

The Coronavirus Bill and the government's job retention proposals 23 March 2020

1. Coronavirus Bill

It was introduced on Thursday 19 March 2020 and it will apply for two years.

This emergency legislation will allow government to deal with the Coronavirus outbreak. It gives government the scope to implement measures at different times and to change, suspend or reinstate parts of the Bill during the two years. There is a lot of information in the Bill - like easing the burden on frontline NHS staff, measures to contain and slow the spread of the virus and managing the deceased and supporting people.

Here's a few important points:

1.1 Statutory sick pay

The new regulations will:

- Allow employers to recover SSP from HMRC. If eligible, employers can get a rebate for SSP payments relating to Coronavirus for a certain period.
- The 250 employee threshold is not mentioned in the Bill but the regulations will allow the possibility of the situation changing and possibly extend the rebate to larger businesses. We are waiting for more detail in the regulations around the 250-employee threshold.
- Government can increase or decrease the amount of rebate payable.
- Temporarily allow payment of SSP for employees and workers from day one instead of day four. This will apply from 13th March 2020.
- Refer to guidance issued by Public Health England, National Health Services Scotland and Public Health Wales to determine if an employee can be deemed to be incapable of work because of Coronavirus.
- Explain how to recover the funds from HMRC.

The government has also introduced a ["self-isolation note"](#) which is available through the NHS Online. It will stop the need to obtain a doctor's note.

1.2 Increase NHS resources

To support the health and social care sector, the regulations will give:

- The Nursing and Midwifery Council (NMC) and the Health and Care Professions Council (HCPC) permission to temporarily register fit, proper and suitably experienced persons with regard to this emergency. This is primarily for those who have retired from the profession or at the final stage of training and waiting to be registered. For those that have retired, there will be rules that limit the impact on their pension entitlements as a result of working.
- Employees and workers will have the opportunity to take emergency volunteer leave in blocks of 2, 3 or 4 weeks' statutory unpaid leave. There will be a UK-wide compensation fund to compensate them for loss of earnings and expenses. The volunteer must give the employer at least 3 days' written notice of his/her intention to be off work volunteering and the notice must include a certificate from the relevant authority confirming the dates on which the individual will be volunteering. There are no provisions around employers refusing the request but the legislation might address this.
- An indemnity for clinical negligence liabilities arising from NHS activities carried out in relation to the Coronavirus outbreak - this will only be if there is no indemnity policy in place.

1.3 Education and child care

As well as the closure of schools, the regulations will require educational institutions or childcare providers to stay open or relax some requirements around education legislation to help these institutions run effectively during the event of an emergency. This could include reducing teacher ratios and relaxing provisions for those with special educational needs.

The Coronavirus Bill is available [here](#).

1.4 Job retention scheme to provide UK employers with support for paying wages

Further to government's announcement on the job retention scheme and paying wages to furloughed workers, HMRC have published this:

"If your employer cannot cover staff costs due to COVID-19, they may be able to [access support to continue paying part of your wage](#), to avoid redundancies. If your employer intends to access the Coronavirus Job Retention Scheme, they will discuss with you becoming classified as a furloughed worker. This would mean that you are kept on your employer's payroll, rather than being laid off.

To qualify for this scheme, you should not undertake work for them while you are furloughed. This will allow your employer to claim a grant of up to 80% of your wage for all employment costs, up to a cap of £2,500 per month. You will remain employed while furloughed. Your employer could choose to fund the differences between this payment and your salary, but does not have to. If your salary is

reduced as a result of these changes, you may be [eligible for support through the welfare system](#), including Universal Credit. We intend for the Coronavirus Job Retention Scheme to run for at least 3 months from 1 March 2020, but will extend if necessary.”

This proposal requires more clarification in general, especially for agency workers engaged under contracts for services. There is no legal definition of ‘furloughed’ in employment law and government’s terminology refers to being employed - agency workers are engaged under contracts for services where there’s usually no obligation on the employment business to offer work and there is no obligation on the agency worker to accept assignments.

The Chancellor indicated that the scheme will cover workers on the employer’s PAYE and that it might include some workers on zero-hours contracts but we need specific confirmation that the scheme will extend to those on PAYE with worker status - not employees.

REC will make the necessary representations to government and push for clarity especially around agency workers.

<https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-guidance-for-employees>