COVID-19 Update No. 5 – the extended CJRS

Lockdowns have been in place in all 4 nations in the UK, but wherever they live, workers can again get access to the Coronavirus Job Retention Scheme (CJRS) until the end of March 2021. The government will pay up to 80% of a worker’s pay, up to a cap of £2,500 a month. The employer only has to continue NI and pension contributions (on average 5% of total employment costs).

Who is eligible? The employee must have been on a PAYE payroll on 30 October. The scheme applies to employees on all contract types. Employers and employees who have not used JRS before can claim. Employers claim the grant for the hours employees aren’t working, basing this on usual worked hours.

The government announced the CJRS extension weeks after many lockdowns were in place with much lower financial support and comes too late for many workers made redundant. But workers can be rehired and furloughed by the employer if they were employed as of 23 September and on the payroll on or before 30 October.

Unions and employees – consult and agree: Part of being eligible for JRS is that employers must consult employees and agree with them changes to employment contracts— they can’t just impose them. Employers must also respect equality and discrimination law when it comes to deciding who to furlough. Where the union is recognised, the employer must agree a collective agreement on furlough, or confirm with employees in writing. Written records of agreements have to be kept for 5 years, and firms also must keep records of employees’ hours of work and hours of furlough.

Flexible furlough: Employees can work the hours needed, to be paid by the employer at their full pay rate and receive 80% for those hours not worked. Employees can go into flexible furlough more than once.

Workplaces: government advice says work at home if you can, and in a ‘Covid-secure’ way if you can’t. Construction, manufacturing, and essential infrastructure stay open, as well as essential retail and in the public sector, health and education – so hundreds of thousands of Unite members will be working throughout. For public transport, tighter rules on face coverings now apply, though there are differences across the 4 jurisdictions in the UK.

Childcare: one of the few exceptions to the ‘stay home’ rule. Early years providers and childminders stay open; parents of under-5s can use these as usual. Other childcare ‘where reasonably necessary’
can be used so parents can go to work, education or training, or for respite care. Parents can form a bubble with another household for informal childcare for children aged 13 and under.

**Self-isolation and sick pay**: a fine of up to £10,000 for failing to self-isolate after a positive test is in effect in England; in Wales, Northern Ireland and Scotland penalties are much lower. But across the UK, the low level of Statutory Sick Pay and employer sick pay is forcing workers into work when they should be self-isolating. The chart below ranks the 37 countries in the OECD* showing sick pay under quarantine as a percentage previous earnings, in early June 2020. Great Britain was bottom of the table. Even the USA and South Korea – the only OECD countries which don’t usually have national statutory paid sick leave – were doing better than Britain at this point.

![Chart showing sick pay](image)

*Organisation of Economic Co-operation and Development. Cumulated gross sick-leave payments in the first 2 weeks of mandatory quarantine due to mild Covid-19 symptoms, as a percentage of previous earnings, with the rules that were valid in early June 2020.

From the outset Unite has had the battle for better sick pay at the centre of its Covid-19 work. Too many Transport and Food members are facing destitution when they go into self-isolation – SSP isn’t enough to live on. In the fight against Covid-19 it is critical that workers are supported when they need to take time off. In the UK Unite has been taking the message to the government and this fight to the employers to win decent sick pay.

**Self-employed Income Support Scheme (SEISS)**: The SEISS grant system has been extended for 6 months, from November 2020 to April 2021. The grant for the first 3-month period from 1 November 2020 to 31 January 2021 will be calculated at 80% of 3 months’ average trading profits, capped at £7,500; with a further grant for the second 3-month period to cover February to April; details are yet to be released. Self-employed people on a work visa can apply for SEISS without this counting as ‘access to public funds’ for immigration purposes. To qualify for SEISS, you need to consider whether your business has been adversely affected by Covid-19. Government guidance gives examples, such as: unable to work for periods due to self-isolation, shielding others, or caring duties; business temporarily shut down, scaled back, or ceased trading.

Unite has fought for the self-employed to have financial support on a par with CJRS and we are in part pleased with this outcome. But we continue to challenge exemption rules which have left many with no financial support. Unite is part of a trade union working group on the rights of the self-employed.