


Lifting of restrictions

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Please note: the information contained in this legal update is correct as of the original date of publication.

19 July 2021 marks the lifting of many restrictions within England including the cessation of the need for social distancing, the removal of the legal requirement for face masks, and the end of required homeworking. However, with covid-numbers continuing to rise, concerns have been raised as to the impact of removing these restrictions, with views remaining polarised, particularly over the continued use of face masks. Here, we take a look at what the changes will mean for employers.

Whilst the Government has confirmed that the legal requirement for face masks will be removed with effect from 19 July, it is nevertheless advising that face masks should continue to be worn in crowded, enclosed spaces. New Government workplace [guidance](#) for moving into “Step 4” has been published, which stresses the importance (and responsibility) placed on employers for managing risks within their workplace. Risk management includes reducing the contact between individuals – covering both considering who should come into work (with the Government advocating for a gradual return), and how contact between those at work can be reduced. For this latter risk, suggestions include using fixed teams or partnering, and the use of screens. Whilst social distancing is not proposed, employers may well view social distancing (where possible) and continuing homeworking for all those able to work effectively in this way as being the best ways that they can effectively manage and reduce the risk of Covid-19 being passed in the workplace.

Regardless of the removal of the legal requirement for face masks, employers are asked to “consider encouraging” the use of face masks by workers – particularly when coming into contact with those they do not usually meet, and/or in enclosed and crowded places. Even where staff have been double-vaccinated, given that the primary purpose of face masks is the protection of others, face masks may well be viewed as a necessary precaution to protect those not yet vaccinated or otherwise vulnerable. Care should be taken to ensure that consideration is given to making reasonable adjustments for those with disabilities.

Communication with staff remains key at this transitional time, with employers needing to be clear on both what the requirements will be and the reasons why they believe any restrictions will be necessary to try to avoid arguments from employees that their “freedoms” being promised by the Government are being unfairly impinged upon. Open dialogue will help employers become aware of any particular difficulties or challenges being faced by their staff – such as concerns about feeling isolated working at home – to enable steps to be taken to balance risks and address concerns.

Employers will also need to be mindful about how an increase in cases will affect resourcing levels, particularly in areas where there are spikes in transmission levels. As the proposed changes to the isolation regime for those who are double-vaccinated are not due to come into effect until mid-August, there will clearly be a period where an increase in cases has a corresponding impact on the isolation requirements for close contacts and employers will need to have plans in place for how to cover staff absences whilst maintaining service delivery levels.

Employers may need to consider how their staff get to work – some employees who are reliant on public transport may have concerns about how safe their journeys to and from work will be with the combination of no social distancing, no obligation to wear face masks, and rising Covid-case numbers. Whilst announcements have already been made confirming masks will still be required for some public transport (for example in London), it remains uncertain whether they will be mandatory in other areas. Employers may find employees

seeking to argue that their journey would now present them with circumstances of serious and imminent danger, particularly if they are at a higher risk, or are in close contact with someone at higher risk from Covid-19 (see our earlier briefing on [health and safety in the workplace](#) for further details). Employers may wish to explore whether there is scope to adjust working hours to allow for off-peak travel, or whether assistance can be given with other means of transport.

Lastly, there are clearly strongly held differing views between those who believe all restrictions should be lifted and those who believe they should remain in place – and a vast spectrum of beliefs in between this range. Employers may wish to remind staff about respectful communications within the workplace to try to avoid disagreements over the best approach to dealing with the pandemic spilling over into workplace disputes.

Should you wish to discuss the implications of the lifting of restrictions on your workforce, please feel free to contact [James Tait](#) or [Ian Deakin](#).

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