

Round up of the latest coronavirus-related HR reforms

```
[et_pb_section fb_built="1" _builder_version="3.0.100"
background_image="http://davidk423.sg-host.com/wp-content/uploads/2017/09/bdbf_final-stages-1-4-1.jpg" custom_padding="|||"
global_module="2165" saved_tabs="all"] [et_pb_row
_builder_version="3.25" custom_padding="|||"] [et_pb_column
type="4_4" _builder_version="3.25" custom_padding="|||"
custom_padding__hover="|||"] [et_pb_text
_builder_version="3.27.4" background_layout="dark"
custom_margin="0px|||" custom_padding="0px|||"]
```

Employment Law News

```
[/et_pb_text][/et_pb_column][/et_pb_row][/et_pb_section] [et_pb
_section fb_built="1" admin_label="section"
_builder_version="3.22.3"] [et_pb_row admin_label="row"
_builder_version="3.25" background_size="initial"
background_position="top_left"
background_repeat="repeat"] [et_pb_column type="4_4"
_builder_version="3.25" custom_padding="|||"
custom_padding__hover="|||"] [et_pb_text
_builder_version="4.2.2" text_orientation="justified"
hover_enabled="0" use_border_color="off"]
```

Round up of the latest coronavirus-related HR reforms

Whilst the Coronavirus Job Retention Scheme has occupied much of the limelight in the HR world over the past few weeks, a number of other employment law changes have been introduced in response to the pandemic. Here, we take stock of the key

developments beyond the furlough scheme.

Changes to the Statutory Sick Pay (SSP) regime

There have been a number of different changes affecting SSP entitlement:

- **State-funding of SSP for certain employers:** SSP will be state-funded for coronavirus-related incapacity of individuals employed by organisations with up to 250 employees. This applies to absences going back to 13 March 2020 and covers up to 14 days of coronavirus-related absence. HMRC has published [guidance](#) for affected employers on how to reclaim the funds.
- **SSP can be claimed from Day 1 of absence:** the usual three “waiting days” to be eligible for SSP have been suspended and SSP can be received from the first day of incapacity from work due to coronavirus. This applies to absences going back to 13 March 2020.
- **SSP entitlement for those who are self-isolating (or live with someone who is):** those who are experiencing symptoms of coronavirus and self-isolating as a result (and those who live with them) are deemed incapable of work and will qualify for SSP. This applies to absences going back to 13 March 2020.
- **SSP entitlement for those who are shielding:** those who are extremely vulnerable and have been given notice to shield are also deemed incapable of work and will qualify for SSP. The relevant regulations came into force on 16 April 2020 but do not appear to backdate the protection.
- **Certification of absence:** employees can self-certify for the first 7 days of sickness absence. After that, an employee must provide a statement of fitness to work from their GP to certify their absence if asked to do so by their employer. To alleviate the pressure on GPs,

the Government has introduced a new online sick note and isolation note service via the [NHS 111 Coronavirus online](#) and telephone service.

Separately, the latest furlough guidance confirms that sick, self-isolating and shielding workers can all be furloughed. However, the rules on how this works in practice are complicated. For a full discussion of the issues, please see our [guidance note](#) on the Coronavirus Job Retention Scheme.

Changes to carrying over accrued holiday

New regulations have been introduced which relax the restrictions on the carrying over of accrued but untaken annual leave under the Working Time Regulations 1998 (WTR). Where it has not been reasonably practicable for a worker to take holiday because of the coronavirus pandemic, they will be entitled to carry it over into the next 2 leave years.

Only the 4 weeks of annual leave as provided under Regulation 13 of WTR may be carried over. The additional 1.6 weeks of annual leave under Regulation 13A of WTR may not be carried over as this leave is subject to separate carry-over rules.

New right to take emergency volunteering leave

The Coronavirus Act 2020 introduced a new right for workers to take unpaid leave from their main job to volunteer in the NHS or the social care sector. A worker must give their employer 3 working days' notice of their intention to take the leave and provide a certificate from an appropriate authority such as an NHS Commissioning Board, a local authority or the Secretary of State for Health and Social Care.

The leave must be taken in blocks of either 2, 3 or 4 weeks in a 16-week reference period, beginning on the day the legislation came into force. Micro businesses (those with 10 or fewer employees) are exempt from this leave. When a request is made, employers do not have the right to refuse it.

Employees are also protected from detriment or dismissal because they have taken, or sought to take, the leave.

Although the leave is unpaid, the legislation leaves it open for the Secretary of State to make payments to such volunteers by way of compensation for loss of earnings, travelling and subsistence.

If your business needs advice on how to navigate these or any other employment law issues arising out of the coronavirus pandemic, please contact Amanda Steadman (amandasteadman@bdbf.co.uk) or your usual BDBF contact.

[/et_pb_text][et_pb_text fb_built="1" _builder_version="3.26.6"]
[et_pb_row _builder_version="3.26.6"]
[et_pb_column type="4_4" _builder_version="3.26.6"]
[et_pb_row _builder_version="3.26.6"]
[et_pb_section]