, quarantine, policies requiring face to face meetings…

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Possible small group, virtual roundtables

1. How will you manage refusals to return to work?
2. The future of global supply chains in a post COVID-19 world.
3. Future proofing your contracts of employment and collective agreements: what will you include?
4. What has the home working experience taught you and what long term changes do you expect to make as a consequence?
5. What's the next issue to prepare for beyond the return to work or is it 'And They All Lived Happily Ever After'?

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Thank you

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