

Coronavirus Advice Sheet

1. If a Worker contracts Coronavirus	
Employee	Entitled to sick (contractual or statutory) pay from day 1 with flexibility around receiving a fit note as per guidance.
Casual Worker	Entitled to sick (contractual or statutory) pay from day 1 with flexibility around receiving a fit note as per guidance.
Self Employed	No entitlement to sick pay, but guide them to other options such as universal credit or ESA.
2. If a worker has to go into self-isolation following medical/government advice and staff cannot work from home	
Employee	Entitled to sick (contractual or statutory) pay from day 1 with flexibility around receiving a fit note as per guidance.
Casual Worker	Entitled to sick (contractual or statutory) pay from day 1 with flexibility around receiving a fit note as per guidance.
Self Employed	No entitlement to sick pay, but guide them to other options such as universal credit or ESA.
3. If the employer closes the workplace over concerns of a workplace outbreak and staff cannot work from home	
Employee	Entitled to full pay. Employer can consider lay off. Lay off can only apply where the employees agree, or enforced if there is a contractual right or other workers agreement. It can also be used if it is a custom and practice in that particular industry. We would strongly advise taking specific advice before laying off any staff.
Casual Worker	Entitled to full pay but currently the situation is uncertain as to whether those who do not have guaranteed hours (e.g. zero hours contracts) will be entitled to receive pay as the employer may say they just do not require their services. There is currently no government guidance on this position.
Self Employed	If they cannot perform the contract off site then no entitlement to pay unless the commercial contract provides for such a situation.

4. Vulnerable Workers - consider first whether they are Equality Act 2010 disabled.

Disabled Employee/Worker	<p>If the Employer is concerned they may be at risk to themselves and others firstly consider if any other reasonable adjustments are appropriate. It may be appropriate to send them home. Employers should not put disabled employees/workers to a detriment compared to non-disabled employees, so tread carefully. If other non disabled staff are staying at work then you should pay full pay.</p> <p>If the Employee is concerned about themselves, see section 7.</p>
Non Disabled Employee	<p>If the Employer is concerned, full pay or lay off, see section 3 on employees.</p> <p>If the Employee is concerned about themselves, see section 7.</p>
Non Disabled Casual Worker	<p>If the Employer is concerned, full pay. See section 3 on casual workers.</p> <p>If the Employee is concerned, see section 7.</p>
Self Employed	<p>If they cannot perform the contract off site then no entitlement to pay unless the contract with individual/limited company provides for such a situation.</p>

5. If a worker is not sick, but an off site client tells them not to come to work and staff can't work from home

Employee	<p>Try to source alternative assignments, but if this is not available then they are entitled to full pay unless the commercial contract with the client provides otherwise. Lay off can also apply, see section 3.</p>
Casual Worker	<p>Try to source alternative assignments, but if this is not available, technically they are entitled to full pay unless the commercial contract with the client provides otherwise, but see issues on casual workers in section 3 – there may be no requirement to offer any more hours.</p>
Self Employed	<p>No entitlement to sick pay or pay. Don't necessarily need to source alternative assignment unless the contract with the individual/company requires the Employer to do so.</p>

<p>6. If an employee needs time off work to look after someone (i.e. dependents) and can't work from home. Remember to consider associative discrimination if dependents are disabled for the purposes of the Equality Act 2010.</p>	
Employee	Unpaid leave or Holidays. Consider Time of for Dependents.
Casual Worker	Unpaid leave or Holidays.
Self Employed	Unpaid leave – no entitlement to holidays as self employed.
<p>7. If employees do not want to go to work (i.e. choses to self isolate without medical advice). The current advice from the government however is to self isolate if any symptoms present so consider section 3 too.</p>	
Employee	Unpaid leave or Holidays or if they refuse to work – could be disciplinary action if not in line with government or NHS Guidance.
Worker	Unpaid leave or Holidays or if they refuse to work – could be disciplinary action if not in line with government or NHS Guidance.
Self Employed	Unpaid leave – no entitlement to holidays as self employed.
<p>8. If the off site client needs to close the workplace (The NHS will advise on if a workplace is to close) and workers cannot work from home. If a workplace is closed you need to seek further advice.</p>	
Employee	Try to source alternative assignments, but if this is not available then they are entitled to full pay unless the commercial contract with the client provides otherwise. Lay off can also apply, see section 3.
Worker	Try to source alternative assignments, but if this is not available then they are entitled to full pay unless the commercial contract with the client provides otherwise. See issues on casual workers in section 3.
Self Employed	Unpaid leave – no entitlement to holidays as self employed. Don't necessarily need to source alternative assignment unless the contract with the individual/ company requires the Employer to do so.

9. Worker recently returned from abroad.

Employee	Business decision based on risk. Do not have to force employee to stay at home but guidance seems to recommend. Same pay rights as section 3.
Worker	Business decision based on risk. Do not have to force worker to stay at home but guidance seems to recommend. Same pay rights as section 3.
Self Employed	Unpaid leave – doesn't need to return to work unless the contract with the individual/ company requires the Employer to do so.