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## Coronavirus - COVID-19 FAQs

We have been asked many questions about the coronavirus and its implications on employment.

We have summarised some of the common questions below, on sick-pay, employees who refuse to come to work, school closures and furloughed employees. We will provide updates as matters progress. You should also keep an eye on our blog page on [Practical HR](#).

What is clear is that employment law still applies in all situations, so it is essential that you do things in the right way to prevent further trouble down the road with possible disputes or tribunal claims.

### Support for businesses - paying wages

On Friday 20th March the Government announced its [Job Retention Scheme](#) that would allow all UK employers to access support to continue paying part of their employees' salaries for those employees who would otherwise have been laid off during the crisis. This will reimburse up to 80% of wage costs up to a cap of £2500 per month.

Employers will need to designate an employee as a 'furloughed worker' and notify the employee of this change. If you do not have the contractual right to lay-off employees or put them on short-time working, you will need to get your employees agreement. This should not generally be a problem as the alternative in most situations would be lay-off with only a minimum guaranteed (£29 per day rising to £30 per day from 6th April) or redundancy. But if you need their agreement you need to put the paperwork in place to avoid potential claims for unlawful deductions.

Employees will NOT be able to carry out work for the business while they are furloughed workers. At this time there does not seem to be a scheme to support situations where a business would prefer to reduce hours (short-time working) rather than lay-off completely. We know that many businesses have some work and they would prefer to share this amongst employees i.e. reduce all employees to a 3-day week. Currently this can only be done through short time working and there is no support for this by the Government.

### How do you claim

Claims will be through the HMRC and there will be a new online portal. This is not currently available but the HMRC are working on this and further guidance will be available soon.

### Sick Pay and Coronavirus

If any of your employees have been advised to self-isolate (i.e. they are following the Government guidelines / have been to 111 online) they will be paid SSP from their first day of absence. Self-isolation is normally for 7 to 14 days and you will be able to claim back up to 14 days of SSP.

Employees can self-certify for the first 7 days but are not being required to provide a fit note (doctors note) for the following 7 days, as they are being advised not to visit their GP. You may want to ask your employee's to complete and submit to you an isolation note from [NHS111 online](#). However, in these circumstances, if this is not provided, payments should still be made.

Your normal sick pay rules should apply as well. i.e. if you normally pay full pay for a certain number of days in a rolling 12-month period, this should be paid. You can still claim back SSP.

### Employees who do not want to come to work

The Government is advising that people work from home wherever possible. But this is not always possible.

You may not be able to offer home working and have some people who are worried about catching Coronavirus and therefore unwilling to come into work. If this is the case, you should listen carefully to the concerns of your employees. Many employers are implementing additional measures regarding cleaning and providing more 'space' for each employee to maintain distance between each other. Some delivery companies are not requiring drivers to get signatures using handheld devices (but asking them to take a photo of deliveries). All these measures are being put in place to further reduce risk and you should consider what may be appropriate in your business and try to reassure employees.

If they still do not want to come to work you could also offer employees to take holiday or unpaid leave, but there is no obligation on businesses to do this. If an employee refuses to attend work, you are entitled to take disciplinary action. However, our view is that dismissal is likely to be unfair, at least for now.

We would recommend that you agree to a 'temporary' period of unpaid leave for any employees who do not want to come to work. This will allow you to assess the situation on an ongoing basis. Note: employees are not allowed to decide for themselves that they are furloughed employees. This is a decision for the organisation.

### School closures and time off

The Government announced on 18<sup>th</sup> March 2020 that schools in the UK will be closed from 23<sup>rd</sup> March. Only children of "key workers" will continue to attend school.

There are a number of options businesses can consider:

1. **Working from Home:** It may be suitable for those employees to work from home if they are able to carry out their duties from home. This might not be suitable in all cases depending on the nature of their work, their ability to work autonomously or the age of their child / children (it may not be practical for them to work from home if they have young children).
2. **Alternative Working Hours:** Where possible, you may be able to consider if the individual is able to alter their hours of work, particularly if they are able to share the responsibility of caring for their child. For example, can their work be done in the evening, or can hours be reduced. You must get agreement from employees if you are reducing hours (unless you have short term working clause in your contracts of employment).
3. **Holiday:** If they have holiday entitlement left to take, then you may want to offer them the option of taking holiday (followed by one of the other options).
4. **Unpaid Leave:** You may need to agree a period of unpaid leave if the employee is unable to work.

Employees are allowed a reasonable amount of time off (unpaid) to deal with emergency situations involving a dependant and to make arrangements. Given the current circumstances and that the Government has advised that grandparents should not be asked to provide childcare if they are in the vulnerable groups, it is likely that all time will be reasonable and if you did dismiss someone because they took time off to look after their children, then this would be automatic unfair dismissal.