

Update 25.03.2020

No update on Furlough yet – but I do expect this shortly – will keep you updated.

There are numerous questions on self-employed workers and business-owners – I have similar questions! The legislation is still going through parliament and extremely complex. I am purely concentrating on employed workers for my clients so can't really answer any questions on those SE. BUT if I am informed of any definitive rules, I will share those with you.

In the meantime, I've compiled a list of 'groups' of workers, which I think most will fall into. If I have missed anyone, please let me know!

I am also compiling a list of FAQs which I will share with you. All of the updates and guidance will be available on my website soon www.mosshr.com

1) Those who are able to continue working as usual

Continue to monitor the situation to ensure that you are following all the guidelines announced by the Government. This changes daily in terms of what business can trade and those which should close. See <https://www.gov.uk/government/publications/further-businesses-and-premises-to-close>

2) Those who can work from home

The advice is that any individual who can work from home, should. This comes with its own issues, especially if the worker is not used to this. There are many guides being published to help support those working from home so I won't add to your reading – however, do let me know if you need anything and I will share with you.

Do communicate regularly with this group of people – at least once a day have a call or video call.

3) Those who cannot work as there is no work available, or work cannot be done at home

If there is a lay off clause in your contracts you can take this route. If not, I suggest you consult with your employees and obtain their consent in introducing this (I send some advice and documents on this previously – let me know if you need it).

If you do have lay-off and want to implement that, please take advice.

As an alternative to lay-off the Government is introducing the Coronavirus Jobs Retention Scheme. Employers can contact HMRC for a grant to cover 80% of the wage costs of "furloughed" workers up to a total max of £2,500 per month. Employers have the option of 'topping up' the remaining 20%, but are not obliged to do so. The scheme will cover the cost of wages backdated to 1 March 2020 and will be open initially for 3 months.

We are still waiting further guidance on this scheme – I WILL update you as soon as I know more.

4) Self-isolation and sick pay

Employees who are sick or self-isolating cannot be put on furlough leave. To be put on this type of leave, an employee must be “available for work.” If they are off sick before the period of furlough leave, they will not be available for work – and likely eligible for SSP.

Employees and workers must receive any Statutory Sick Pay (SSP) due to them if they need to self-isolate because:

- they have coronavirus
- they have coronavirus symptoms, for example a high temperature or new continuous cough
- someone in their household has coronavirus symptoms
- they've been told to self-isolate by a doctor or NHS 111

If someone has symptoms and lives alone, they must self-isolate for 7 days.

If someone lives in a household and is the first to have symptoms, they must self-isolate for 7 days. Everyone else in their household must self-isolate for 14 days.

If anyone else in the household starts displaying symptoms, the person with the new symptoms must self-isolate for 7 days. This is regardless of where they are in the 14-day isolation period.

If an employee becomes sick whilst on furlough leave, this is only likely to become an issue if the employer asks them to return. If they are self-isolating, we would expect them to be included in the furlough scheme.

5) Those in vulnerable groups (e.g. the elderly) and CAN work from home

Treat these individuals the same as outlined in (2) above. Continue to monitor the situation closely.

6) Those in vulnerable groups who CANNOT work from home.

These will be people who have been advised to ‘shield’ themselves for a period of 12 weeks.

7) If an employee needs time off work to look after someone

Employees are entitled to time off work to help someone who depends on them (a 'dependant').

There's no statutory right to pay for this time off, but some employers might offer pay depending on the contract or workplace policy.

If a dependant such as a partner, child or relative in the same household gets coronavirus symptoms, they should receive Statutory Sick Pay (SSP) as a minimum for this time and follow self-isolation guidance (see (4) above).