

Lay Employment - Coronavirus Questions and Answers

Q. What is 'furloughing'?

A. On 20 March 2020 the government announced the launch of the Coronavirus Job Retention Scheme (also known as furlough).

The scheme will enable employers to keep their employees on during this difficult time and without having to make them redundant if they are unable to provide work. The government has not yet passed the laws needed to implement the scheme or issued any detailed guidance. At the present time they have said that under the Scheme all employers, regardless of size or sector, can claim a grant from HMRC to cover 80% of the wages of employees who are not working but kept on the payroll, up to £2,500 a calendar month for each employee. The scheme will apply in respect of all employees on PAYE, including those on zero-hours contracts.

There is no "layoff" clause in the Methodist standard contract therefore furloughing is a very positive move which will help enormously.

The dates for the furloughing scheme have been extended to 30 June 2020. No decision has yet been taken regarding what will happen beyond 30 June

Q. Is there a template available to put an employee on 'furlough'?

A. Yes, this has been made available through the District Office and the Lay Employment Advisor

Q. Must an employee agree to being furloughed?

A. Yes, as this is a change to an employee's contract, they must give written acceptance of the change

Q. What happens around Pensions and Employers National Insurance during furlough?

A. All employers remain liable for associated Employer National Insurance contributions and employer pension contributions on behalf of their furloughed employees.

Q: What happens around annual leave during furlough?

A: The employee contract remains in place during furlough so annual leave would continue to accrue

Q: Can an employee work fewer hours than their contract and still be put on furlough (i.e. reduce their hours from 20 to 10 per week)?

A: No, furloughing is an 'all or nothing' arrangement.

Q: Can people be redirected to other tasks during this time?

A: The Job Description should be the first point of reference. What does it specify under other responsibilities? If a new role isn't specified, then you need agreement from the employee to any role changes.

Q: Can cleaners undertake deep cleans?

A: TMCP have issued recent guidance on this area and this is attached in the link below

<https://www.methodist.org.uk/for-churches/property/coronavirus-guidance-for-property/>

Q: What about Contract Cleaning Companies

A: It is important to discuss ongoing arrangements with the provider of these services

Q: Should there be a Workplace Assessment carried out if an employee is working from home?

A: Clearly there are limitations to carrying out a workplace assessment at the moment. The Health and Safety Executive have published some useful guidelines in this area. Please see attached link for further information

<https://www.hse.gov.uk/risk/office.htm>

Q. We have a playgroup with 10 employees, they are looking to put a rota in place so that 2 individuals come in for a two-week period and then the next 2 employees come in – how does this operate with regard to furloughing?

A. Furloughing an employee must be done for a minimum of 3 weeks

Q: If an offer of employment has been made but a start date has not been agreed, what are our options?

A: If a verbal or written offer has been made then there is a legally enforceable contract in place. The best option is to go back to the successful candidate and say that the start date is 'on hold' but that you will remain in communication with them and agree a mutually convenient start date in due course

Q: The employee is currently off sick, can we furlough?

A: If your employee is on sick leave or self-isolating as a result of Coronavirus, they'll be able to get Statutory Sick Pay, subject to other eligibility conditions applying. The Coronavirus Job Retention Scheme is not intended for short-term absences from work due to sickness, and there is a 3 week minimum furlough period.

Short term illness/ self-isolation should not be a consideration in deciding whether to furlough an employee. If, however, employers want to furlough employees for business reasons and they are currently off sick, they are eligible to do so, as with other employees. In these cases, the employee should no longer receive sick pay and would be classified as a furloughed employee.

Employers are also entitled to furlough employees who are being shielded or off on long-term sick leave. It is up to employers to decide whether to furlough these employees. You can claim back from both the Coronavirus Job Retention Scheme and the SSP rebate scheme for the same employee but not for the same period of time. When an employee is on furlough, you can only reclaim expenditure through the Coronavirus Job Retention Scheme, and not the SSP rebate scheme. If a non-furloughed employee becomes ill, needs to self-isolate or be shielded, then you might qualify for the SSP rebate scheme, enabling you to claim up to two weeks of SSP per employee

Q: Is it necessary to commit to furlough payments for the whole 3 months?

A: No, if the workplace situation changes then you can bring someone off furlough and revert to their usual contractual working arrangements

Q. Is there a minimum period that someone can be furloughed for?

A. Yes, there is a three-week minimum period that applies to furloughing

Q: Can I furlough from April once existing work commitments been completed?

A: Yes, the furlough scheme currently runs from 1 March – 30 June 2020

Q: If the employee agrees to furlough is it up to the employer to ask them back?

A: The employer should keep in regular contact with the employee and as the situation changes make an appropriate decision at that time

Q. We have working parties to carry out church gardening and maintenance – can they continue to carry out this work

A. This would not be possible under Government guidelines around social distancing

Please email employment@2bpeople.com or contact Rob on 07947 533598 if you do have any questions.