

## Your Questions Answered

This Frequently Asked Questions sheet provides an overview of what government advice and support is available for workers during the Coronavirus (COVID-19) outbreak.

**For free and tailored advice on any of the issues discussed in this FAQ or any other aspect of employment law, please call (028) 9024 4401 and ask to speak to an employment law adviser. Alternatively, you can email [employmentadvice@lawcentreni.org](mailto:employmentadvice@lawcentreni.org), leaving your contact details.**

## Table of Contents

*Click on a question to be taken to the answer.*

What is the current government advice for people in work? .....	3
What if I start to feel ill in work? .....	3
According to my employment contract, I'm entitled to additional sick pay. Does my employer have to pay me this if I'm self-isolating? .....	4
I only work part time. Does this affect how much I'm entitled to under Statutory Sick Pay? .....	5
What if I'm not eligible for statutory sick pay? .....	5
I've received a letter advising me to 'shield'. Does my employer need to pay me? ....	6
I live with someone who is shielding, but my employer wants me to come into work. What should I do? .....	6
My employer doesn't believe I need to self-isolate. How can I prove it? .....	6
I believe I am particularly vulnerable to the virus, what does my employer need to do? .....	7
Business has been bad and I'm worried my job may be at risk, what can I do?.....	7
My employer has told me they plan to furlough me during the outbreak, what does this mean?.....	8
I've been furloughed, can I still do some work for my employer during this period?...	8
I've been furloughed. Can my employer move me out of furlough if work becomes available? Can I be moved back in to the furlough scheme once that work is done?	9
I earn part of my salary through commission, is this covered by the scheme?.....	9
I have two part time jobs - can I still benefit from the furlough scheme? .....	10
I've been furloughed. Can I start another job elsewhere? .....	10
I've been furloughed. Does this affect my benefits entitlement? .....	10
I've been furloughed but 80% of my usual salary isn't enough to live off, can I claim benefits?.....	10
I'm an agency worker or on a zero-hours contract, can I still be placed on the furlough scheme?.....	11
I was made redundant by my employer in response to the Coronavirus outbreak. Can my employer rehire me and place me on the furlough scheme instead? .....	11
I have started a new job since 19 March. Can my new employer add me to the furlough scheme?.....	12

## What is the current government advice for people in work?

The UK is currently in the ‘delay’ stage of its Coronavirus response plan. This means that extraordinary measures are being taken in order to contain the spread of the virus. For workers and employees, the principal advice is to work from home unless absolutely necessary. Businesses, except those on the NI Executive’s [‘Essential Businesses and Services List’](#) should either move their staff to work from home, if possible, or close. If your workplace hasn’t closed and working from home isn’t possible, you should take additional precautions. These include:

- Avoid busy commuting times on public transport.
- Avoid gatherings of people, whether in public, at work or at home.
- Frequently clean and disinfect objects and surfaces that are touched regularly (such as tills, computer mice, desks, tools and machinery controls).
- Do not shake hands with those you meet.
- Wash your hands thoroughly and regularly.
- Catch sneezes and coughs in tissues or sleeves.

## What if I start to feel ill in work?

If you become ill with a new, continuous cough or a high temperature, you should go home. You should stay there and ‘self-isolate’ for seven days from when your symptoms started. If you live with others (family or housemates), they must also stay at home for fourteen days from this date. For healthcare advice or guidance, please use the [NHS 111 online coronavirus service](#).

## Does my employer have to pay me while I’m ill or self-isolating?

If you have to take time off work due to Coronavirus (COVID-19) – whether because you are sick or because you have to self-isolate and aren’t able to work from home – you should check to see what financial support is available to you. If your employer has a Coronavirus (COVID-19) policy in place, it may provide information on the support they are prepared to provide. Alternatively, you should check to see if you

are entitled to contractual sick pay – this is sick pay, over and above the statutory minimum, provided as a clause in your employment contract.

Even if your employer hasn't committed to providing contractual sick pay, you may be eligible for statutory sick pay (SSP), provided you meet the requirements. These are:

- You must have a contract of employment with your employer, and
- You must earn, on average, at least £118 per week.

If you have coronavirus symptoms or are self-isolating because someone in your household has symptoms, you should tell your employer as soon as possible. The legislation now allows SSP to be paid from day one, instead of day four.

If you are eligible for SSP, your employer will be required to give you £95.85 per week during your illness or self-isolation. You can be paid SSP for up to 28 weeks.

### **According to my employment contract, I'm entitled to additional sick pay. Does my employer have to pay me this if I'm self-isolating?**

If you are self-isolating because someone in your household has coronavirus symptoms, your employer is only legally obliged to pay you SSP. They can choose to pay you your contractual sick pay as well during this period, but they are not required to do so.

If you develop symptoms of coronavirus, then you may be entitled to SSP and any additional sick pay as per your contract.

If you are self-isolating because you have been told by the government to shield, you will also be entitled to SSP.

## I only work part time. Does this affect how much I'm entitled to under statutory sick pay?

No. If you qualify for SSP, your employer must pay you £95.85 per week.

## What if I'm not eligible for statutory sick pay?

You may not be eligible for SSP if you do not meet the earning requirements, or for a variety of other reasons. If this is the case, you should consider applying for universal credit (UC) and for employment and support allowance (ESA). Please note that benefits are very complex. We would strongly encourage you to seek advice before applying for any of these benefits, particularly if you are already claiming other benefits. You can access free, specialist advice on benefits from Law Centre NI by calling **(028) 9024 4401** and speaking to one of our social security advisers.

Universal Credit is a payment to help you with your living costs. It is paid monthly, but you will have to wait five weeks after you submit your application before you will start receiving payments. You can apply for a grant from Northern Ireland's UC contingency fund to help you through this period. There is also the possibility of seeking an advance of your UC payment – however, unlike the contingency fund, this advance must be repaid.

How much you receive under UC will depend on your circumstances and those of your partner, if applicable. You may be able to get more money if you meet other criteria, for instance if you have children, or if you have a disability. You will not be eligible for UC if you or your partner has over £16,000 in savings.

'New Style' ESA is a benefit which gives you help with living costs if you are unable to work. You can access it if you:

- Are under the state pension age – [you can check if this applies to you here](#).
- Have paid enough national Insurance contributions (NICs) in the last two to three years.

While your claim is being assessed, you will receive an ‘assessment rate’ of ESA. This will be up to £73.10 per week if you are older than 25, or up to £57.90 per week if you are under 25. After this, you are likely to receive up to £111.65 per week.

You can [apply for UC here](#). To apply for ESA, you should contact the Northern Ireland employment and support allowance centre on 0800 085 6318. More information on making an ESA claim [can be found here](#).

## **I’ve received a letter advising me to ‘shield’. Does my employer need to pay me?**

No, if this happens your employer does not have to pay you. You can either request unpaid leave or ask to be selected for furlough. For more information on the government’s furlough scheme, [please see below](#). The government has now also provided guidance that those who are ‘shielding’ can claim SSP.

## **I live with someone who is shielding, but my employer wants me to come into work. What should I do?**

Unfortunately, there is no specific guidance in place for those who live with someone who is shielding. In this situation, we would advise you to talk to your employer and try to come to a solution that is acceptable to both of you. You could, for instance, ask for time off unpaid – either as simple unpaid leave, or as dependents’ leave. You could also ask to be considered for furlough. For more information on the government’s furlough scheme, [please see below](#).

## **My employer doesn’t believe I need to self-isolate. How can I prove it?**

If you need to provide evidence to your employer, you can get an isolation notice from the [NHS 111 online coronavirus service](#).

## **I believe I am particularly vulnerable to the virus, what does my employer need to do?**

The Government has issued guidance that strongly advises people who are at a higher risk of catching Coronavirus (COVID-19) to take strict social distancing measures. This includes, but is not limited to, those who:

- Have a long-term health condition, for example asthma, diabetes or heart disease, or a weakened or suppressed immune system.
- Are pregnant.
- Are aged 70 or over.
- Care for someone with a health condition that might put them at a greater risk.

Employers must be especially careful and take extra steps for anyone in their workforce who is vulnerable to the virus. If your work can be done from home, this should be permitted. It would be best to write to or talk with your employer about this. Alternatively, your employer should take steps to make the workplace as safe as possible. These could include adding extra parking spaces so employees don't have to use public transport, or instituting flexible working so employees don't have to commute at the busiest times.

If you still don't want to go in to work, you might be able to arrange with your employer to take the time off as holiday or unpaid leave. Your employer does not have to agree to this and if you don't come into work without your employer's consent this could lead to disciplinary procedures being started against you.

## **Business has been bad and I'm worried my job may be at risk, what can I do?**

The UK government and NI Executive have announced measures to support businesses, including rates and taxation relief, a loan scheme and a grant scheme to fund salary costs. You should make sure your employer is aware of the support available. Information on the range of support available to businesses in Northern Ireland [can be found here](#).

## **My employer has told me they plan to furlough me during the outbreak, what does this mean?**

Furloughed workers are workers who have had their employment suspended for a specified period. It is not the same as being laid off or made redundant – you will be kept on your employer’s payroll and retain employment benefits, with the intention that you will resume paid employment at the end of the period.

While you are furloughed, your employer will be able to pay you up to 80% of your usual wage (up to a cap of £2,500 per month) using a grant from the UK government. Your employer can ‘top this up’ to your usual salary level if they wish, but they are not obliged to do so.

This funding comes from the UK government’s [coronavirus job retention scheme](#). The scheme is due to run for at least four months from 01 March 2020, but will be extended if necessary.

To be eligible for the grant, employers must confirm in writing (via letter or email) to you that you have been furloughed. Your employer cannot furlough you without your consent but you do need to provide a written response. The written notice from your employer should include an agreement that you should not work for your employer while furloughed. A record of this notice must be kept for five years. Best practice would suggest the employer and employee sign a written ‘furlough agreement’.

## **I’ve been furloughed, can I still do some work for my employer during this period?**

No. Working for your employer while furloughed can jeopardise your eligibility for the scheme. However, you may be able to obtain a new job while furloughed if your contract permits this.

You can take part in volunteer work, so long as it does not provide services to, or make money for, your employer. Your employer can help find you new work or volunteering opportunities while you are furloughed, if the current public health guidance allows.

You can still undertake training, so long as doing so does not provide services to or make money for your employer. If your employer asks you to undertake training, you must be paid at least the appropriate minimum wage for this time. In most cases, your furlough payments will cover this – but if they don't, your employer must pay any additional wages you're entitled to.

## **I've been furloughed. Can my employer move me out of furlough if work becomes available? Can I be moved back into the furlough scheme once that work is done?**

Yes, so long as certain conditions are met.

Employees must be on furlough for at least three weeks to qualify for the scheme. So, if your employer found work was available after you had been on the furlough scheme for three weeks, they could bring you off the scheme and back to work. If they brought you back before you had been on furlough for three weeks, you would not qualify for payment under the scheme.

There is also nothing to stop employers rotating staff on and off furlough, so long as they obey the time limit. This could apply, for example, if two of you normally do one job but your employer only needs one person to do it during the outbreak. In this scenario you and your colleague could alternate, taking three weeks on furlough, followed by three weeks working, and so on.

## **I earn part of my salary through commission, is this covered by the scheme?**

If you are guaranteed a certain level of commission payments in your contract, your employer can claim for this to be covered by the scheme. However, most other commission or discretionary bonus payments are not covered. So, for instance, if you are a salesperson who takes a percentage of any sales you make this won't be covered by the scheme. Similarly, if you tend to make some money in tips, this won't be covered by the scheme, unless a specific amount is specified in your employment contract.

## **I have two part time jobs, can I still benefit from the furlough scheme?**

Yes, so long as you are paid via PAYE. Each employer you work for will have to independently designate you as a furloughed worker and apply to add you to the scheme. In addition, you can be furloughed from one job and not the other.

## **I've been furloughed. Can I start another job elsewhere?**

If your employment contract with the organisation that furloughed you permits this, you can start another job elsewhere.

## **I've been furloughed. Does this affect my benefits entitlement?**

Depending on your circumstances it may do.

**For free, impartial advice on all aspects of the welfare system, please call our advice line on 028 9024 4401 and ask to speak to a social security adviser.**

## **I've been furloughed, but 80% of my usual salary isn't enough to live off, can I claim benefits?**

Yes, depending on your circumstances you may be able to claim benefits. We would strongly recommend seeking specialist advice before making a benefits claim.

**Law Centre NI offers free, impartial advice on benefits claims – to arrange a call-back, please call 028 9024 4401 and ask to speak to a social security adviser.**

## **I'm an agency worker or on a zero-hours contract, can I still be placed on the furlough scheme?**

Yes. So long as you were on your employer's PAYE payroll on or before 19 March 2020 and your employer submitted the real time information notification to HMRC by this date, the scheme covers employees on any type of contract, including:

- Full-time employees.
- Part-time employees.
- Employees on agency contracts.
- Employees on flexible or zero-hour contracts.

## **I was made redundant by my employer in response to the Coronavirus outbreak. Can my employer rehire me and place me on the furlough scheme instead?**

Yes, subject to some conditions.

If you were made redundant or stopped working for your employer between 28 February 2020 and 19 March 2020, your employer can agree to re-employ you and place you on furlough. To be eligible, your employer must have paid you via PAYE and made a Real Time Information (RTI) submission on or before 28 February 2020.

If you were made redundant or stopped working for your employer after 19 March 2020, your employer can agree to re-employ you and place you on furlough. To be eligible, your employer must have paid you via PAYE and made a Real Time Information (RTI) submission on or before 19 March 2020.

## **I was on a fixed-term contract which has ended and I'm now unemployed. Can my previous employer place me on furlough?**

Yes, subject to some conditions.

If you were on a fixed-term contract, your former employer can re-employ, furlough and claim for you if your contract expired after either:

- 28 February 2020 and an RTI (Real Time Information) payment submission for you was notified to HMRC on or before 28 February 2020
- 19 March 2020 and an RTI payment submission for you was notified to HMRC on or before 19 March 2020

If your fixed term contract has not already expired, your employer can extend or renew it. Your employer can claim for you if an RTI payment submission for you was notified to HMRC on or before 19 March 2020.

If you started and ended the same contract between 28 February 2020 and 19 March 2020 you will not qualify for this scheme. This is not specific to employees on fixed-term contracts, the same would apply to employees on all other contracts.

## **I have started a new job since 19 March. Can my new employer add me to the furlough scheme?**

No, to qualify for the scheme you must have been on your new employer's PAYE payroll on or before 19 March 2020 and your employer must have submitted the real time information notification to HMRC by this date. If you find yourself unable to avail of the furlough scheme under your new employment, you can ask your old employer to rehire you and place you on furlough. Please note this will be at the discretion of your employer.

## Disclaimer

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