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COVID-19 : Furloughing and your rights

Hosted by



THE DISABILITY
REPRESENTATION UNIT

with guest speaker Nan Rogers

[THEDRU.CO.UK](https://www.thedru.co.uk)

THE DISABILITY REPRESENTATION UNIT

Important: The information we share in these slides is accurate and up to date to our knowledge but COVID-19 is a fast-changing situation and the relevant legislation or guidance is subject to change.
This presentation is intended for informative purposes only.

In today's webinar

What is the Coronavirus Job Retention Scheme, CJRS?

Who is eligible?

What is the process?

How much do you get?

How does it affect me if I am self-isolating?

How does it affect me if I am a carer?

How does it affect me if I am shielding?

My employer has refused to put me on Furlough



What is the CJRS?

It is a grant to employers to keep employees on their payroll even when there is no work for the employees to do.

Employees cannot carry out any work for their employer while they are furloughed. They may be able to work for a different employer but that depends on their employment contract.

Always check with your employer first.

The scheme will continue, in its current form, until 31st July 2020. There will be a modified form between 31st July 2020 and 31st October 2020.



Who is eligible?

Anyone who was on the payroll as at 19th March 2020 and included in a “Real Time Information” submission to HMRC on or before 19th March 2020.

Anyone who was made redundant or left their employment on or after 28th February 2020 and is subsequently re-employed but they have to have been on the payroll and included in RTI on 28th Feb.

Agency workers and people on zero hours contracts can also be furloughed.



What is the process?

It is a change of contract terms so employers have to get employees' consent.

Generally, if your employer makes you redundant instead, they still have to follow proper redundancy procedures if you have worked for your employer for at least two years.



How much do you get?

The grant from the government equals 80% of average earnings up to a maximum of £2,500 per month. The employer could pay more.

Earnings do not include tips or discretionary bonuses.

If you take holiday while you are furloughed you are entitled to full pay.

Normal pay, pre furlough, is used to calculate your entitlement to earnings replacement benefits such as Statutory Maternity Pay.

If you are made redundant while furloughed, then it is believed that your Statutory Redundancy Pay will be based on pre-furlough levels but the situation with contractual redundancy pay may be different.

National Minimum Wage does not apply when furloughed.



Covid 19 sick and self-isolating

Could claim SSP from first day of sickness.

You can't claim SSP and be furloughed.

To be eligible for SSP you have to earn at least £120 per week. The amount is £95.85 per week for up to 28 weeks. You could be entitled to more, check your contract.

Employees can self-certify for the first 7 days. After that they can get a fitness note online

<https://111.nhs.uk/isolation-note/>.

If you can't claim SSP then you might be eligible for new-style ESA, failing that the claim would have to be for UC.



SSP, New style benefits, UC

SSP - eligibility based on previous earnings, amount £95.85 per week, duration 28 weeks, income is for claimant only.

NS ESA - eligibility based on National Insurance payments for tax years ending April 18 and April 19, amount £74.35 per week, unless in support group, duration 365 days, unless in support group, income is for claimant only.

UC - means tested, income is for household.



Not sick but self-isolating

If someone in your household has coronavirus symptoms -

Can you work from home?

Will your employer pay you while you are on leave?

If not and you are eligible for SSP, you can claim that.

If not you could be eligible for new-style JSA, or new-style ESA, failing that the claim would have to be for UC.



Sources

- <https://www.gov.uk/guidance/check-if-you-could-be-covered-by-the-coronavirus-job-retention-scheme>
- <https://www.gov.uk/guidance/coronavirus-covid-19-what-to-do-if-youre-employed-and-cannot-work>
- <https://www.acas.org.uk/coronavirus>
- <https://www.acas.org.uk/your-rights-during-redundancy>



How does it affect me if I am a carer?

Employees who are unable to work because they have caring responsibilities resulting from coronavirus (COVID-19) can be furloughed. For example, employees that need to look after children can be furloughed.



How does it affect me if I am shielding?

What if I am shielding or need to stay at home with someone who is?

If you are unable to work because you are shielding in line with public health guidance (or need to stay home with someone who is shielding) - you can be furloughed.

Check if you're clinically extremely vulnerable according to GOV.UK Guidance:

<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>



Sources

<https://www.gov.uk/guidance/check-which-employees-you-can-put-on-furlough-to-use-the-coronavirus-job-retention-scheme#employees-you-can-claim-for>

<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>



My employer has refused to put me on Furlough

Furlough is not an automatic right.

However, the law gives you the right to take a 'reasonable' amount of time off work to care for dependents in order to take action that is necessary.

This time off is unpaid, unless you have an employment contract or insurance policy that provides for payment in such circumstances.

Source: S57A-57B Employment Rights Act 1996

Applying that to the COVID-19 outbreak, your dependents may be unwell, or their usual carers/school/other providers cannot operate because of coronavirus restraints.

If furlough isn't possible for you and you're struggling to make ends meet, then you **maybe able** to get help from Universal Credit.

Where to find further information?

GOV.UK is the official site for the latest information on the COVID-19 outbreak. The advice is updated regularly by the UK Government.



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