


Lifting of restrictions – health and care sectors

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However, for those working with the care sectors, this “opening up” of restrictions with its focus on personal, rather than collective or societal responsibility, runs in stark contrast to the government’s messaging last month proposing [compulsory vaccinations](#) for care home workers to protect those more vulnerable to Covid-19. This proposal has now been approved by the House of Commons, despite an impact assessment not having been published before the vote. Governments in Wales, Scotland and Northern Ireland have indicated that they are not currently considering similar proposals.

For those working within healthcare on the “front line”, there will no doubt also be a concern as to the impact that lifting restrictions will have on the number of hospitalisations, and the corresponding impact that rising cases have on other non-Covid-related services.

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, albeit that this guidance does not extend cover all workplaces (including health and care settings). Regardless of the removal of the legal requirement for face masks, employers will still be under their usual health and safety obligations – and it is easy to see how maintaining a requirement of face masks in these settings would be warranted. 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 protection for vulnerable residents or patients, particularly with the Government’s stated likelihood of a considerable increase in cases following the lifting of restrictions.

Similarly, care and healthcare settings may well view social distancing (where possible) and continuing homeworking for all those able to work effectively in this way as being ways that they can effectively manage and reduce the risk of Covid-19 being passed in the workplace. 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 [Jacqui Atkinson](#), our Head of Employment Healthcare or [Helen Badger](#), Employment Partner.

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