



COVID-19

lay-offs and short-time working

When the situation changes

Your employer might be able to ask you to stay at home or take unpaid leave if there's not enough work for you during the coronavirus outbreak.

What does this mean?

A lay-off is if you're off work for at least 1 working day. Short-time working is when your hours are cut. This deals with the employer which maintains its operation on a reduced scale instead of shutting it down temporarily. A typical example is operating a three-day or four-day week. There's no limit for how long you can be laid off or put on short-time working.

Will I be paid?

Check your contract to see if there is a provision in it allowing your employer to do this – and, if so, if it is with or without pay. If you are laid off, you may be entitled to your normal pay however this depends on your contract of employment.

If your contract of employment does not allow your employer to lay you off without pay, then your employer will be in breach of contract if they do this without your agreement.

If your contract clearly allows unpaid or reduced pay lay-offs, or unless you or your union rep negotiates a temporary change to your pay to respond to a short-term situation such as the outbreak, then you may be paid something less.

Even if the contract allows your employer to lay employees off without pay, any employee with at least a month's service must be paid at least statutory guarantee pay.

Statutory guarantee pay is based on your normal pay, but there is an upper cap of £29 per day and there is a maximum of five days' pay in any three-month period.

For part-time employees, the right is pro-rated (i.e. reduced in proportion to your part-time hours).

Not paying guarantee pay counts as an unlawful deduction from your wages - you could make a claim to an employment tribunal. Please contact Community's service centre for further information and advice on this as you must follow tightly defined limits for you claim (3 months).

How do I know if I'm eligible for statutory lay-off pay?

You must:

- Be an employee and been employed continuously for 1 month (includes part time workers)
- Reasonably make sure you're available for work
- Not refuse any reasonable alternative work (including work not in your contract)
- Not have been laid off because of industrial action

How long can I be on such a working arrangement?

You could apply for redundancy and claim redundancy pay if you have been laid off or put on short time working for:

- 4 weeks in a row
- 6 weeks in a 13 week period

How can I apply for redundancy?

To apply for redundancy, follow these steps:

- Write to your employer to claim redundancy within 4 weeks of the last day of the lay-off or short-time period.
- Your employer has 7 days to accept your claim or give you a written counter-notice.
- If your employer does not give you counter-notice, you can assume they've accepted your redundancy claim.
- A counter-notice means your employer expects work will soon be available - it must start within 4 weeks and must last at least 13 weeks. Your employer can also withdraw their counter-notice in writing.

You must resign to get redundancy pay. The timing is crucial - you have 3 weeks to hand in your notice, starting from:

- 7 days after you gave written notice to your employer (if you did not get a counter-notice).
- The date your employer withdrew their counter-notice.

Additional financial support

For those struggling financially due to working arrangements and lack of income during the pandemic, you may be entitled to the following Government benefits:

- 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.

You can take on another job while you're laid off or on short-time (unless your contract says you must not). You should:

- Get your employer's agreement
- Make sure you're not working for a competitor
- Make sure you're available for your original job once the lay-off or short-time ends

Get in touch

If you're having difficulty or problems at work during the Covid-19 pandemic, get in touch with our Member Service Centre by calling **0800 389 6332** or emailing **servicecentre@community-tu.org**.

We are Community. The modern union for a changing world.
Tel: 0800 389 6332 • **Email:** servicecentre@community-tu.org