



COVID-19

Returning to work after furlough

Support through difficult times

Background

We know that returning to work after furlough can be stressful, and you will have many concerns and questions about how to keep yourself safe and how coronavirus may have affected your job.

The most important thing is staying as safe as possible and you should not fear raising health and safety issues at your workplace. There are legal protections from dismissal and disciplinary for raising a health and safety issue.

If you have any concerns about health and safety in the workplace please raise them with your union rep, or if you don't have a union rep, with your employer. If you do face detrimental treatment due to raising a health and safety issue with your employer, please contact your relevant regional team [here](#).

Furthermore, if you are an employee, under Section 44 Employment Rights Act 1996 you have a right to withdraw from an unsafe workplace. To protect your job, please seek advice from your union rep or your regional office who you can contact [here](#) before you do so.

This guidance includes advice on keeping safe in the workplace, looking after your mental health as well as answering some important questions around returning to work, how this could impact your work and support you can receive. Your workplace may also have a return to work procedure or policy for absence which may also give you helpful guidance that you can use for your situation.

If you are struggling financially you can apply for help through the [Community Member Support Fund](#).

Community also has an ongoing partnership with Capital Credit Union where you can apply for an affordable loan. Join the credit union and find out more [here](#).

Social distancing

Even if you return to work from furlough it's important to remember that coronavirus still represents a risk and measures must be taken to stop the spread.

Social distancing measures should be in place in your workplace to stop you and your colleagues and in turn your family and friends from catching the virus.

The government have put together specific sector-based guidance on social distancing in the workplace which you can access [here](#).

You should be provided with Personal Protective Equipment (PPE) where necessary. If you are not being provided with adequate PPE, speak to your union rep if you have one. If you do not have a union rep, please contact our health and safety team by calling **01604 813126** or emailing hands@community-tu.org.

Travelling to work

Travelling to work could pose significant risk for those returning from furlough, especially if you usually travel at peak times. You should speak to your union rep if you have one, or directly to your employer if not about staggering your shifts so you don't have to use public transport at peak times.

Mental health

Your period of furlough may have had an impact on your mental health, or returning to your work environment may impact your mental health. That is completely normal. We are all experiencing uncertain times that are stressful in themselves and when work is changing too it can all build up.

Things that can help you feel less stressed and reduce the impact on your mental health are feeling in control of the situation and having all the information you need. Community is here to make sure you have all the up to date information which is why we have produced this guidance along with guidance on other areas which you can access [here](#).

If you have any questions or concerns that aren't covered in the guidance we have produced, our dedicated team are here to help you. You can either contact your local rep, or your regional team (you can find their contact details [here](#)).

When you return to work, try to open up and have conversations about mental health in the workplace. This may help you, and it may also help your colleagues who are suffering in silence. You can see our guidance on mental health in the workplace [here](#).

Frequently asked questions

Who will be paying my wages after furlough?

Both during, and after furlough, your wages will be paid by your employer. During furlough your employer will pay your wages and claim these back from the government. On your return to work, your employer will pay your wages as normal and will no longer be able to claim the money back from government.

What if my employer says they will not be returning me to work but making me redundant instead?

Your employer is able to make you redundant following furlough, but they should follow the same procedure they usually would, ensure it is usual and fair.

The first thing you should do in this instance is contact your union rep if you have one, or your regional team (you can find their contact details [here](#)).

If your employer is planning to make more than 20 employees redundant in a 90-day period they must engage in the normal consultation process whereby they give at least 30 days-notice before issuing notice of termination.

They must also engage in meaningful consultation throughout this period, either with your union reps if the union is recognised in your workplace, or with elected workplace reps if not.

This consultation can take place via video conferencing. Your employer should arrange a suitable time for you to have these conversations and provide you with plenty of notice.

You'll also be entitled to statutory redundancy pay if you are an employee and you've been working for your current employer for two years or more. You would receive:

- Half a week's pay for each full year you were under 22
- One week's pay for each full year you were 22 or older, but under 41
- One and half week's pay for each full year you were 41 or older

If you were made redundant on or after 6 April 2020, your weekly pay is capped at £538 and the maximum statutory redundancy pay you can get is £16,140. If you were made redundant before 6 April 2020, these amounts will be lower.

Your employer may also have a redundancy policy which entitles you to more than the statutory redundancy pay. Any redundancy pay (including any severance pay) under £30,000 is not taxable.

Your employer will deduct tax and National Insurance contributions from any wages or holiday pay they owe you.

What if there aren't enough people at work for my job to be safe?

If the rates of absence at your workplace mean it is unsafe to carry out your job, then your employer will need to consider adjusting or suspending output. If you don't feel safe, don't do it.

What if I have been on furlough for less than three weeks?

If your employer is going to try to access the Coronavirus Job Retention Scheme, you must be on furlough for at least three weeks. If your employer brings you off of furlough before then, they must then pay you for the time you were on furlough and when you are at work.

Will my pension have been affected?

Your pension arrangements should be a part of your contract so unless you or your union reps have engaged in a consultation and it has been agreed to change this aspect of your contract then your pension arrangements will remain the same.

Your employer can claim your auto-enrolment pension contribution as part of the scheme. If your employer pays more than the minimum auto-enrolment pension they will not be able to claim this additional part from the scheme.

What about my employee benefits?

You will continue to accrue holiday during the furlough period at the usual rate. For more detailed guidance on annual leave, click [here](#). If your employer provides benefits such as private healthcare, they will need to continue to provide these benefits unless agreed otherwise.

Can I return to work from furlough on any day of the week?

Yes, your employer can ask that you return to work on any day of the week. However, due to the way averages are calculated through the scheme it may be best for you to return at the start of the week. It is worth talking to your employer about when you are due to return to work and the impact this may have on your pay.

What if I am due to take parental leave?

Entitlement to statutory maternity pay and parental or adoption pay are usually calculated through your average earnings over an eight-week assessment period. For Maternity Allowance, the entitlement is determined by looking at earnings over a thirteen-week period.

However, the government have changed this assessment criteria temporarily so those who were intending to take time off for parental reasons will not see their entitlement to government support affected as a result of being furloughed prior to this leave. The changes will apply to you if your period of family related pay begins from 25th April onwards.

If you were on furlough for all or part of the assessment period the criteria will now be based on the higher of:

- What you actually receive from your employer

or

- What you would have received from your employer had you not been on furlough

Included within this would be payments that you were due to receive in the period that would have been classed as earnings including; bonus payments and commission payments.

Please note you can also apply for Community's child benefit scheme which entitles you to a £50 'baby bonus' [here](#).

What if I suspect I or someone I lives with has coronavirus after my return to work?

If you suspect you may have coronavirus once you have returned to work, you will need to self-isolate at home for seven days, and if someone you live with develops symptoms the entire household will need to isolate for fourteen days.

For more information on what sick pay you are entitled to if you are self-isolating, please see our sick absence and sick pay guidance [here](#).

What if I suffered the bereavement of a child?

Statutory parental bereavement pay is usually calculated using your average weekly earnings over an eight-week assessment period.

However, your period of family related statutory pay begins on or after 25th April 2020 and you have been on furlough the government have changed the system so your entitlement will not be impacted by the coronavirus.

The earnings used to work out your average weekly earnings for the eight-week assessment period will be the higher of either:

- **What you actually receive from your employer**
- or*
- **What you would have received from your employer had you not been on furlough**

Included within this would be payments that you were due to receive in the period that would have been classed as earnings including; bonus payments and commission payments.

Helpful links and contacts

Member Service Centre

Phone: 0800 389 6332

Email: servicecentre@community-tu.org

Health and safety

Phone: 01604 813126

Email: hands@community-tu.org

Community's COVID-19 hub

community-tu.org/coronavirus

ACAS

www.acas.org.uk

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