

Coronavirus Emerging News and Changes 11 June 2020



Today's Webinar Panel

- **Lorna Young**, Principal Consultant HR
- **Darren Newman**, specialist Employment Lawyer

Supported by **Abbey-Jane Law** – Business & Corporate Services
Team Leader

Today's discussion

1. Quarantine and employees travelling abroad
2. Furlough (Our final discussion???)
3. Employment Tribunals - Reopening
4. Over to you – open questions session

Please type your questions and we will get through as many as possible during the webinar

If you don't get chance to ask your question, we can respond by email in a follow up

Quarantine and Employees Travelling Abroad

NJC Circular released on 5 June 2020

Interpretation of para 10.9 of Green Book – does not apply to holidays booked after 5 June 2020

Gives options for dealing with quarantine period:

- Homeworking – first option – if this is not available
- take additional paid annual leave (from their usual leave allowance)
- take unpaid annual leave
- take special leave (paid / unpaid)
- make up the 14 days' leave over a period of time, so they do not incur a drop in pay

Quarantine and Employees Travelling Abroad

WME developed some guidance in line with NJC circular – additional interpretation and options:

Additional annual leave from the employee's entitlement

Flexi leave/TOIL

Unpaid leave

Special leave

Option to make up some or all of the 14 days over a period of time to avoid a drop in pay

Spreading the deductions for any unpaid leave over a longer period to minimise the financial impact in any one month (similar to an annual leave purchase scheme)

Quarantine and Employees Travelling Abroad

WME regional perspective

- recommend that, as far as possible, all employees who are required to quarantine will be found some work to carry out at home.
- We feel this is different to being unable to find work during the uncertainty of an extended lockdown period.
- There is a high likelihood of employees claiming sick pay in place of unpaid leave.
- Ban on homeworking penalises employees who are honest.
- Reality of investigating abuse of sick pay arrangements and carrying out disciplinary action in the timescales is unlikely to be practical or successful and puts a burden on those involved who are better utilised delivering our key services.
- Finding some work to be carried out from home would seem to be preferable to implementing arrangements which encourage people to claim sick pay and also therefore be unable to carry out any work at all.
- Reduces any health and safety risk, again from employees who would seek to get round the system by returning to work and putting colleagues at risk when they should be self-isolating.
- No ideal solution we hope this quarantine requirement period will be short lived and, having considered all the advice and guidance available WME feel that this is the line that will provide the best outcomes for the LAs in our region.
- Risks of taking a different approach to the national guidance – DN view

Furlough

- Employee had to have been placed on furlough as of 10 June
- Applications can still be made up until 30 June
- From 1st July furloughed workers will be able to return to work part time, with employers paying for the hours / shifts which employees work – multiple contracts issue resolved therefore??
- Employers will also have to pay the NI and pension contributions for furloughed employees from that date, although the government will continue to pay 80% of the salary costs
- During September the Government will cover up to 70 per cent of wages, capped at £2,187.50 per month, but employers will have to pay 10 per cent of the wages, as well as the employer National Insurance contributions and employer pension contributions on the full 80 per cent of wages.
- During October, the Government's contribution will drop to 60 per cent of wages, capped at £1,875 per month, with employers having to pay 20 per cent of wages as well as the employer National Insurance contribution and employer pension contributions on the full 80 per cent of wages.

No change to the principle of LG employees eligible – traded service or funded through non-public sources

Employment Tribunals Reopening

Current arrangements – what is continuing

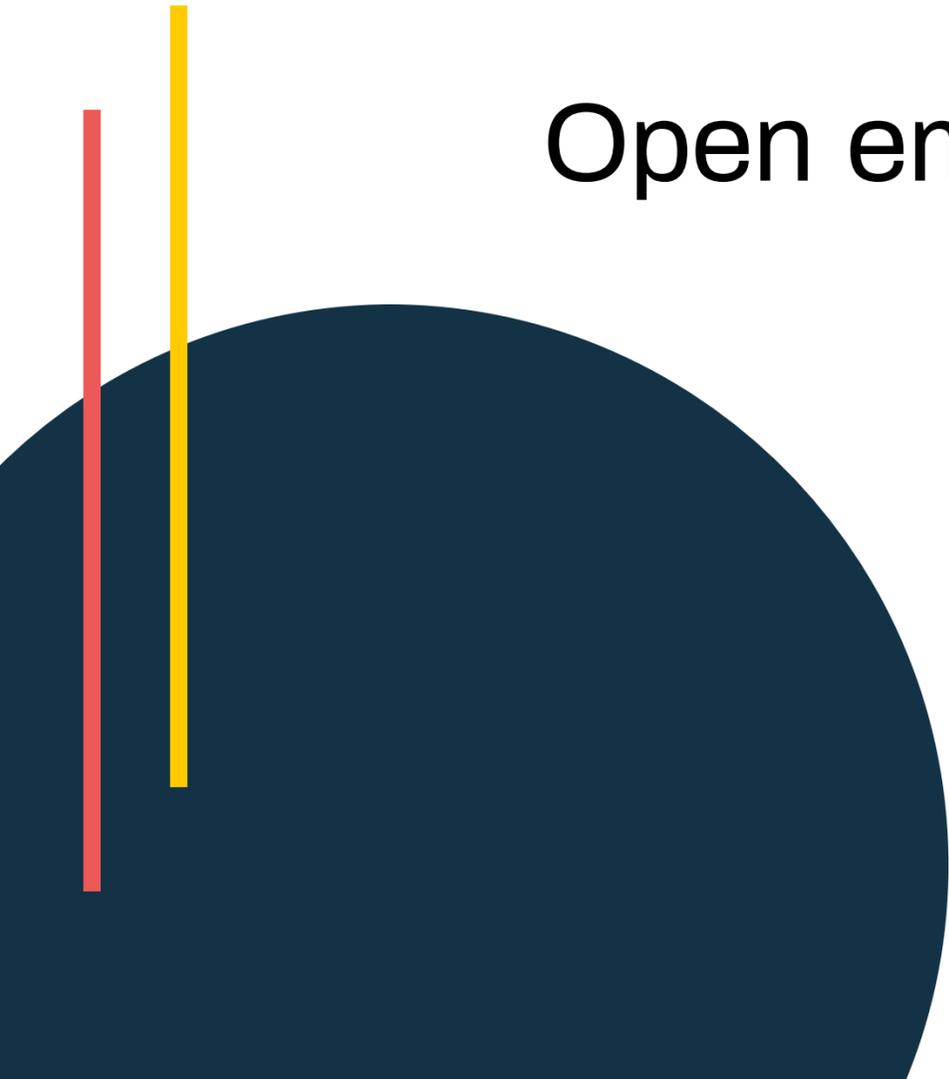
- Preliminary hearings by telephone
- Judicial mediation by telephone
- Hearings listed for on or after 29 June to proceed

Priority given to

- Preliminary hearings by telephone and the following types of claims
 - Statutory appeals against prohibition notices;
 - Application for interim relief;
 - Dismissals where an individual has lost accommodation ‘tied’ to their employment; and
 - Covid-19 pandemic-related claims alleging detriment or dismissal on health and safety or protected disclosure grounds under sections 43B(1)(d), 44, 47B, 100 and 103A of the Employment Rights Act 1996.

Employment Tribunals Roadmap

- June – focus on case management hearings, judicial mediations and hearings involving one or more of the priority jurisdictions increasing numbers taking place by video hearing (standard and open track cases ET predominately use CVP – Cloud Video Platform)
- July/August – In addition to the above some in person hearings will begin where buildings have been risk assessed and social distancing is practicable – aiming for greater numbers of standard track cases but unlikely that many open track cases will be heard unless of short duration) training for non-legal members in CVP
- September/October – ETs seeking to hear increasing number of open track cases using a mix of in person hearings (limited numbers forecast) hybrid in person and video and video hearings
- November/December – no further changes anticipated. Social distancing measures – period of consolidation and review



Open employment questions – it's over to you.....

Next Steps

WME will:

- Continue to review FAQs in line with changing guidance (including separate school guidance and FAQs)
- Run webinar as needed and weekly virtual meetings for Heads of HR
- Canvassing views and surveying on information relevant to your decision making
- Develop templates and guidance documents
- Working groups around Education, wellbeing, L&D will continue – planning for the next phases and return to new BAU

West Midlands Employers



A reminder of how to contact us:

Please call or email us for any advice or support needs:

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m.puri@wmemployers.org.uk

Or

Info@wmemployers.org.uk

Use our website: www.wmemployers.org.uk/coronavirus - realtime updated FAQs



Twitter - @wmemployers OR @rebeccadavisWME