



# Coronavirus & Your Rights

18 Mar 2020

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**Updated: 22/05/20**

What you can expect from your employer, the Government and others

We have published advice on the various schemes that have been set up by the Government to support businesses and workers alike during the Covid-19 outbreak. [You can see this advice here.](#)

The economic assistance measure introduced means that there is no excuse for making employees redundant, laying people off or putting them onto short time working.

GMB members will face other issues at work and the guidance below is there to help answer some of the questions you may have.

This guide covers the following:

1. Your legal rights at work
2. Your rights under your employment contract – including extra provisions negotiated by GMB
3. Special circumstances – childcare, dependents and self-isolation
4. Your rights to benefits and other aid from the Government
5. Support you can expect from your landlord, mortgage provider, bank, credit card provider, etc

GMB appreciates that it will be costly for employers to do the right thing as detailed below.

That is why one of our key demands of Government is that they introduce a contingency fund to support employers so they can treat all workers properly and at the same time continue to operate.

**Click on the titles below to expand the section**

***For our full members' advice on coronavirus - what it is and what you should know - [click here](#)***

## 1. Your Rights Under Your Contract of Employment

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The vast majority of GMB members are employees, which means that you will have a contract of employment that sets out the terms under which you are employed – this is your contract of employment. [For self-employed, see separate advice ]

Some GMB members are classified as workers (often those working for an Agency) and have fewer employment rights in those circumstances you will have a contractual arrangement between you and the Agency. But it is possible you are directly employed by the Agency.

In both cases, your contract will probably set out the arrangements in place to cover such issues as:

- Absence due to sickness
- Holidays
- Other absences such as time off to look after a dependent in an emergency

A small number of GMB members are self-employed – if this is you, you should speak to your GMB rep or Officer if you need advice related to coronavirus or any other workplace issue.

You should ensure that you know the terms of your employment contract as in many cases your contract of employment could be better (often significantly so) than your legal rights.

You have the right to a written statement of the main terms of your contract (from 6th April 2020 you have a right from your first day of starting work and this applies to employees and workers).

If you don't know what the terms of your contract are ask your manager or HR for detail. If they are not helpful – contact your GMB workplace rep.

Since the Coronavirus outbreak your union GMB has raised with employers across all sectors how they intend and are responding to the coronavirus outbreak and we have been able to secure improvements on pay for many of our members above and beyond what might be said to be the strict contractual entitlement.



Due to the pace of the outbreak not all employers have confirmed arrangements with us yet but please be assured GMB are speaking to all employers and you will soon be able to check the list of improved arrangements on the GMB website to see if you're covered – we're working on this so please bear with us.

Many employers have agreed, for example, to grant full pay for staff who need to take time off to look after family members who have contracted the virus. It's therefore very important that you check this list once it is available and where improvements have been made GMB needs to ensure the terms are applied to you.

### 3. Your Legal Rights at Work

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**IMPORTANT** – check your employment contract first – your contractual rights in almost all situations will be better than the legal minimums explained below (at the very least, your contractual rights cannot be less than the legal minimum).

For example, many employers pay their staff full pay for varying amounts of time whilst they are off sick – this will always be worth more than Statutory Sick Pay referred to below.

#### Safe Working

Your employer has a duty of care to protect you and your fellow workers in your work activity.

This means all employers should take all reasonable steps to assess the risk to their workforce from COVID-19, and take measures to reduce the risk to the lowest level that they can. In practice this would include:

- Identifying workers at highest risk – [the categories identified by the UK Government can be found here.](#)
- Higher risk workers will need to be prioritised for action and may need specific personal risk assessments
- Allowing working from home and remote working wherever possible
- Providing facilities and time for regular hand washing – including hand sanitiser where needed
- Ensuring that workplaces are kept clean and surfaces are regularly disinfected.
- Providing Personal Protective Equipment (PPE) where a high risk of exposure to a person with COVID-19 is identified.

- [See our guide dedicated to PPE here.](#)

Employers must consult with GMB Safety Reps on their plans to manage COVID-19 risk, and must provide information to workers on protective measures. Risk assessments must be updated whenever the situation changes (numbers of self-isolating workers increase; cases are confirmed etc).

## **Workplace Closures**

Unless there is a clause in your contract of employment allowing for lay offs (see below) and if you are classed as an employee - if you are sent home or are unable to work due to a workplace closure, you should continue to be paid as if you are in work.

[See our separate advice about “furloughed” employees.](#)

## **Sick Pay**

If you earn on average more than £118 a week you are entitled to Statutory Sick Pay of £94.25 a week starting from the fourth day of your illness. The rules around SSP have been temporarily changed so that payments start from day 1 for coronavirus related absences, including self-isolation.

If you don't earn more than £118 a week, see here for information about applying for Universal Credit (the rules have been changed because of coronavirus).

## **Time Off for Dependents**

Employees are entitled to reasonable unpaid time off work to deal with an emergency related to a dependent. This is an entitlement and you should not be disciplined or sanctioned for enforcing your right. “Reasonable” normally means sufficient time to put care arrangements in place and often means no more than a few days. It may, of course, be more difficult to make alternative arrangements during the coronavirus outbreak.

GMB believes that this time off should be paid and for long enough to be of use to the employee concerned. Talk to your local GMB rep or GMB Officer if you find yourself needing to take time off to look after a dependent and are having difficulties getting your employer to agree and/or for it to be paid.

## **Holidays**

Workers and employees have the right to a minimum 28 days paid holidays a year including public holidays. This is for a full-time worker – it is pro-rata for part-timers (it works out at 5.6 weeks).

Your employer can “defer” your holiday so long as they give you as much notice as the holiday period itself (i.e. if you have a week of holiday booked, your employer has to give you a week's notice). GMB expects employers to be reasonable in their use of this facility and you should speak to your rep or GMB Officer if you encounter difficulties.

If you are unwell whilst you are on holiday or about to go on holiday you can notify your employer that you are unwell in the usual manner and your holiday entitlement should be



reinstated. Note, however, that if you have an absence monitoring system linked to disciplinary action that the time off ill will be counted against you.

If your contract of employments says so, your employer can designate when your holiday has to be taken (e.g. a factory “fortnight”) but most contracts of employment allow for an employee or worker to choose when they take their holiday. Your employer cannot just change your normal right to choose when you take your holiday.

You should resist any employer’s attempt to get you take time off as holiday to self isolate. Likewise, if you have to look after a dependent (either because they are ill or because their usual arrangements have fallen away – e.g. school closure), in the first instance GMB expects employers to allow paid time off or to implement arrangements to work from home.

## **Lay Offs**

You can only be laid off (i.e. not allowed to work) on reduced or no pay if your contract allows for this to happen. When the contract does allow for lay-offs (which is quite rare) the terms of the contract must be followed – this usually covers notice of lay-off, duration, pay arrangements, etc.

GMB expects in every situation where a “lay off” is being considered by an employer that the Union, our reps and members are involved in meaningful negotiations as to how the lay offs will be managed.

If the proposed lay-off is for more than 4 weeks then you may be entitled to a redundancy payment.

## **Redundancy**

The emergency arrangements to furlough employees means that employers should consider this as a better option than making people redundant. Important – furloughing (being sent home with no work but with pay – the Government pays 80% - has to be agreed and cannot be imposed. That said, the employer may threaten to sack or make redundant if an employee chooses not to be furloughed).

If your employer is considering making more than 20 people redundant then they need to consult with the workforce via their chosen representatives at least 30 days before any redundancies are planned (this rises to 45 days if 100 people or more are involved). Individuals must also be consulted and a fair selection criteria.

If you’ve been at your work for more than 2 years, you’re entitled to a minimum of 2 weeks notice period of redundancy and 1 week’s full pay for every year worked (up to a maximum of 12 weeks).

Contact your rep or GMB Officer the moment there is any suggestion of redundancy at your workplace.

## **2. Special Arrangements**

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GMB expects employers to do the right thing and look after people. Many will be covered by their existing contract of employment (see above) but these are unprecedented times and



GMB believes that the arrangements below should be introduced by all employers.

If you are affected by any of the issues below, you should use ask your manager or HR to implement the following as the best way to protect everyone from the virus. Where you are unable to contact your line Manager please contact your local GMB rep.

Self-isolation – if you are required to self-isolate (for whatever reason) GMB believes that you should receive full pay from day 1 and your absence should not be treated as sickness absence for reporting purposes.

School closures – if you are unable to attend work due to childcare responsibilities following a coronavirus related school closure, GMB believes that you should continue to be paid as if you are at work. It may be possible in certain situations for your employer to support you in being able to work from home during such times.

Looking after dependents – GMB believes that you should receive full pay during any absence needed to look after an ill dependent or a dependent whose normal caring arrangements have been affected by the virus.

## 4. Your rights to benefits and other financial support from the Government

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### Job Retention Scheme

\*On Friday 20 March the Chancellor set out a package of targeted measures to support public services, people and businesses through this period of disruption caused by COVID-19 including, a Coronavirus Job Retention Scheme. Under the scheme, all UK employers will be able to access support to continue paying part of their employees' salary for those employees that would otherwise have been laid off during this crisis. HMRC will reimburse 80% of furloughed workers wage costs, up to a cap of £2,500 per month\*

### Statutory Sick Pay from Day 1 for Coronavirus (subject to change this week)

**The GMB Union successfully pressured the Government to bring statutory sick pay forward to day 1 for all UK employees. There are strict rules in place to be eligible for the new statutory sick pay entitlements. Please read the guidance below and also check with your employer about their own processes before assuming your circumstances make you eligible.**

*People who cannot work due to coronavirus and are eligible for Statutory Sick Pay will get it from day one, rather than from the fourth day of their illness – we intend to legislate so this measure applies retrospectively from 13 March 2020*

*Statutory Sick Pay will be payable to people who are staying at home on government advice, not just those who are infected, from 13 March 2020 after regulations were laid on 12 March 2020 – employers are urged to use their discretion about what evidence, if any, they ask for*

*if employees need to provide evidence to their employer that they need to stay at home due to coronavirus, they will be able to get it from the NHS 111 Online instead of having to get a fit note from their doctor – this is currently under development and will be made available soon*



## Occupational Sick Pay

If you're usually entitled to occupational sick pay as part of your employment you should get paid the same as usual for any time off due to Covid19. Each employer can choose their own occupational sick pay policy and they should have a process and guidance in place for any employee affected by Covid19. Please check your employment contract or employee handbook for details, ask your line manager or GMB rep for more information. It's important that you read the new process guidance carefully. It will explain exactly what you are entitled to and in what circumstance. Do not assume you will get occupational sick pay without confirming it with your line manager as each employer will be different.

## Universal Credit and ESA for Self-Employed

Self-employed people are not entitled to statutory sick pay. The Government has removed the earning limit criteria for self-employed people who have to self-isolate because of Covid19. Regardless of your usual earnings if you are in financial difficulty because of Covid19 and don't have more than £16k in savings between you and your partner you can put in a claim.

- for the duration of the outbreak, the requirements of the Universal Credit Minimum Income Floor will be temporarily relaxed for those who have COVID-19 or are self-isolating according to government advice, ensuring self-employed claimants will receive support
- people will be able to claim Universal Credit and access advance payments upfront without the current requirement to attend a jobcentre if they are advised to self-isolate
- contributory Employment and Support Allowance will be payable, at a rate of £73.10 a week if you are over 25, for eligible people affected by COVID-19 or self-isolating in line with advice from Day 1 of sickness, rather than Day 8.

## Universal Credit for people who haven't claimed before

If you find yourself unemployed or unable to work due to Covid19 you can make a claim for Universal Credit apply online. You are not eligible for Universal Credit if you are currently employed and on statutory sick pay or if you or your partner have £16k in savings. Your partners income will be taken into account to check your eligibility for Universal Credit. Apply for Universal Credit here: <https://www.gov.uk/apply-universal-credit>

- those affected by coronavirus will be able to apply for Universal Credit and can receive up to a month's advance up front without physically attending a jobcentre



- the 7 waiting days for ESA for new claimants will not apply if they are suffering from coronavirus or are required to stay at home – so it will be payable from day one

## Existing Universal Credit Claimants

If you or someone close to you is already claiming benefits please see Government guidance below:

- You might be able to get a loan as part of your Universal Credit if you need to cover a specific expense - this is called a 'budgeting advance'. If you get a budgeting advance, you'll get reduced Universal Credit payments until you've paid off the amount you borrow. This will normally be over 12 months.

- disabled and sick claimants who cannot attend a reassessment for Personal Independence Payment (PIP), Employment and Support Allowance (ESA) or Universal Credit will continue to receive their payments while their assessment is rearranged

- people who need to claim ESA or Universal Credit because of coronavirus will not be required to produce a fit note.
- when claimants tell us in good time that they are staying at home or that they have been diagnosed with coronavirus, they will not be sanctioned – we will review their conditionality requirements in their claimant commitment, to ensure they are reasonable
- claimants who are staying at home as a result of coronavirus will have their mandatory work search and work availability requirements removed to account for a period of sickness
- self-employed claimants on Universal Credit who are required to stay at home or are ill as a result of coronavirus will not have a Minimum Income Floor (an assumed level of income) applied for a period of time while affected

## Proof of Illness

If your employer requires a 'sick note' or a 'fit note' from the GP as part of your eligibility criteria for occupational or statutory sick pay you will soon be able to get it online. The Government is building a website so you can obtain a sick note digitally without having to go to the GP or calling NHS 111. This is going to be available soon – try searching online and if it's not available call NHS 111.





## Hardship payments from your local Council or employer

Some employers have set up hardship funds for their employees who are affected financially by Covid19. It's worth asking your GMB rep or line manager if they have any more information from HR as the situation is changing daily. The Government just announced a pot of money for 'financially vulnerable households' to be administered by Local Councils. This could mean you could get council tax relief. Contact your council here: <https://www.gov.uk/find-local-council>

## 5. Support you can expect from your landlord, mortgage provider, bank, credit card provider, etc?

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### Mortgage

If you are unable to pay the mortgage or rent due to financial hardship as a result of Covid19 call your mortgage provider immediately as the Government and Banks have pledged to allow a '3-month mortgage holiday' for those affected by Covid19. This is a pause in your payments. You will be tested for eligibility and you will still accrue interest on your mortgage. Your credit score will not be affected.

### Council Rent

If you are unable to pay the rent due to financial hardship as a result of Covid19 call your Local Authority Housing department and ask if there is any flexibility in payments. There is currently no legislation to enforce this flexibility and the decision will be down to individual Local Authorities. You should ask for any flexibility confirmation in writing. Defaulting on rent repayments can damage your credit rating so it is important to manage this carefully.

### Private Rent

If you are unable to pay the rent due to financial hardship as a result of Covid19 call your landlord and ask if there is any flexibility in payments. There is currently no legislation to enforce this flexibility and the decision will be down to individual landlords. You should ask for any flexibility confirmation in writing. Defaulting on rent repayments can damage your credit rating so it is important to manage this carefully.

### Debt

If you are unable to pay your debt repayments due to financial hardship as a result of Covid19 call the debt management company and ask if there is any flexibility in payments. You should ask for any flexibility confirmation in writing. Defaulting on debt repayments can damage your credit rating so it is important to manage this carefully.



## **Direct Debits**

If you are unable to pay your direct debits due to financial hardship as a result of Covid19 call the company your direct debit is arranged with and ask if there is any flexibility in payments. You should also call your bank and explain that you're worried about being fined if direct debits bounce and you enter an unarranged overdraft. There is currently no legislation to enforce this flexibility and the decision will be down to individual companies and banks. You should ask for any flexibility confirmation in writing.

## **Food and Essentials**

If you are running short of something and you're worried about it contact your local area councillor – they will be best placed to know about voluntary schemes running in your neighbourhood who could support your needs. <https://www.gov.uk/find-your-local-councillors>

## **Medicines and free prescription deliveries**

Some people are eligible for free prescriptions: <https://www.nhs.uk/using-the-nhs/help-with-health-costs/get-help-with-prescription-costs/>

Some local pharmacy offer free prescription delivery services to both NHS and Paid for medicines. Call your local pharmacy or check online to arrange is direct with them. You can arrange for your prescription to be dropped with you, your neighbour or carer.

## **Mental Health Support**

If you need emotional support through this difficult time The Samaritans are available 24hrs/365days a year. Call: 116 123 <https://www.samaritans.org/>

## **Support for an older person who has to self-isolate**

If you're worried about anyone you know who might get lonely during long periods of self-isolation the charity Independent Age is able to arrange regular phone calls for them through their 'friendship network'. Call: 0800 319 6789 <https://www.independentage.org/>

## **Violence at Home**

If you're worried about someone you know who isn't safe because they have to self-isolate with someone they live with, you or they, should call the Police on 999.

<https://www.met.police.uk/advice/advice-and-information/daa/domestic-abuse/support-helplines/>

If you're worried about confidentiality or are not ready to call the police, call helplines below for advice and support.

24hrs - National Domestic Abuse Helpline - Women and Children: 0800 2000 247

<https://www.nationaldahelpline.org.uk/>



Domestic Abuse helpline - Men's advice line: 0808 801 0327 <https://mensadvice.org.uk/>

Domestic Abuse Helpline - LGBT+ advice line: 0800 999 5428  
<http://www.galop.org.uk/domesticabuse/>

