

STATUTORY SICK PAY (SSP)

The government announced on 4 March 2020 that emergency legislation would be introduced for the payment of statutory sick pay (SSP) to employees with the coronavirus. They will be entitled to receive SSP from day one, not day four, of their illness.

From 13 March 2020, sick pay has also been extended for those who have to self-isolate, even if not ill provided they meet the other qualifications, and sick notes will be available from NHS number 111. Currently, this is expected to last for a period of eight months.

Paying staff during the coronavirus epidemic

Businesses with fewer than 250 employees (employed as of 28 February 2020) can reclaim the cost of providing Statutory Sick Pay (SSP) to employees off work due to the coronavirus.

The government will work with employers over the coming months to set up the repayment mechanism but says that the eligibility criteria will be as follows:

- This refund will cover up to 2 weeks' SSP per eligible employee who has been off work because of COVID-19
- Employers should maintain records of staff absences and payments of SSP, but employees will not need to provide a GP fit note
- Eligible period for the scheme will commence the day after the regulations on the extension of SSP to those staying at home comes into force.

ACAS has issued helpful advice on certain scenarios and how businesses should approach them.

The self-employed will have to go through the benefits system, but can claim from the first day of illness or isolation instead of waiting for seven days. They can be classed as having limited capability for work, too.

USING HOLIDAY AND FLEXIBLE WORKING

As a result of the coronavirus outbreak, organisations may see an increasing number of staff wanting to cancel pre-booked periods of annual leave. Whilst it is up to the employer whether they choose to approve or deny such requests, they should consider whether permitting this may be a key method of maintaining staff morale.

If a business has to go into a temporary closure, or an employee is asked to self-isolate but feels well enough to work, permitting a period of annual leave could be an alternative to laying-off staff, or a solution if an employee cannot work from home. However, it should be remembered that organisations must provide at least twice the amount of time of the leave they want staff to take if they wish to enforce it. In this situation, they should instead seek to negotiate a period of leave.

TAKING TIME OFF TO CARE FOR SOMEBODY

Employees are entitled to take a reasonable amount of unpaid time off to take action in relation to unforeseen events involving a dependant, defined as follows:

- spouse/civil partner
- child
- parent
- person who lives in the same household but is not a tenant, lodger, boarder or employee
- those who reasonably rely on you for the provision of care or for assistance if they fall ill. This could be, for example, an elderly neighbour.

It is not possible to define what a reasonable amount of time is because this will depend on the specific circumstances in question. The same event may require varying amounts of time off for different people, or even the same person if it happens more than once on different occasions.