

New statutory sick pay regulations, 28 March 2020

The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020 have now been published and came into force on 28 March 2020.

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Please note: the information contained in this legal update is correct as of the original date of publication

The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020 have now been published and came into force on 28 March 2020.

The new Regulations remove the three-day waiting period for SSP and provide more clarity for employers as to when this will apply. The clarity comprises of 3 main elements:

1. It creates certainty over when an employee can claim statutory sick pay in relation to coronavirus and sets out specific examples.
2. It clearly sets out the symptoms of coronavirus but allows for changes without the need for new regulations.
3. It removes the 8-month time limit included within the previous recent SSP amendment regulations.

1. Isolating due to Coronavirus

The Regulations includes specific scenarios as to when individuals can claim statutory sick pay. These include where:

- a. An individual has symptoms of coronavirus (however mild) and is staying at home for 7 days beginning with the day symptoms started.
- b. An individual who lives with someone who has symptoms and is staying home to isolate for 14 days.
- c. An individual who was within b) above but who is now isolating as they have developed symptoms of coronavirus, and is staying at home for 7 days, beginning with the day the symptoms started.

Employees will need to fit into one of these scenarios to be able to claim SSP.

2. Symptoms of Coronavirus

The Regulations also sets out the symptoms of coronavirus. As expected, they reiterate the current government guidance of a continuous cough; a high temperature; and both a continuous cough and a high temperature. However, the definition also includes any other symptoms as may be specified by the Chief Medical Officer. The definition may therefore be subject to change if new information about the virus becomes available or if the virus was to evolve or mutate.

3. Removal of the 8 month time limit

The Regulations remove the 8-month expiry date imposed by the changes earlier this month. The new changes to SSP are therefore in force until further notice with plans to keep this under constant review. This may well indicate that the current Government view is that the situation will continue for a significant period.

Although this legislation implements what was promised some time ago, employers now have some certainty about what SSP they should be paying. As indicated within the Coronavirus Act 2020, these Regulations are retrospective, covering the particular types of self-isolation on or after 13 March 2020. Employers who therefore previously paid sick-pay starting from day 4 for these absences will therefore need to ensure that a back-payment is made, covering the first three days.

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