

Coronavirus: absences from work and entitlement to pay

The Coronavirus situation may lead to workplace absences for a variety of reasons. This is our summary of legal rights to pay and suggested best practice for different types of absence.

Type of absence	Right to pay	Source	Best practice
Sickness absence for coronavirus infection (suspected or diagnosed)	<p>Entitled to usual sick leave and pay entitlements (including SSP)</p> <p>3-day waiting period for SSP has been removed for incapacity related to coronavirus from 13 March onwards</p> <p>Government advice is that anyone showing symptoms should self-isolate for 7 days</p>	<p>Contractual terms</p> <p>S151 Social Security, Contributions and Benefits Act 1992</p> <p>Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020</p>	<p>Acas guidance: usual sick leave and pay entitlements apply.</p> <p>It may be necessary to relax requirements for evidence of illness.</p>
Absence for self-isolation/quarantine under government or medical advice	<p>Able to work remotely – entitled to usual pay</p> <p>Unable to work remotely but following main guidance on self-isolation (7 days with symptoms, or 14 days if in the same household as someone showing symptoms) – entitled to SSP</p> <p>Unable to work remotely and following medical advice to 'shield' because deemed by public health guidance to be 'extremely vulnerable' due to underlying health condition – entitled to SSP</p> <p>Unable to work remotely and self-isolating for 14 days in accordance with notification from NHS test and trace system – entitled to SSP</p> <p>3-day waiting period for SSP has been removed for incapacity related to coronavirus from 13 March onwards</p> <p>Otherwise no right to SSP if not unfit to work - so if unable to work remotely, no entitlement to pay unless contractual right to pay in this situation</p> <p>Pay in all cases may be advisable (see best practice)</p>	<p>S151 Social Security, Contributions and Benefits Act 1992</p> <p>Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020</p> <p>Statutory Sick Pay (General) (Coronavirus Amendment) (No. 3) Regulations 2020</p> <p>Statutory Sick Pay (General) (Coronavirus Amendment) (No. 4) Regulations 2020</p>	<p>Check contractual terms and any custom and practice.</p> <p>Acas guidance: SSP where self-isolation due to symptoms, living in same household as someone with symptoms, or if advised by a doctor/ NHS 111.</p> <p>Payment of full pay will ensure employees do not ignore advice and come to work, risking spreading the virus.</p> <p>Ensure employees are treated consistently.</p>
Absence from work at employer request – whether enforcing an advised quarantine or under the employer's own policies.	<p>Able to work remotely – entitled to usual pay</p> <p>Unable to work remotely but following main guidance on self-isolation (7 days with symptoms, 14 days if in the same household as someone showing symptoms, 14 days after notification from NHS test and trace system) – entitled to SSP, as not "able" to work even if the employee attempts to come to work</p> <p>If absence is at employer request in other circumstances, entitled to usual pay unless contractual right not to pay</p>	<p>S151 Social Security, Contributions and Benefits Act 1992</p> <p>Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020</p>	<p>Acas guidance: SSP where self-isolating due to symptoms, living in same household as someone with symptoms, or if advised by a doctor/ NHS 111.</p>