

“No Jab, No Job” - The Latest Advice

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With the outdoor hospitality sector set to reopen from 12 April, Daniel Stander, employment lawyer at Vedder Price LLP, breaks down the issue of mandatory employee vaccination.

1) “JAB / JOB”

As over 50% of all UK adults have now received their first dose of the vaccine, the simplest scenario an employer might face is reopening with a workforce that is already fully vaccinated.

In these cases employers will not need to engage with the question of mandatory vaccination. However, employers who wish to confirm and record the vaccination status of their employees should be mindful of the special category data protections that are applicable to health data. A data privacy impact assessment looking at how the business holds and processes such data should be conducted.

2) “NO JAB / NO JOB”

Despite the above statistic, recent YouGov data suggests that up to 21% of people still do not intend on being vaccinated. Concerns around the level of vaccine take-up have led to the Government announcing a policy of mandatory vaccination for workers within the care sector, a move without modern precedent, and only time will tell whether this is the beginnings of a sea change in vaccination law, or whether the peculiarities of the care sector make it a unique case for government intervention.

Given this uncertainty, employers should keep in mind that having a policy requiring vaccination is one thing, but being able to enforce that policy is another entirely.

The relevant question is whether the requirement to be vaccinated amounts to a “reasonable request” that the employer can make of the employee. Employers will need to justify why vaccination is necessary, considering the balance between the employee’s individual liberties and the benefit to colleagues and customers in reducing risk of transmission and infection in the workplace.

It is important to remember that this notion of reasonableness is fact-specific. When considering close contact or public-facing roles, such as those in the hospitality sector, there may be a stronger argument in favour of requiring vaccination to enable employers to comply with their health and safety obligations and maintain relationships with their customers. That being said, the issue of mandatory vaccination remains untested at Employment Tribunal level and an untempered reliance on vaccination status when hiring, disciplining, or dismissing employees may well leave employers open to legal action.

3) BEWARE OF DISCRIMINATORY PRACTICES

Blanket policies of compulsory vaccination overlook the reality that employees may have a legitimate reason for not being vaccinated. This can be the case where the employee is pregnant, has a disability, or is simply not yet in the relevant age bracket to receive the vaccine. An inflexible approach that fails to engage with these realities is likely to invite discrimination claims under the Equality Act.

There has been discussion around whether such policies risk discriminating against certain religious groups. However, the availability of vaccines free from animal products fetters the likelihood of such claims. That said, it remains to be seen whether Equality Act protections should be afforded to those who argue being anti-vax is a philosophical belief.

Employers faced with a discrimination complaint would need to be able to justify their vaccination policy as an objective means of achieving a legitimate aim. Hospitality businesses are rightly concerned about protecting the health of their workers and their customers – but consideration must also be given to what the measure would achieve in reality and whether the aim could be achieved through less intrusive means. Given that no vaccine is known to be 100% effective, and that social distancing is likely to remain part of our lives for some time to come, it may not be justified to discriminate where an employee could be re-deployed or otherwise abide by social distancing guidelines. In these difficult cases, it is important that employers’ actions are considered, proportionate and take full account of the facts at hand.

CONCLUSIONS

Ultimately, employers are recommended to avoid heavy-handed practices and instead approach vaccination in a cautious and considered way, leading with empathy, encouraging their workforces to be vaccinated, and, in so doing educating them of the benefits that vaccination would mean for the individual, the business and public at large.

Barons Eden Completes £14 Million Investment In Hoar Cross Hall Refurbishment

Barons Eden, the luxury hotel and spa group, is set to begin reopening its Staffordshire property, Hoar Cross Hall, from 12th April following the group’s largest investment ever, in excess of £14 million.

The 150 year old property has seen the retreat’s 97 bedrooms, each with its own classic aesthetic with modern detail, full-service spa and communal areas, all receive significant upgrades - the most extensive refurbishment in the history of Barons Eden.

The objective behind the multi-million overhaul, that spanned over two years, was to update the property in line with its luxury offering, whilst maintaining the property’s rich history and heritage.

With the refurbishment now complete, Barons Eden Director, Edward Law, said, “This is a significant investment for the Barons Eden group, as we wanted to ensure Hoar Cross Hall, as one of the biggest spa resorts in Europe, both met and exceeded expectations.

“We are expecting a huge surge in demand following a period of such uncertainty, and are already seeing an increase in bookings for the summer months and beyond. We know our guests are looking to treat themselves to an indulgent experience closer to home, as well as continue to focus on their health and wellbeing.”



In addition to the updated décor, the expansive hotel and spa features free standing baths in a selection of bedrooms, with some featuring hot tubs located on the private exterior terraces and even the brand-new for 2021, Royal Suite Experience.

For guests that opt for the Royal Suite Experience, they will receive a private butler, cocktails served by the Suite’s personal barman, as well as an overnight stay for between one and eight guests in Hoar Cross Hall’s most opulent suite. Guests will also experience fine dining in the hotel’s Grand Ballroom and full use of the extensive spa facilities including the saltwater vitality pool, hydrotherapy pool, aqua detox, aqua massage, sensory showers, cold plunge pool, Nordic Heat & Ice Suite, snooze room and sanctum.

Hoar Cross Hall is surrounded by 43 acres of manicured grounds, woodland and kitchen gardens which updated as part of the refurbishment.

The spa offering has also been completely overhauled, with a brand-new treatment list across its forty one treatment rooms.

ahead”.

There are also to be restrictions on private parking fines in a bid to attract and give drivers confidence when visiting towns.

Part of the funding pot will be exclusively allocated for coastal areas, with all English seaside resorts to receive support, under the Government’s plans to help holidaymakers this year, as the country embraces “staycations”, with much of Europe now entering a third lockdown and travel restrictions still in place.

Under its road map out of England’s coronavirus restrictions, and subject to the ongoing assessment of coronavirus data, the Government aims to lift its “stay at home” order from March 29, with further gradual easing to follow.

Outdoor attractions, non-essential retail and some holiday lets could re-open after April 12 and most social contact restrictions could be lifted from June 21.

Mr Jenrick said: “As we move to the next stage on the roadmap out of lockdown we are all looking forward to being reunited with friends and family outdoors and making a safe and happy return to our favourite shops, cafes, pubs and restaurants.

“Our Welcome Back Fund gives every city, town and high street support to prepare for a great summer. This funding will help councils and businesses to welcome shoppers, diners and tourists back safely.

“As soon as the roadmap allows, we need to get behind our local businesses and enjoy all that this country has to offer and that we’ve been missing so much.”

Pubs And Restaurants Will Be Allowed To Erect A Marquee WITHOUT Planning Permission

Pubs, bars restaurants and other hospitality venues will be allowed to put up gazebos and marquees without planning permission from April 12, as the sector begins its move out of lockdown, as part of a new £56 million “Welcome Back” fund which aims to help England’s high streets and coastal towns safely reopen as coronavirus restrictions are eased toward June 21 when it is anticipated that all restrictions will be removed.

The funding will allow councils to improve the “look and feel” of local areas, creating more outdoor seating areas as well as markets and pop-up food stalls.

Pubs and restaurants, including premises in listed buildings, will be given the flexibility to provide more outdoor space for customers for the whole summer rather than the current 28 days permitted, with figures suggesting that the move will allow 9,000 additional venues to open next month rather than having to wait for indoor serving in May.

Any venue, even if it is listed, can put up a marquee or structure of any size on their land without planning permission, and keep it up till September, as the government looks to get the industry up and running as quickly as possible.



Side panels will need to be open for ventilation, but paperwork is not an issue after ministers ordered councils to back down on threats to cripple the reopening with red tape.

An estimated 70 councils will also receive “targeted, hands-on support” from the Government’s High Streets Task Force, described as “an elite team of high street experts who will advise them on how to adapt to meet changing consumer demands so they can thrive in the years