



24 March 2020

HUMAN RESOURCE ADVICE SPDS 03-20

COVID-19 and Sickness Allowance – Guidance for Employers

This advice is about sickness absence provisions during the period of emergency measures to delay the spread of coronavirus COVID-19. It is suggested that councils may find it helpful to classify absence because of COVID-19 separately to other sickness absences.

Background

The Government has put in place measures to delay the spread of COVID-19.

National conditions of service provide sickness-allowance for employees in most circumstances. There are certain situations where an allowance would not be payable. An employee seeking to continue to work normally while symptomatic may present risks to colleagues, service-users and citizens.

Separate Classification of COVID-19 Absence

It is recommended that councils classify COVID-19 sickness absences as separate to other sickness absences for the purpose of sickness allowance and attendance management measures, including “trigger levels”.

This would ensure that employees with COVID-19 will be paid sickness allowance even if not normally eligible (i.e. less than 6-months service) or out of entitlement.

It would also be ignored for attendance management purposes – i.e. trigger levels, warnings etc.

This approach would be to reduce the possibility that employees may be motivated to continue working for financial reasons when infected. This would present risks to colleagues and vulnerable service-users as well as conflicting with the Government’s objective to delay the spread of COVID-19.

At the time of writing the Government is advising that employees should not work for a period of 7 days if they have new symptoms that may be caused by COVID-19 but don’t need hospital treatment. It is recommended that this is treated as “presumed” COVID-19 infection with the absence treated in the same way as an infection that has been medically diagnosed.

Casual Workers

As there is no mutuality of obligation casual workers who are unable to work because of illness may not be eligible for statutory sick pay. By definition they are unlikely to have met the length of continuous service criteria for contractual sickness allowance.

For the reasons given in the previous section councils may wish to consider paying sickness allowance for the duration of any agreed casual work assignment which the worker becomes unable to undertake because of diagnosed or presumed COVID-19 infection.

It may also be equitable to consider paying sickness allowance if the worker is unable to undertake an assignment that has been offered because of closure of a facility related to COVID-19.

Status of this Advice

It is recognised that councils may already have arrangements in place or in preparation for COVID-19 sickness absence pay and leave. In addition, the payroll

system in use may preclude adopting certain approaches suggested above. The suggestions in this document are not mandatory. They may be adapted or disregarded as appropriate to local circumstances.

SPI Reporting

It is intended that further guidance will be produced about COVID-19 and SPI reporting in due course.