

Coronavirus: absences from work and entitlement to pay

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>Statutory Sick Pay (General) (Coronavirus Amendment) (No.5) Regulations 2020</p>	<p>It may be necessary to relax requirements for evidence of illness.</p> <p>Inform employee of possible entitlement to additional payment through Local Authority if in receipt of benefits.</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 (10 days with symptoms/positive test result, or 14 days if in the same household as someone showing symptoms or testing positive) – entitled to SSP until end of period or confirmation of negative COVID test</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 until end of period in their shielding notification.</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>Unable to work remotely and self-isolating for 14 days after someone in their linked or extended household has developed symptoms or received a positive test result – entitled to SSP</p> <p>Unable to work remotely and self-isolating on written medical advice for up to 14 days in advance of a hospital procedure – 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.5) 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>Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) (No.2) Regulations 2020</p> <p>Statutory Sick Pay (General) (Coronavirus Amendment) (No.6) Regulations 2020</p>	<p>Check contractual terms and any custom and practice.</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> <p>Inform employee of possible entitlement to additional payment through Local Authority if in receipt of benefits.</p>

Type of absence	Right to pay	Source	Best practice
Absence from work at employer request – whether enforcing government rules 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 (10 days with symptoms/positive test result, 14 days if in the same household (including extended or linked households) as someone showing symptoms or testing positive, 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>Statutory Sick Pay (General) (Coronavirus Amendment) (No.5) Regulations 2020</p>	<p>Inform employee of possible entitlement to additional payment through Local Authority if in receipt of benefits.</p>
Absence from work due to compulsory 14 day self-isolation after returning to the UK from abroad	<p>If sick - entitled to usual sick leave and pay entitlements (including SSP)</p> <p>No right to SSP if not unfit to work</p> <p>Able to work remotely – entitled to usual pay</p> <p>If not sick and unable to work remotely, no entitlement to pay - unless entitled under contract or policy (more likely if work-related travel)</p>	<p>S151 Social Security, Contributions and Benefits Act 1992</p>	<p>Talk to the employee and discuss the options, including whether it is possible to take extra paid holiday or unpaid leave.</p> <p>If travel was for work, employee may reasonably expect payment – so consider continuing full pay to avoid grievances.</p> <p>Ensure employees are treated consistently.</p>
Absence from work due to being trapped abroad	<p>If sick - entitled to usual sick leave and pay entitlements (including SSP)</p> <p>No right to SSP if not unfit to work</p> <p>Able to work remotely – entitled to usual pay</p> <p>If not sick and unable to work remotely, no entitlement to pay - unless entitled under contract or policy (more likely if work-related travel)</p>	<p>S151 Social Security, Contributions and Benefits Act 1992</p>	<p>Talk to the employee and discuss the options, including whether it is possible to take extra paid holiday or unpaid leave.</p> <p>If travel was for work, employee may reasonably expect payment – so consider continuing full pay to avoid grievances.</p> <p>Ensure employees are treated consistently.</p>
Absence from work due to being scared of risk of infection – vulnerable employees	<p>Vulnerable employees include those with relevant health conditions or a weakened immune system</p> <p>Able to work remotely and employer agrees – entitled to usual pay</p> <p>If not able to work remotely, those ‘shielding’ under official medical advice because public health guidance deems them ‘clinically extremely vulnerable’ are entitled to SSP until end of period specified in their latest shielding notification.</p> <p>Anyone else is not entitled to SSP.</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 (Coronavirus) (Suspension of Waiting Days and General Amendment) (No.2) Regulations 2020</p>	<p>Talk to employee to try and resolve their concerns and discuss the options - including whether it is possible to take unpaid leave or be placed on furlough.</p>

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Absence from work due to being scared of risk of infection –other employees	<p>Able to work remotely and employer agrees – entitled to usual pay</p> <p>Generally no entitlement to pay if employer requires employee to come to work and they refuse.</p> <p>Potentially entitled to full pay if employee leaves or refuses to return to the workplace due to a reasonable belief of ‘serious and imminent danger’ – employee cannot be subjected to a detriment or dismissed as a result (a section 44 claim)</p> <p>Entitled to SSP/company sick pay if serious anxiety means employee is too unwell to come to work</p>	S44 Employment Rights Act 1996	Ensure employees are treated consistently - but consider the position of vulnerable employees (see above).
Temporary workplace closure at employer request	<p>Entitled to usual pay</p> <p>Unless express contractual provisions for unpaid or reduced pay lay-off, or consent of employees to lay-off – rare in practice</p> <p>Employees can agree to be placed on furlough under government’s job retention scheme</p>	S147-154 Employment Rights Act 1996	Pay full pay or agree furlough (or make redundancies if furlough is not appropriate or employees do not agree)
Temporary workplace closure ordered by government	<p>Not entitled to SSP unless sick or following main guidance about self-isolation (10 days with symptoms, 14 days if in the same household (including extended or linked households) as someone showing symptoms or testing positive, 14 days after notification from NHS test and trace system)</p> <p>Unlikely to have contractual entitlement to sick pay</p> <p>Able to work remotely – entitled to usual pay</p> <p>Not able to work remotely - entitled to usual pay unless express contractual provisions for unpaid or reduced pay lay-off, or consent of employees to lay-off – rare in practice</p> <p>Employees can agree to be placed on furlough under government’s job retention scheme</p>	<p>Contractual terms</p> <p>Statutory Sick Pay (General) Regulations 1982 (as amended by</p> <p>Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020)</p>	Pay full pay or agree furlough (or make redundancies if furlough is not appropriate or employees do not agree)
Reduced working hours at employer request	<p>Entitled to usual pay</p> <p>Unless express contractual provisions for short-time working, or consent of employees – rare in practice</p>	S147-154 Employment Rights Act 1996	

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Absence for childcare	<p>Emergency dependent leave gives right to reasonable amount of time off work</p> <p>Covers assisting or arranging care for ill dependants (e.g. child has the virus), and with unexpected breakdown in care arrangements (e.g. child is self isolating or school is closed)</p> <p>This is unpaid - unless pay is provided in the employer's contract or policies.</p>	S 57A-57B Employment Rights Act 1996	<p>No limit to the amount of time an employee is entitled to take off. Reasonable will depend on employee's own circumstances – case by case assessment needed.</p> <p>Disruption or inconvenience to employer's business should not be taken into account.</p> <p>Ensure employees are treated consistently.</p>

For more information



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