

## Employer Guide

### Coronavirus - Issue 20 update

#### UPDATE

On 13 January 2021, the Scottish Government announced the current construction guidance will become law on Saturday 16 January.

To protect your employees, customers and business, **only essential work can be carried out**. Domestic work includes the need to carry out repairs and maintenance that would otherwise threaten the household's health and safety.

The Scottish Government has directly raised the importance of members ensuring their employees adhere to safe practices in:

- Physical distancing
- Safe travelling to and from sites
- Use of appropriate face masks
- Behaviour out with the workplace

We have updated this document to reflect the current Government advice and SNIPEF guidance.

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## GOVERNMENT AND CONSTRUCTION INDUSTRY GUIDELINES DURING THE PANDEMIC

On 13 January 2021, the Scottish Government announced the current construction guidance will become law on Saturday 16 January.

To protect your employees, customers and business, **only essential work can be carried out**. Domestic work includes the need to carry out repairs and maintenance that would otherwise threaten the household's health and safety.

Please ensure your workforce does not become complacent. The Scottish Government has directly raised the importance of members adhering to safe practices in:

- Physical distancing
- Safe travelling to and from sites
- Use of appropriate face masks
- Behaviour out with the workplace

### STAFF EMAIL MEMO:

#### Your Safety and Customer Safety

[name of firm] continues to take steps to keep you safe in line with the current government and industry guidelines. Only essential work can currently be carried out. Our number one priority is the safety of our staff and customers.

Your actions, both at work and out of work play an important factor in keeping you, your colleagues and customers safe and healthy. Please continue to ensure you:

- ✓ Keep 2 metre physical distance between yourself and others;
- ✓ Wear an appropriate face mask (click [here](#));
- ✓ Follow the government lockdown rules when you are not at work.

Your commitment to safe practices during this pandemic will assist in keeping yourself and others safe.

Kind regards

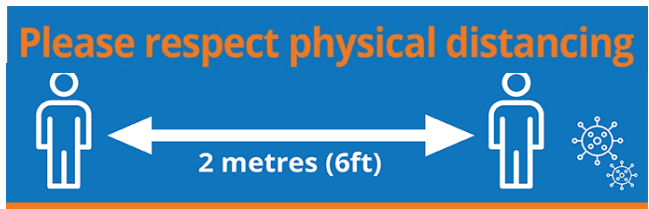
[director(s)]

### DUTY OF CARE

To minimise the spread of the Coronavirus you can keep up-to-date using the Government website (click [here](#)) and should consider the following for each of your employees:



- ✓ You must ensure that your employees wear appropriate face masks.



- ✓ Consider what physical distancing measures can be introduced, including physical modifications to the workplace.

- ✓ Provide hand sanitiser or wipes (with 60% alcohol);
- ✓ Provide tissues in workplaces/ vans to encourage employees to use when coughing and sneezing;
- ✓ Provide PPE which is currently required by the Scottish/Northern Ireland Governments;
- ✓ Provide cleaning wipes (with alcohol) for **equipment**;
- ✓ Instruct employees to use their own tools and where necessary wipe down tools that are shared;
- ✓ Wipe down vehicle steering wheel, door handles, gear stick and hand brake;
- ✓ Ensure employees have access to hot water for hand washing and utensil washing (where applicable, this will include actively ensuring the major contractor has this provision on site);
- ✓ Ensure your employees know what the NHS state the symptoms of the Coronavirus are;
- ✓ Put up posters in your toilets and staffrooms regarding personal health care actions, such as wash hands before and after eating etc. (click [here](#));
- ✓ Put up signage which will support good practice in physical distancing: walking direction arrows, space distancing;
- ✓ Provide your employees with physical distancing signage which they can put up while they are working at various domestic locations (to assist customers with good practice in physical distancing);
- ✓ Have a 'Tools Talk' with employees to inform them of their obligations to protect themselves and others and use videos to assist with this (click [here](#));
- ✓ Issue a memo to staff about good cleanliness housekeeping;
- ✓ Continue to keep staff updated with actions being taken to reduce risk of exposure to virus;
- ✓ Ask that staff cough/ sneeze into their arms - not hands - if they do not have a tissue;
- ✓ Provide safe waste disposal bins for the workplace/vehicles for discarded tissues/ wipes;
- ✓ Ensure staff contact details and emergency contact details are up-to-date;
- ✓ Ensure staff know the first signs of coronavirus and how to spot them;
- ✓ Reduce or cancel any unnecessary travel and meetings.



## SAFEGUARDING YOUR BUSINESS AND YOUR EMPLOYEES

You need to take every precaution to safeguard your employees, which will in turn safeguard your business. You should consider:

- ✓ State on your website and correspondence that you are taking precautions to safeguard your employees and respectively ask customers to also do so when your employees are on their site.
- ✓ When a customer contacts your business for service you should ask the customer if anyone in their household is self-isolating or has symptoms of the Coronavirus.
- ✓ If your employees are working on building sites, try where possible to keep them on only one building site and minimise them moving from one site to another

### CUSTOMER NOTICE:

We would like to assure you that [name of firm] continues to operate as normal and in line with the Government guidelines. Our number one priority is the safety of our staff and customers.

Our staff are taking steps to keep safe and healthy and we have Statutory and Industry Sick Pay for our staff should they be required to self-isolate or become ill.

We have taken steps to keep staff and customers safe when carrying out customer visits. As part of [name of firm]'s procedures for safeguarding staff and its customers that they visit, we will ask customers to confirm if anyone in their household is in self-isolation or has the Coronavirus symptoms before our staff enter your premises.

We hope you will support us in taking these measures and thank you for taking the time to read this message.

## EMPLOYEE SELF-ISOLATION AND PAY

In cases where your employee or anyone in their home has symptoms and are required to self-isolate, then your employee should self-isolate for **14 days** and you should treat this as sickness absence.

In cases where your employee lives alone and has symptoms and is required to self-isolate, then your employee should self-isolate for **7 days** and you should treat this as sickness absence.

Treating it as sickness absence: An employee should complete a self-certificate and receive Statutory Sick Pay from day 1 and Industry Sick Pay from day 4 for self-isolation.

During the pandemic it may not be possible for your employee to gain written notice from their GP or NHS online, to state that they are required to self-isolate. The Government has stated that they “strongly suggest that employers **use their discretion** around the need for medical evidence for a period of absence where an employee is advised to stay at home either as they are unwell themselves, or live with someone who is, in accordance with the public health advice issued by the government”.

### THE CURRENT GOVERNMENT SYMPTOMS:

Individuals who display a high temperature or a new and continuous cough or a loss of, or change in, normal sense of taste or smell.

## EMPLOYEE'S PERSONAL CHOICE TO SELF-ISOLATE

Where an employee chooses to self-isolate, but they or anyone in their home does not have a coronavirus symptoms, this can be treated as unauthorised absence. Payment of wages is not eligible in this circumstance.

## SHIELDING

Where an employee is clinically extremely vulnerable, they should have been contacted by NHS or their GP and advised by letter to shield. That is, they should stay at home at all times and avoid any face-to-face contact. Clinically extremely vulnerable people are at greatest risk of severe illness from COVID-19.

Clinically extremely vulnerable people may include the following people.

- Solid organ transplant recipients.
- People with specific cancers:
  - people with cancer who are undergoing active chemotherapy
  - people with lung cancer who are undergoing radical radiotherapy
  - people with cancers of the blood or bone marrow such as leukaemia, lymphoma or myeloma who are at any stage of treatment
  - people having immunotherapy or other continuing antibody treatments for cancer
  - people having other targeted cancer treatments which can affect the immune system, such as protein kinase inhibitors or PARP inhibitors
  - people who have had bone marrow or stem cell transplants in the last 6 months, or who are still taking immunosuppression drugs
- People with severe respiratory conditions including all cystic fibrosis, severe asthma and severe chronic obstructive pulmonary (COPD)

- People with rare diseases that significantly increase the risk of infections (such as severe combined immunodeficiency (SCID), homozygous sickle cell)
- People on immunosuppression therapies sufficient to significantly increase risk of infection
- Women who are pregnant with significant heart disease, congenital or acquired.

## THE CORONAVIRUS STATUTORY SICK PAY REBATE SCHEME

You will be able to reclaim expenditure for an employee who receives Statutory Sick Pay as a result of COVID-19 which is in line with the current Government eligibility criteria (see below).

### THE CURRENT GOVERNMENT ELIGIBILITY CRITERIA:

If an employee can not work because they:

1. have coronavirus symptoms
2. are self-isolating because someone they live with has symptoms
3. are self-isolating because they've been notified by the NHS or public health bodies that they've come into contact with someone with coronavirus
4. have been advised by letter to shield because they're clinically extremely vulnerable and at very high risk of severe illness from coronavirus
5. have been notified by the NHS to self-isolate before surgery for up to 14 days

The scheme is limited to a refund of **2 weeks Statutory Sick Pay** per employee and for employers with fewer than 250 employees (the size of an employer will be determined by the number of people you employed on 28 February 2020). Eligible employers must have had a PAYE payroll scheme that was created and started before 28 February 2020.

### Making a claim for SSP through the Coronavirus Statutory Sick Pay Scheme

You must be enrolled for PAYE online and have a linked Government Gateway account with your user ID and password. Contact your payroll provider to ensure they have this set up and advise them which bank account you would like the subsidy to be paid into.

To claim you will need:

- your employer PAYE scheme reference number
- contact name and phone number of someone HMRC can contact if they have queries
- UK bank or building society details (only provide bank account details where a BACS payment can be accepted)
- the total amount of coronavirus SSP you have paid to your employees for the claim period - this should not exceed the weekly rate that is set
- the number of employees you are claiming for
- the start date and end date of the claim period

You can claim for multiple pay periods and employees at the same time. The start date of your claim is the start date of the earliest pay period you are claiming for. The end date of your claim is the end date of the most recent pay period you are claiming.

### Statutory Sick Pay (weekly)

All employees	£95.85
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For the period 13 March 2020 to 5 April 2020 the SSP rate was £94.25 per week

### Industry Sick Pay (weekly)

Operatives	£126.80
Apprentice 1st year	£0
Apprentice 2nd year	£0
Apprentice 3rd year	£8.75
Apprentice 4th year	£38.00
Nominated Directors, Partners or Owners	£344.15 for 12 wks Then £244.15 for 16 wks

## SICKNESS ABSENCE

Remember, sickness regarding any other absence should be treated as normal: a self-certificate is required for up to 7 days of absence and then a doctor's line for any additional days of absence. See payment table opposite for sick pay rates. Statutory and Industry Sick Pay in non-Coronavirus self-isolation related cases is payable on the 4<sup>th</sup> consecutive day of absence.

## DISRUPTION TO EMPLOYEE'S CARE ARRANGEMENTS

A possible consequence of precautions taken by schools and nurseries, related to catching the Coronavirus, is that care arrangements can be disrupted due to schools and nurseries being closed. Statutory dependency leave allows an employee the right to request unpaid time off for dependants.

In normal circumstances an employee would use this right to arrange a replacement carer, but at a time when there is widespread disruption due to the Coronavirus, extra latitude may need to be given to employees in this situation to enable them to establish care arrangements.

The options available which an employer may wish to consider are as follows:

- Mutually agree for the employee to take a day of unpaid leave;
- Mutually agree for the employee to take annual leave;
- Make up lost time at a later agreed date by mutual agreement.



## CONSULTING WITH EMPLOYEES: FURLOUGH WITH A 20% REDUCTION IN WAGES

Where you are currently unable to provide work for your employees, you may wish to **consult** with your employees to advise that as an alternative to redundancy, you are consulting with them on the option of putting employees on furlough leave. You should look at **Appendix A** 'Furlough with 20% reduction in wages procedure' flowchart to assist you in this process. While an employee is furloughed they cannot undertake any work for you during these hours.

After having a consultation phone call with each of your employees (if you are unable to meet face to face) you should then email your employees with your proposal as part of your consultation process (see **Appendix B**). Each employee should respond to your actual email with their response. With their written agreement, you should then issue a 'furloughed employee' letter with the agreed 20% reduction in wages (see **Appendix C**) and proceed with this option and apply for reimbursement from HMRC within their stated timelines.

## THE CORONAVIRUS JOB RETENTION SCHEME

If you cannot maintain your workforce and would otherwise need to make employees redundant because of the impact Coronavirus is having on your business, you may wish to consider applying for government financial support.

The Coronavirus Job Retention Scheme currently aims to enable you to receive an 80% reimbursement of your employees' salary (up to a maximum £2,500 per month) for the hours they have not worked.

### Details of the scheme

- You must agree with your employee any new 'flexible furloughing' arrangement and confirm the agreement in writing.
- The scheme is open to all UK employers for employees who were employed on or before 30 October 2020.
- You can claim for employees who were employed on 30 October 2020, as long as you have made a PAYE RTI submission to HMRC between the 20 March 2020 and 30 October 2020, notifying a payment of earnings for that employee. This may differ where you have made employees redundant, or they stopped working for you on or after 23 September 2020 and you have subsequently re-employed them.
- You do not need to have previously claimed for an employee before the 30 October 2020 to claim.
- You can furlough employees for any amount of time and any work pattern, while still being able to claim the scheme grant for the hours not worked.
- During hours which you record your employee as being on furlough, you cannot ask them to do any work for you that:
  - makes money for your organisation or any organisation linked or associated with your organisation
  - provides services for your organisation or any organisation linked or associated with your organisation
- Employees receiving Statutory and Industry Sick Pay cannot also receive furlough payment.

- The minimum **claim period** is 7 calendar days and those wishing to make claims for longer periods such as those on monthly or two weekly cycles can do so.
- The scheme will run to 30 April 2021.

## Making a claim for employees' wages through the Coronavirus Job Retention Scheme

To claim you will need:

- the number of normal working hours your employee is contracted to work for the claim period you are applying for
- the number of hours your employee has or will work in the claim period
- the number of furloughed hours your employee has been furloughed in the claim period
- your calculation on the amount you are claiming
- your employer PAYE reference number
- the number of employees being furloughed
- National Insurance numbers for the furloughed employees
- names of the furloughed employees
- payroll/employee number for the furloughed employees (optional)
- your Self-Assessment Unique Taxpayer Reference or Corporation Tax Unique Taxpayer Reference or Company Registration Number
- the claim period (start and end date)
- amount claimed
- your bank's post code
- your bank account number and sort code
- your contact name
- your phone number

### AGREEING TO FURLOUGH LEAVE AND A REDUCTION IN WAGES

Any changes to the employment contract must be by **written agreement**.

You must:

- make sure that the agreement is consistent with employment, equality and discrimination laws
- keep a written record of the agreement for 5 years
- keep records of how many hours your employees work and the number of hours they are furloughed.

The Coronavirus Act 2020 (Sections 71 and 76) has been published [here](#).

## Training and payment of wages during furlough leave and paying 80% of wages

The government have advised that while an employee **cannot** work during furloughed hours, they can undertake training. Employees as a minimum must be paid the Statutory National Minimum/Living wage during any hours of training they carry out.

To prevent any disqualification from the Job Retention Scheme the following circumstances must be adhered to:

- “The training does not provide services to, or generate revenue for, or on behalf of their organisation or a linked or associated organisation”.

Most of your employees will not need a top-up in wages as they will be well above the Statutory National Minimum/Living but your apprentices are likely to be affected if they carry out their college training at home. SNIPEF has created a wage ready reckoner for apprentices on furlough who are receiving 80% of their wages to assist you (see [Appendix D](#) for the ready reckoner).

### **Payment of holidays during furlough leave**

Your employees continue to accrue holidays whilst in your employment, including while on furlough. Employers should therefore continue to pay their Plumbing Industry holiday credits as normal.

Employees must be paid their holidays in the same way as you normally calculate them. Either:

- their normal rate of pay or
- where the rate of pay varies, the average pay in the previous 52 working weeks (twelve weeks in Northern Ireland).

When you pay 100% of wages for holidays please remember that the Job Retention Scheme only refunds 80% of wages.

### **Employees wishing to take holidays during a period of furlough leave**

Current Government guidance states that “You should not place employees on furlough just because they are going to be on paid [holiday] leave”.

Employees who are on furlough leave with a 20% reduction in wages can request to take the period as holiday leave (giving them entitlement to full wages as explained in previous section).

### **Where holidays have been unable to be taken because of the pandemic**

The Working Time (Coronavirus) (Amendment) Regulations 2020 enables employees to carry forward 20 days of their current holiday into the next 2 holiday years where it has not been reasonably possible for them to take all their holidays due to the implications of pandemic.

## SNIJIB NATIONAL WORKING RULE 9, TEMPORARY LAY- OFF

You may now be unable to provide any work for your employees and need to implement the Temporary Lay-off procedure. You should issue a letter to your employees to state that the firm is implementing a period of temporary lay-off under National Working Rule 9 (see [Appendix F](#) for a template letter).

Your employee is due to be paid their guaranteed weekly graded rate of wages for the 1<sup>st</sup> complete pay-week. After the guaranteed pay-week, while the provision of work continues to be temporarily unavailable, no wage payment is due to the employee in respect of such workless days. The letter you issue should be sufficient evidence for the employee as proof of not being in receipt of a wage payment for their process of seeking government benefits.

In terms of Working Rule 9 Guaranteed Week an operative receives his full contractual pay for the first week of temporary lay-off. After 13 weeks of Temporary Lay-off, your employee will legally be entitled to receive the statutory weeks guaranteed payment. If your employee is temporarily laid off for 4 consecutive weeks in a period of 13 weeks, he can give you written notice that he intends to claim redundancy payment. You should look at [Appendix E](#) Temporary Lay-off Procedure flowchart to assist you in this process.

If your employee does write to you after 4 consecutive weeks, giving notice that he intends to claim redundancy payment, please contact SNIPEF IR [here](#) to discuss your circumstances.

Such temporary lay-off and non-payment of wages does not break continuity of employment, therefore the employee continues to accrue their holiday entitlement. If an employee has accrued holidays, they may wish to take annual leave as a means of income during the temporary stoppage of work.

If you currently have employees off sick, you should continue to pay their Statutory and Industry Sick Pay. If they then state they can return to work, you should then temporarily lay them off with your other employees.

If you do receive “critical” work (for example, a customer may have a gas leak) at a premises where residents do not have the symptoms of Coronavirus, you may request your employee back to work for these “critical” working hours. Such an employee should receive payment of wages for the hours of work. You must make suitable and appropriate arrangements to ensure your employee is safe to carry out “critical” work.

## REDUNDANCY

If you need to consider redundancy for your company, you should read the separate detailed SNIPEF Guide ‘Redundancy & Temporary Lay Off’ [here](#).

### CLOSURE OF BUILDING SITE

Where a main contractor closes a building site causing work to be temporarily stopped and you have no work available for employees at alternative sites, and they are not currently off sick, the Temporary Lay Off procedure may be followed. See The SNIJIB National Working Rules, Rule 9(4) which can be accessed at the SNIJIB website by [clicking here](#).

## PREPARATION FOR YOUR WORKFORCE RETURNING WORK

While many employees will be eager to return to work, there will be a selection of employees with concerns about their safety while the coronavirus is still among us. Taking steps now will reduce the potential reluctance of employees returning to work. You should look at [Appendix G](#) 'Return to work action plan' flowchart to assist you in this process.

You should:

- ✓ Create written safe working practices to reassure your employees regarding their safety for when they return to work.
- ✓ Carry out your health and safety RAMS (Risk Assessments and Method Statements) which will include infection control measures.
- ✓ Establish that all your employees are fit and safe to return to work

You should consult with your employees by phone (as you are unable to meet face-to-face) to advise of your proposed plans. Explain that you have created written safe working practices and that in order to make the workplace safe for everyone, you will need to know what their current fitness and health is by completing your 'Employee Return to Work Assessment Form' (see [Appendix I](#)).

If you will be paying 100% of wages that will be more straight forward (see letter in [Appendix H](#) and use option A in the template letter).

Where you propose to pay 80% of your employee wages for any work they carry out, your consultation should also advise your employees that as an alternative to redundancy, you are consulting with them on the option of making employees 'flexibly furloughed'. Employees receive pay for 80% of their wages for hours they are on furlough leave and full pay for 'at work' hours. Employees cannot undertake any work for you while on furloughed hours.

After having a consultation phone call with each of your employees (as you are unable to meet face-to-face) you should then email your employees with your proposal as part of your consultation process (see [Appendix H](#) and use option B in the template letter).

Each employee should respond to your actual email with their response (agreement to flexible furlough) and completed 'Employee Return to Work Assessment Form' (and any required documents such as a doctor's line). The information they are providing may be of a sensitive nature so you should be sure to abide by the Data Protection Act 2018.

When you are in receipt of your employees' forms and agreement to furloughed hours (where applicable), you will be able to plan your staggered employees' return to work and issue a letter to each of them to state when they will be due to return to work (see [Appendix J](#)). You should look at [Appendix G](#) 'Return to work action plan' flowchart to assist you in this process.

To be clear, you are either:

- A.** Explaining the plans for a safe return to work- requires a completed assessment form.
- B.** Consulting on placing your employee on flexible furlough and explaining the plans for a safe return to work- requires their agreement and a completed assessment form.

## FURTHER INFORMATION

For more information please click on the below sources:

- [GOV.UK](#)
- [NHS](#)
- [NHS Inform](#)
- [Scottish Government](#)
- [NI.Direct.gov](#)
- [World Health Organisation](#)
- [Foreign and Commonwealth Office travel advice](#)
- [The Coronavirus Job Retention Scheme](#)

**Getting advice: Contact the IR department  
at the SNIPEF offices at [info@snipef.org](mailto:info@snipef.org)**

## **APPENDIX: A**

### **Furlough leave with 20% reduction in wages procedure**

1. Investigate if furlough leave hours with 20% reduction wages will be the best option for your company



2. **Consultation**

Consult (not inform) with your employees

- ✓ Phone to explain your proposal and why you feel it is the best option
- ✓ Advise your employees that you will email them after the phone call to seek their written response
- ✓ Confirm that you have your employees' current email and phone number to communicate with through the period of furlough

**Note:** If you have more than 20 employees you also need to consult with Unite the Union



3. Issue email to each of your employees

- ✓ seek your employees' written response/ agreement to the proposal by email



4. Issue email confirming employees agreement to proposal

- ✓ State why you are taking these actions
- ✓ Explain when your employees wage will reduce by 20%



5. Keep in touch with your employees

## APPENDIX: B

### Template letter: Employee furlough and 20% reduction in wages consultation email (after consultation phone call)

CONFIDENTIAL

[Name and address of recipient]

[Date]

Dear

#### **Consultation: proposal to use furlough and 20% reduction in wage for a temporary period**

We are trying to do the best we can for all in what is a unique situation and hope that you can understand the reason for the measures we are proposing to implement. I phoned you on [date] to consult with you on the proposal we have for minimising the impact the coronavirus is having on [company]. Our proposal aims to safeguard your position and the business.

I explained that in order to avoid redundancies or unpaid lay-off, we are proposing to furlough all employees and pay 80% of employee wages on your contracted [number] hour week. This would necessitate a 20% reduction in your wages. Please see the potential plan on what could happen with regards to your employment and your income over the coming months:

- Week beginning [date]: From/on [date(s)] you could be furloughed and receive a 20% reduction in your wages for these unworked hours. You will not be able to work whilst you are furloughed hours.

As part of this consultation process, if you are happy to accept our proposal to be temporarily put on furlough leave with a 20% reduction in wages, **can I ask you to please reply to this email without delay.**

Please make sure you provide us with your current email address, postal address and phone numbers so we can keep in touch during this difficult time (if your contact details change please let us know).

If you have questions or concerns about any of this please do not hesitate to contact us.

Yours sincerely



## APPENDIX: C

### Template letter: Employee furlough and 20% reduction in wages agreement (after employee's written agreement)

**CONFIDENTIAL**

[Name and address of recipient]

[Date]

Dear

#### **Furlough agreement**

I refer to my discussion with you on [date], during which I informed you that due to [Government Rules and guidance/ the current economic downturn/ a downturn in orders/ the recent administration of XX with the resultant closure of their sites] the company has insufficient work for the current workforce. As a first step, the company consulted with you about the option to put you on furlough leave, with a 20% reduction in your wages to for furloughed hours (in line with the government advice issued to the UK). We then wrote to you seeking your agreement which we received [date].

With your agreement, [Company] now intends to implement furlough leave to all employees, with 80% of wages paid for furloughed hours. This will constitute a temporary change to your terms and conditions of employment. We therefore wish to give you notice that you will be furloughed with 80% of your wages being paid with effect from [date].

The furlough period will take effect from [date] and it is currently anticipated that it will last for approximately [number] weeks. You will understand that the date on which the furlough will come to an end depends on a number of external factors, so this estimated date is subject to change. I will keep the position under review and will continue to keep you updated on a weekly basis with any developments including whether you will be required to return to full normal working hours. For this reason, it is important you keep [Company] informed of your current contact phone number.

During the period of furlough leave your employment will continue, as will your holiday credits continue to accrue with the Plumbing Industry holiday credits (equivalent to 31 days annual entitlement), as per the SNIJIB National Working Rules, Working Rule 4.

I believe this current situation to be temporary and hope that by putting furlough leave and a reduction in wage in place, we will avoid the need to implement a redundancy programme. We will keep you advised of developments.

If you have any queries about the contents of this letter, please contact me.

Yours sincerely

## APPENDIX: D

### Plumbing Apprentice Ready Reckoner: wage when training during furlough and reduction of their wages (80%)

Plumbing apprentice wage during furlough and reduction of their wages (80%)				
Age	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year
16	£4.15	n/a	n/a	n/a
17	£4.15	£4.57*	n/a	n/a
18	£4.15	£4.57*	£5.54*	n/a
19	£4.15	£6.45	£6.45	£7.14*
20	£4.15	£6.45	£6.45	£7.14*
21	£4.15	£8.20	£8.20	£8.20
22	£4.15	£8.20	£8.20	£8.20
23	£4.15	£8.20	£8.20	£8.20
24	£4.15	£8.20	£8.20	£8.20
25	£4.15	£8.72	£8.72	£8.72
26+	£4.15	£8.72	£8.72	£8.72

\* Continue to pay at this 80% of wage rate, as this is higher than the Statutory minimum.

## APPENDIX: E

### Temporary lay - off procedure

1. Make workforce aware that temporary lay - off is being carried out. Explain:
  - ✓ what it is
  - ✓ how many weeks you envisage this will last for
  - ✓ how it will affect employees and their pay



2. If the whole of the workforce will be affected, selection will be straight forward. If you must select particular employees, use a selection matrix to avoid discriminatory or unfair selection processes.



3. Provide a letter confirming and explaining the situation, referring to SNIJIB National Working Rule 9



4. Note: Employees are entitled to a guaranteed wage week. From then on the employees will not receive a wage so will need to enquire with the government about what benefits they may be eligible for while out of work



5. **Employee does not ask for redundancy**



6. After 13 weeks the employee is eligible to receive another guarantee payment for 5 days. Is this no longer a temporary situation (you could be at risk of constructive dismissal). Contact SNIPEF IR [here](#) for advice.



7. Note: During the temporary lay - off, as the contract has not been terminated, employees are still contracted with you, resulting in no break in their contract

5. **Employee asks for redundancy after 4 weeks**



6. Reply within 7 days to state you propose to pay the redundancy allowance or state you will provide 13 weeks' work within 4 weeks. (Contact SNIPEF IR [here](#) for template letters)



7. Note: During the temporary lay - off, as the contract has not been terminated, this period must be taken into account for the purpose of redundancy calculation

## **APPENDIX: F**

### **Template temporary lay - off letter**

**[Note for employer only: Lying time payment does not constitute as the guaranteed week payment.]**

#### **CONFIDENTIAL**

[Name and address of recipient]

[Date]

Dear

#### **Temporary Lay-off**

I refer to my discussion with you on [date], during which I informed you that due to [the current economic downturn/ a downturn in orders/ the recent administration of XX with the resultant closure of their sites] the company has insufficient work for the current workforce. As a first step, the company intends to implement Working Rule 9 (4) 'Temporary Lay-off' of the Working Rules of the Plumbing Industry, which form part of your terms and conditions of employment (which can be accessed at [www.snijib.org](http://www.snijib.org)). We therefore wish to give notice that you will be laid off with effect from [date].

The Temporary Lay-off will take effect from [date] and it is currently anticipated that it will last for approximately [number] weeks. You will understand that the date on which the Temporary Lay-off will come to an end depends on a number of external factors, so this estimated date is subject to change. I will keep the position under review and will continue to keep you updated on a weekly basis with any developments including whether you will be required to return for "critical" work or to full normal working hours. For this reason, it is important you keep [Company] informed of your current contact phone number.

During the period of Temporary Lay-off your employment will continue as will your holiday credits continue to accrue with the Plumbing Industry holiday credits (equivalent to 31 days annual entitlement), as per the SNIJIB National Working Rules, Working Rule 4.

**[If applicable: You will receive wages for your week's lying time for the week of [dates] but when work resumes again you will be required to work a week's lying time.]** You will receive payment of your normal graded rates of wages for the week of [dates], the "Guaranteed Week" which covers five "workless days". Thereafter, where no work is available you will be laid off without pay until work becomes available.

You may be entitled to benefits during this time. This letter should be taken to the Job Centre as proof of you being laid off without work.

I believe this current situation to be temporary and hope that by putting Temporary Lay-off in place we will avoid the need to implement a redundancy programme. In the meantime [Company] is hoping that the government's Coronavirus Job Retention Scheme will be set up soon in order that the [Company] can apply for wages support in order to avoid redundancy. We will keep you advised of developments.

If you have any queries about the contents of this letter, please contact me.

Yours sincerely

## **APPENDIX: G**

### **Return to Work Action Plan**

#### **Plan and prepare**

##### **1. Duty of care:**

You need to provide a safe place of work for your employees (see Duty of Care section page 3-4).

- ✓ Revise your Safe Operating Procedures (SOP) to meet the requirements of your company.
- ✓ Carry out the required health and safety RAMS (Risk Assessments and Method Statements), which will include infection control measures.

##### **2. Workforce assemblage:**

Consider whether your workforce will:

- all be able to return to work on the same date. If not, how will you fairly choose who will remain on furlough leave?
- all be able to return to work on full working hours or some furloughed hours.
- all be able to return to work at the same time of the day.  
Could you have flexi start and finishing times (safeguards employees using public transport to get to work or assists with their childcare arrangements)?  
Could you have staggering working patterns or shift times (for less crowding)?
- all be fit to return to work or will they be on sickness leave.
- all be able to return to work (Are they required to 'shield' or do they need to provide childcare?).



#### **Communicate**

##### **6. Advise and consult**

Where the size of your workforce permits you should phone/video phone your employees to consult with them on your proposed arrangements for returning to work and explain you will follow this up by issuing them a letter.

Note: Making changes to the terms and conditions of employment must be agreed by your employees in writing.

Discuss:

- The steps you are taking to protect the health and safety of employees (and your customers) with your SOP and risk assessments.
- In what capacity your employees will return to work: full time or 'at work' part of their hours and the rest in furloughed hours.

Establish:

- Can your employees return to work?
- Do they have coronavirus symptoms?
- Are they shielding?
- Do they wish to take unpaid Special Leave for care of dependants?
- Do your employees have any heightened concerns?

##### **7. Issue letter and assessment form**

Issue your letter (**Appendix: H**) with your Employee return to work assessment form

([Appendix: I](#)) and your Safe Operating Procedures document, to advise your employees on what you are proposing to do for their safe return to work.

**8. Receive employees' written assessment form**

Your employee may send their response by email. If they are not in agreement to return or complete your assessment form you will need to establish why.

**9. Issue the return to work letter**

Issue your letter ([Appendix: J](#)) confirming the return to work process the firm will be following and the date for each of your employees' return.

If you have employees who are not returning to the workplace you should confirm their situation (continued furlough, sickness leave, unpaid special leave).



**Review & Check**

**1. Review**

Keep reviewing your safe working practices to ensure they are fit for purpose:

- ✓ Do they need to be adjusted or are they working well?
- ✓ Make improvement adjustments following experience of use
- ✓ Make improvement adjustments following employee feedback
- ✓ Make adjustments following Government advice

**2. Checks**

You should carry out regular checks to ensure that employees are following the safe working practices. Some people genuinely forget to follow new procedures due to their previous working behaviour/practices.

## **APPENDIX: H**

### **Template letter: Advising Employee on furlough about proposals for a safe return to work**

**[Note for employer only: You need to choose A or B below to suit your circumstances].**

#### **CONFIDENTIAL**

**[Name and address of recipient]**

**[Date]**

Dear

#### **Returning to work preparations**

We are trying to do the best we can for all in what is a unique situation and hope that you will support the measures we are proposing to implement a safe return to work. I phoned you on **[date]** to consult with you on the proposals we have for **[company]**'s safe return to work. Our proposal aims to safeguard your health/safety, your position and the future of the company.

I explained that as the government is easing the restrictions of lockdown, we do need to prepare for a return to work as a result of the Construction Industry Phase **[number]**. This preparation is designed to ensure we can carry out safe practices to minimise contracting the virus. Our working practices will be different to what we are accustomed to for what may be the remainder of this year. Your health and our customers' health is at the core of these changes.

#### **Keeping safe**

Our Safe Operating Procedures (see attached) is in accordance with the current Construction Scotland guidance. These procedures aim to keep you and our customers as safe as possible. You must read and understand these safe practices and agree to adhere to them. If you have any questions regarding these practices you should not hesitate to contact **[name of Director/line manager]**.

Our Safe Operating Procedures are likely to change from time to time in line with updates we receive from the Government and SNIPEF. We will also need to review procedures to make sure they are working at the optimum level. You too may have good and reasonable suggestions that could help make working practices safer and I would encourage you to share this with us.

#### **Workforce operation schedule**

**[Company]** proposes to stagger the return of employees back to work. As the Scottish Government rules state that physical distancing is still required to minimise the spread of the virus, a staggered return will assist in employee distancing.

**A.** In keeping with the Construction Industry Phase **[number]** and our staggered return to work I am advising that you should return to work on **[date]** on your normal working days and hours at 100% of your wages.

As part of the steps for preparing to return to work I need to know if you are fit and safe to return to work. Please see the attached 'Employee return to work assessment form' which will enable the company to proceed safely.

**OR**

**B.** I explained that in order to avoid redundancies or unpaid lay-off, we are proposing to flexibly furlough all employees. Any hours while you are on furlough leave would receive 80% of wages (20% reduction in your wages for such hours). Any hours you work will be paid in full.

Please see the potential plan on what could happen with regards to your employment and your income over the coming months:

- Week beginning [date]: From [date] you could be flexibly furloughed for [number] hours per week and work [number] hours per week. Your furlough leave hours would receive 20% reduction in your wages and any hours you work will be paid in full. Your furlough hours and ‘at work’ hours will total your normal working week hours ([number]).

We are unable to confirm how long these temporary measures would be required but we would review the government guidance and keep you updated.

As part of this consultation process, if you are happy to accept our proposal to be temporarily put on flexible furlough with a 20% reduction in wages for furloughed hours, **can I ask you to please reply to this email without delay to state you agree.**

As part of the steps for preparing to return to work I need to know if you are fit and safe to return to work. Please see the attached ‘Employee return to work assessment form’ which will enable the company to proceed safely.

### **Your health and that of those you live with**

As you know, if you have or get symptoms of coronavirus you will need to report this by following the company’s sickness absence procedure.

If you live with someone who has or gets symptoms of coronavirus or has or contracts coronavirus then you need to report this to the company and submit a sickness absence form stating your requirement to self-isolate (self-certification or doctor’s line).

If you or someone you live with is medically required to “shield”, you need to report this to the company.

### **Keeping in touch**

I hope that by putting changes and safeguards in place we can all remain safe and healthy. If [Company] can generate work and an income for the company I also hope there will not be the need to implement a redundancy programme. I will keep you advised of developments.

In the meantime, please read and understand the attached Safe Operating Procedures and **reply to this email without delay by completing and returning the Employee Return to Work Assessment by [date].**

If you have any queries about the contents of this letter, please contact me.

Yours sincerely,

Attached:

[Company] Safe Operating Procedures

[Company] Employee Return to Work Assessment.



## APPENDIX: I

### Template assessment: Establishing if employee on furlough is safe to return to work

#### Employee return to work assessment form

1	I am fit to return to work	Yes	No
2	I have tested positive for the coronavirus and still have the symptoms.	Yes	No
<i>(where 'yes' please provide a self-cert or doctor's line)</i>			
3	I am self-isolating as I have symptoms of coronavirus.	Yes	No
<i>(where 'yes' please state when you expect to end self-isolation and provide a self-cert or doctor's line)</i>			
4	Within the last 14 days, I have been in close contact with someone who has tested positive for coronavirus.	Yes	No
<i>(where 'yes' please expand)</i>			
5	I have returned to the UK from another country in the last 14 days.	Yes	No
<i>(where 'yes' please state the date you returned and what country(s) you were in).</i>			
6	I have a NHS letter stating I should 'shield'.	Yes	No
<i>(where 'yes' please provide a copy of the letter)</i>			
7	I live with someone who received a letter from the NHS stating they should 'shield'.	Yes	No
<i>(where 'yes' please expand)</i>			
8	I have access to a vehicle to travel to work.	Yes	No
9	I will use public transport to travel to work.	Yes	No
10	I do not have a means of getting to work.	Yes	No
<i>(where 'yes' please expand)</i>			
11	I have childcare responsibilities which will affect returning to work.	Yes	No
<i>(where 'yes' please expand)</i>			
12	Are there any concerns you wish to share about returning to work?	Yes	No

## APPENDIX: J

### Template letter: Advising Employee on furlough when they will return to work

[Note for employer only: You need to choose A or B below to suit your circumstances].

#### CONFIDENTIAL

[Name and address of recipient]

[Date]

Dear

#### Returning to work

I refer to my discussion with you on [date] and my letter on [date], where I explained that [Company] proposes to stagger the return of employees back to work to minimise the possible spread of the virus.

I am now advising you that you should report for work on [date] at [address].

- A. You will work your normal working days and hours at 100% of your wages.

**OR**

- B. With your agreement [Company] now intends to implement flexible furlough. From [date] you will be flexibly furloughed for [number] hours per week and work [number] hours per week. Your furlough leave hours will receive 20% reduction in your wages and any hours you work will be paid in full. Your furlough hours and 'at work' hours will total your normal working week hours ([number]).

It is currently anticipated that flexible furlough will last to [date]. You will understand that the date on which the furlough will come to an end depends on a number of external factors, so this estimated date is subject to change. I will keep the position under review and will continue to keep you updated on a weekly basis with any developments including whether you will be required to return to full normal working hours.

During the period of furlough your employment will continue, as will your holiday credits continue to accrue with the Plumbing Industry holiday credits (equivalent to 31 days annual entitlement), as per the SNIJIB National Working Rules, Working Rule 4. Should you wish to take annual leave you should follow the normal procedure for this.

I believe this current situation to be temporary and hope that by putting flexible furlough in place we will avoid the need to implement a redundancy programme. We will keep you advised of developments.

If your circumstances have changed and there is a reason you cannot report for work, please phone [number] by [date].

If you have any queries about the contents of this letter, please contact me.

Yours sincerely