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To: Secretaries of Local Government Branches in England, Wales
and Northern Ireland (Scotland for information)
Regional Heads of Local Government

10 March 2020

Coronavirus: NJC guidance and UNISON advice

This circular advises branches of the latest NJC Joint Circular on the Coronavirus, and highlights key points for local negotiations and representation.

On 6 March 2020, the NJC Joint Secretaries sent a joint circular to chief executives, with joint advice on Novel Coronavirus: Covid-19. The joint circular is attached. Branches should read it in full, but among its key points:

- Employees who are sick or unfit to work should remain at home. Anyone showing any flu-like symptoms should not be at work.
- Flexible working arrangements, for example home working, should be considered for groups who may be considered at risk, for example those who are pregnant or have immune or respiratory conditions.
- If an employee is fit for work but decides, or is instructed, to self-isolate, their absence should not be recorded as sickness absence. All options for home or remote working should be explored. As they are 'well' at this stage they should stay on normal full pay for the duration of the self-isolation period until such time as they are confirmed to have contracted the virus, at which point they transfer to sickness absence leave and the usual provisions of the sickness scheme will apply.
- Where an employee decides to self-isolate without instruction from the authorities it is not unreasonable for the employer to ask for some evidence such as an email from a holiday operator that shows the dates of the holiday, the resort location and flight details. However, it will probably not be possible in all cases for an employee to produce any evidence, so employers will need to use their discretion.

- If an employee is caring for someone who has or may have coronavirus, this period of absence should also be regarded as self-isolation.
- Following any school closures, employers should be fully supportive of employees with childcare responsibilities and consider flexible working arrangements.
- The Government has announced that Statutory Sick Pay will be paid from the first day of sickness absence rather than from the fourth. Where employers have a sick pay policy more generous than SSP, this will take precedence.
- Employers may wish to suspend targets or triggers in occupational sickness policies for any absences connected with coronavirus.

With regard to self-isolation and sickness absence, it is important that branches remember that **an employee prevented from attending work because of contact with infectious disease gets normal pay, and the employer must not try to offset this period against normal sickness**. In addition, employees should not be made to take annual leave if they need to self-isolate. Sickness absence is a 'Part 2' condition of the NJC Green Book, and so these provisions are not for local negotiation.

We would therefore advise branches to press strongly for targets and triggers within occupational sickness policies – for example those contained in the Bradford Factor – to be suspended for any absences connected with coronavirus. The NJC trade unions pushed for the joint guidance to include stronger wording on this point, especially as Coronavirus could involve lengthy time off. So while the joint guidance states that employers “may wish to” suspend targets or triggers, we would urge branches to do what you can locally to ensure targets and triggers are suspended.

With best wishes

A handwritten signature in black ink that reads "Jon Richards". The signature is written in a cursive, slightly slanted style.

Jon Richards
National Secretary
Local Government, Police and Justice Section