

# Return to Work Options for Employers'



Whilst the coronavirus is set to be around for some time, the financial assistance currently provided by the government, in the form of the Job Retention Scheme, will be reduced in the coming months.

With this in mind, employers could be forgiven for thinking that making staff redundant is their only option going forward. That said, there are other actions to explore that they should bear in mind.

To discuss your options, you have access to specialist advice through your association membership. Call **0844 561 8133** and quote your member number to speak with an advisor

## > Changing terms and conditions

In order to keep costs down, employers may consider making changes to staff contracts, such as reducing their hours or salaries. Contractual schemes such as enhanced sick or maternity pay could also be reviewed, as could introducing the option for job-sharing. These could either be temporary changes until the situation improves, or permanent. In the absence of a specific term already in a contract permitting the change, employers will need to seek their employee's express agreement to it before going ahead.

## > Reorganising job roles

To meet business demand, employers could require staff to undertake different roles on a temporary or permanent basis if their contract of employment allows for this. If not, employers should again seek agreement with staff to change their roles, and further training should be provided if necessary. If staff can take on additional work, it may be that only some of them need to be made redundant.

## > Withdrawing job offers

Employers could consider postponing the start date for new members of staff, or withdrawing their offer entirely. However, if the individual has accepted their offer and been given a start date, withdrawing it now is likely to be in breach of contract. To avoid a potential claim, employers may consider giving the new employee notice of termination and pay them for their notice period.

## > Implementing short-time working

Instead of seeking to vary contractual hours, employers could pursue short-time working, where hours are reduced on a temporary basis. Again, in the absence of a contractual term, staff will need to agree to this beforehand.

Staff placed on short-time working for a period of four consecutive weeks, or six weeks in total in a thirteen week period, can claim statutory redundancy pay if they have worked for the company for at least two years. However, a 'week' of short-time working will only count if they received less than half a week's normal pay

## > Laying-off staff

Instead of using the Job Retention Scheme to furlough staff, an alternative option is to lay them off. Also known as 'temporary redundancy', this is where staff are not provided work by a company, and therefore not paid, when their pay is dependent on them receiving work. Unless there is a specific clause in the employment contract allowing the company to lay staff off without pay, staff will also need to agree to this. Even with this clause, laid off staff who have been employed for at least a month may be entitled to statutory guarantee pay (SGP), which is currently £30 per day for a maximum of five days.

As with short-time working, laid-off staff can also claim redundancy pay after being laid off for four weeks consecutively or six weeks in a 13-week period

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