



Do you employ staff?

Coronavirus Information for Employers

Following on from our previous Coronavirus HR Updates we are pleased to confirm the following;

Statutory Sick Pay Waiting Days

The Government has now passed the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020, which came into force on 28 March 2020. These Regulations remove the need for employees to serve three waiting days before they become eligible for statutory sick pay meaning that it is now payable from day one, rather than day four, where the reason for the absence is coronavirus sickness or self-isolation. The Regulations include a back-dating provision, so that any periods of incapacity which started on or after 13 March 2020 will no longer serve waiting days. Other eligibility criteria have not changed, meaning that employees still need to earn at least the lower earnings limit on average, which is currently £118 per week (increasing to £120 per week from 6th April 2020).

Management of Holidays

In addition, the Working Time Regulations 1998 have been amended to allow for more flexibility when dealing with holiday leave for the remainder of the current holiday year. Due to disruption caused by the coronavirus, employees may struggle to take their remaining entitlement before the end of the current holiday year. This may be because;

- They are self-isolating or are too sick to take holiday before the end of the holiday year
- They have been temporarily sent home because there is no work ('laid off' or 'put on furlough')
- They have had to continue working and could not take their paid holiday entitlement

The Regulations now give employees a statutory right to carry annual leave over into the next two holiday years after the current one. This change in legislation only applies to the first 4 weeks of leave under the Regulations (Regulations 13 leave). However, existing legislation already permits employers to agree to employees carrying over 1.6 weeks of leave into the next holiday year, so employees can carry over their leave in the following way;

- 4 weeks (legal entitlement to be carried over to next two leave years)
- An additional 1.6 weeks (In addition to the above, employers can agree that this be carried over to the next leave year)
- Enhanced contractual entitlement (at employers' discretion)

The rules on pay in lieu of untaken annual leave have also been amended so that, when employment ends, the holiday pay payable will include anything carried over and not taken due to the coronavirus. The law still does not allow pay in lieu of statutory minimum entitlement to be paid at any time other than termination.

Prior to the coronavirus disruption, many employees would have booked periods of holiday leave to travel abroad or to different parts of the UK. However, due to the coronavirus outbreak, an increasing number of employees may have to change their plans and request to cancel pre-booked periods of holiday leave. Some employees may even choose to do this, with the hope of delaying their leave until later in the year when it is hoped that the situation will not be as severe. Initially, it may have been convenient to let employees cancel their holiday, especially if faced with situations where other employees need to self-isolate. But there are several things they should bear in mind. Employers are legally obligated to provide opportunity for employees to take their full leave entitlements. If your holiday year runs from January to December, you may be concerned about how to manage this. Usually, it is up to the employer if they let employees cancel pre-booked holiday so you can refuse this request, but in consideration of the disruption caused by coronavirus, it would be advisable to tread carefully. With tensions running high, and employees likely worried about the implications of the coronavirus, allowing them to cancel periods of pre-booked holiday leave may be a key way of maintaining employee engagement and motivation when it will be required during the months ahead.

We would advise that if an employee requests to cancel holiday leave, a conversation should be held over why this is and if there are any alternatives that could be considered at this time. For example, if a pre-booked holiday has been delayed for a few months, you should consider letting the leave be deferred to these new dates so it is still booked in to take. Employees should also be reminded that if they do cancel leave now, later requests will only be granted if business need can permit it.

How Can We Help?

We will endeavour to provide further employment related updates as and when further information becomes available. If you have any queries relating to the content of this newsletter, or any other HR related topic, please don't hesitate to contact us via hradvice@hasslefreehr.co.uk