

Workforce provisions – Coronavirus Act 2020

The Coronavirus Act 2020 received Royal Assent yesterday and the key employment provisions included in it relate to extensions to Statutory Sick Pay, recovery of Statutory Sick Pay and emergency volunteers.

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Please note: the information contained in our legal updates are correct as of the original date of publication

The Coronavirus Act 2020 received Royal Assent yesterday and the key employment provisions included in it relate to:

- **Extensions to Statutory Sick Pay**

As has been widely publicised, the Act allows for Regulations to be made disapplying the current provisions on statutory sick pay which state that SSP is not payable for the first three days of absence (but only where the absence in question is related to coronavirus).

These Regulations have not yet been published and so the provisions are still not in force. However, the Act confirms that the Regulations can have retrospective effect to apply to coronavirus absences occurring on or after 13 March 2020.

- **Recovery of Statutory Sick Pay**

The Act also allows HMRC to fund employers' payments of SSP due to coronavirus incapacity. Again, Regulations are awaited confirming the extent and manner of this funding, although it was previously confirmed that the intention was to allow employers with fewer than 250 employees to be able to claim funding for up to two weeks' coronavirus-related absences, again arising on or after 13 March 2020.

- **Emergency Volunteers**

These measures will enable volunteers to fill gaps in capacity helping to safeguard essential services that could be at risk due to increased demands of the epidemic.

The Act introduces a new form of unpaid emergency statutory leave in blocks of 2, 3 or 4 weeks and provision for a UK wide compensation scheme for some loss of earnings, travel and subsistence for those who volunteer through an appropriate authority. This requires 3 days' notice to an existing employer and an emergency volunteering certificate. The volunteering arrangement can fit into a volunteering period of up to 16 weeks.

There are a number of exceptions under the Act, including one for small employers with less than 10 employees. There are also provisions preventing workers from being subjected to a detriment, and employees from being dismissed, as a result of volunteering, and provisions setting out how the scheme will apply in respect of agency workers. Please note that the provisions in respect of emergency volunteers do require secondary legislation to bring this into force. We anticipate that these will be progressed as quickly as possible.

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