

Manufacturing update 8:

Updated guidance issued on eligibility for government pay protection



As a result of on-going discussions and lobbying of government departments and Treasury officials at the highest levels, **we are now starting seeing some significant changes to guidance on the application of the governments Job Retention Scheme being introduced.** These changes address concerns we have been raising and while additional matters remain under discussion, I thought it was **timely to now update earlier guidance issued in Manufacturing Update 5.**

We will continue to work tirelessly with government, employers and industrial federations to secure a just, fair settlement that looks after workers safety, wage and job security and I trust you will agree that in these unprecedented times, we have secured some unprecedented victories. **As previously it's important to note that the scheme represents a floor not a ceiling.**

UPDATED GUIDANCE ADDRESSES A NUMBER OF CONCERNS:

- ⇒ The scheme **now allows for job rotation** and workers can now be placed on and off furlough without restriction **so long as each period is a minimum of three weeks.**
- ⇒ **Employees** unable to work because they are **shielding in line with public health guidance can now be furloughed** as can those who have to stay at home with them due to shielding.
- ⇒ **Carers are now covered by the JRS and can be furloughed** if looking after children or caring for others as a result of coronavirus.
- ⇒ Those **employees signed off on long-term sickness can now also be furloughed under the scheme and those self-isolating or on short term sickness can be brought back to work in order to be furloughed** alongside other employees.
- ⇒ **Employees who become sick while on furlough** can be left on furlough by the employer and not transferred to Statutory Sick Pay.
- ⇒ **Apprentices can be furloughed and continue training under their apprenticeship** so long as the employer makes up their furloughed pay to at least the appropriate minimum while training.
- ⇒ Workers made **redundant or who stopped working for the employer on or after 28th February 2020 can be reemployed** and placed on the scheme as furloughed employees.
- ⇒ **Foreign nationals** are now eligible to be furloughed.
- ⇒ **Employers can now furlough workers on short-term sickness or self-isolating** and these workers will no longer receive Statutory or Company Sick Pay but the agreed furlough rate for employees.
- ⇒ Employees on **fixed-term contracts can be furloughed** and their contracts extended during their period of furlough.
- ⇒ **A new employer can claim under the JRS for employee transferred after the 28th February** if either the **TUPE** or **business succession rules** apply to the change in ownership.

As we clarify other outstanding questions we'll produce further updates to keep you informed. HMRC will continue to work with employers on the roll out of the scheme and further information can be found at <http://www.businesssupport.gov.uk/coronavirus-job-retention-scheme/>. Additionally, officers are sent regular specific legal advice on issues relating to furloughing workers and **shop stewards should contact their local officer for more information if necessary.**

In solidarity

Steve Turner
Assistant General Secretary

