



This Week in Employment Law

28-09-2020

## Chancellor announces plans to protect jobs

**Rishi Sunak confirmed to the House of Commons on 24 September that the furlough scheme will end on 31 October, but there will be measures to replace it. We explore what employers should be aware of below:**

- The Chancellor has said that whilst the Coronavirus Job Retention Scheme will be coming to an end on 31 October, he will be introducing a new Job Support Scheme.
- The scheme will allow employers to keep staff in 'viable jobs' at shorter hours rather than making them redundant.
- The scheme consists of employees having to work at least a third of their normal hours.
- For the remaining hours not worked, the Government will then, together with employers, increase wages to cover two thirds of the pay lost to reduced hours.
- This means that employers will continue to pay for the hours employees work as well as a third of employees' non-worked hours, whilst the Government only pays a third of non-worked hours to a monetary cap of £697.92 per month.
- The Chancellor also announced that the scheme will commence on 1 November and run for six months from that point on.
- This scheme will be open to all small and medium businesses, however, larger businesses will only be able to apply if their turnover has fallen.
- Further guidance on this will be published soon, according to the Chancellor.

### Stricter self-isolation rules for employers announced

Coming into force on 28 September, new regulations have been announced which impose self-isolation requirements on people who test positive for COVID-19, and their contacts. Amendments to the Fixed Penalty Notices also confirm that breaches could result in fines up to £10k. Employers too will be liable for these fines if they do not permit staff to self-isolate.

#### Did you know?

When staff need to self-isolate after returning to the UK from abroad, they are not entitled to SSP so it is down to employers to determine how they enforce the use of self-isolation periods. This could be by either authorising homeworking or the taking up of annual leave.

### New guidance on recruiting foreign workers published

The Government has released new guidance for organisations who are seeking to employ foreign nationals from 1 January 2021. The guidance has changed the previous system, stipulating that those who relocate to the UK via the 'skilled worker' route, in other words the new points-based system, will not need to adhere to a 'cooling off period'.

#### Did you know?

Currently, foreign nationals from outside the EU can enter the UK via sponsorship from an approved employer, meaning that those who have previously held a Tier 2 visa who then return home must wait for a period of 12 months in order to apply for a visa again – the 'cooling off period'.

### EAT decides whether paranoia is a disability

The Employment Appeal Tribunal has upheld an employment tribunal decision after they considered whether a claimant suffering from paranoia had a disability for the purposes of the Equality Act 2010. Both the EAT and the tribunal found that he did not, because although it had a 'substantial adverse effect', it did not meet the definition of 'long-term'.

#### Did you know?

Schedule 1 of the Equality Act takes a closer look at what constitutes 'long term', outlining that an impairment can be classed as such if it has lasted at least 12 months, it is likely to last for at least 12 months, or it is likely to last for the rest of the affected person's life.

Employers should not see this new scheme as an extension of the furlough scheme because the components of both schemes differ. Our 24-hour Advisory Service is on hand to provide up-to-date guidance on this and more.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.