

**Bird & Bird**

# Hotels post-COVID: the people agenda

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# The people-related "to-do" list

On the agenda:

- Getting the right people for your business
- Changes to the way we work
- Managing staff data
- Restructuring, reorganisation and right-sizing



# Getting the right people for your business

- **Routes to recruitment from outside the UK**
  - Limitations of the Skilled Worker regime for hotels and hospitality
- **Other schemes**
  - Youth Mobility
  - EU Settlement Scheme
  - New Graduate Scheme
- **Future developments**
  - Extension to Youth Mobility?
  - Low skilled visa route for temporary and seasonal workers?
  - Shortage occupation list?



# Re-opening safely

- **Key issues**

- Staff shortages due to self-isolation and sickness
- Health & safety
- Those who can work from home: increased use of technology and processing of personal data
- Staff tensions are heightened – how will you reintegrate?

- **Claims risk**

- Negligence
- Sections 44 and 100 of the Employment Rights Act 1996 – detriment and dismissal for health and safety reasons
- Whistleblowing
- Discrimination under the Equality Act 2010
- Constructive unfair dismissal



# The role of data

- To manage reopening, you may need to collect and manage more staff personal data
  - COVID testing / test results
  - Vaccination data
- Bird & Bird HR Data Essentials: [COVID-19 data protection chart](#)
  - An international view of the HR data protection issues arising from COVID-19



# Restructuring, reorganisation and right-sizing

- **Key questions**

- Is your workforce fit for purpose?
- If not, how do you safely implement change?

- **Legal issues**

- TUPE on hotel ownership changes, termination of HMAs
- "Mass" redundancy – is collective consultation required?
- Avoiding breaches of contract when implementing changes – either express terms or implied duties (notably, trust and confidence)

- **Practical issues**

- Media interest in HR issues is strong
- Employee activism, fuelled by social media
- Reputation is central to your ability to attract staff, and legal compliance is central to maintaining your reputation!



# Conclusion

- 2020 – 21 has seen unprecedented HR change in the industry
- It's not over yet – the people-related "to-do" list remains a long one



# Thank you & Bird & Bird

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