

Scottish Government's guidance for office working now published

On Tuesday 25 January, the Scottish Government announced its intention to permit some return to office working by way of hybrid working. The specific guidance for this has now been published:

<https://www.gov.scot/publications/coronavirus-covid-19-offices/pages/overview/>

This guidance should be read with existing guidance, such as the Safer Businesses and Workplace Guidance: <https://www.gov.scot/publications/coronavirus-covid-19-general-guidance-for-safer-workplaces/pages/overview/>

From 31 January 2022, the Scottish Government is now encouraging employers to adopt a mixture of office and home working. This approach seeks to be cautious, given the continued prevalence of COVID-19, but acknowledges both that there are benefits to office working, and that office working is more suitable for certain jobs and roles.

The message from the Scottish Government continues to emphasise that home working remains a very effective measure to reduce COVID-19 transmission, and that there should not be a mass return of everyone to office working at the same time. The guidance published for hybrid working also stresses that a mixture of home and office working as well as other flexible work patterns has benefits beyond COVID-19 and its associated risks.

The principles underpinning the new guidance are:

- the health and safety of employees, customers and service users remains a priority for businesses;
- businesses are encouraged to work with employees and (where applicable and appropriate) trade unions to consider flexible and hybrid working arrangements in their own contexts;

- a phased and co-ordinated approach should be considered to support the introduction or reintroduction of hybrid and flexible working to support employee wellbeing and economic recovery;
- a wide variety of models of working should continue to be promoted where appropriate with businesses considering the unique situation for their staff e.g. hybrid models of office based and home working

In essence, there should not be an immediate and extreme change to current practices.

The tone of the guidance is very much that a change to hybrid working patterns should be cautious and measured, with businesses and employers considering the following factors:

- which roles are eligible for hybrid working
- Explaining how staff can request specific models of hybrid working
- Determining if there are any roles or individuals that should be prioritised for return to the workplace, hybrid working; or, continued working from home
- Through discussions, identify and consider any employees who need or would prefer to continue to work from home in the short term, for example, because they are at higher risk, have ongoing or newly diagnosed health conditions, have family members with health conditions, have mental health and / or anxiety concerns about returning to workplaces or are undertaking caring responsibilities
- It may also be useful to have similar discussions with other trade unions regarding such as pregnant employees, disabled staff and those with long term health conditions not on the highest risk list

- Support those who are on the Highest Risk List. The advice from the Chief Medical Officer is that people on the Highest Risk List can go into the workplace if they want to, or if required to by their employer, unless their clinician has advised them individually otherwise. Some people on the Highest Risk List may feel especially anxious about returning to work and may prefer to work from home for now, or may need support to return to the workplace. Others may want to return to the workplace to benefit from this along with others as part of flexible or hybrid arrangements, and employers should not discourage this if continued working from home is not the person's choice or in their best interest support for people who may be finding it hard to return to work
- Consider encouraging some physical distancing should be kept in place
- Ensure good ventilation levels in the workplace
- Ensure that risk assessments on workplaces, activities and for individuals are reviewed and up to date. This should include consideration of mental health and wellbeing
- Establish and communicate a plan for when employees will work from the office and when they will work from home in collaboration with employees. This could include reference to caring responsibilities, wellbeing issues and any relevant personal circumstances and preferences
- Consult with employees (and trade unions where appropriate and applicable) on plans for returning to the workplace and encourage them to raise questions or concerns
- Clarify roles and responsibilities for hybrid workers and people managers
- Review other related policies including, for example, expenses, IT usage, equipment and homeworking and data protection

Employers should also consider whether it is more beneficial or necessary for some employees to return to the office before others. This may be, but is not limited to, due to job role requirements, having less appropriate work settings at home, require training or mentoring or for mental health and wellbeing.

It is advised in the guidance that employers have open conversations with employees and understand their feelings and concerns around home/office working.

Distance Aware

The Scottish Government is also advising the adoption of the voluntary scheme 'Distance Aware' which involves identifiable markers for people to show others they would welcome additional space and care, including when at work.

Travel to work

To continue to minimise transmission, the guidance recommends flexible and/or staggered working times and the use of active travel where possible is advised.

Outbreak Management

There should be management plans in place to deal with any outbreaks of COVID-19 and these should be communicated to employees. These plans should also include protocols for communication with Test and Protect and local Health Protection teams.

Get in touch

SGBs can access the sportscotland legal expert resource helpline by email at sportscotlandinfo@harpermacleod.co.uk or by calling 0141 227 9333.