

ZERO HOURS JUSTICE

Factsheet 2 – March 2021

Furloughing and Coronavirus Job Retention Scheme: Worker FAQ

You are furloughed if your employer asks you to stay at home without working when there is not enough work for you to do. This could also be referred to as a temporary lay-off. For zero hours workers and casual workers, furlough or temporary lay-off is a key part of their working arrangement.

The coronavirus pandemic and subsequent government lockdowns and restrictions have meant that many employers have been unable to operate as normal and as a consequence have not been able to provide work for their employees or workers. In March 2020, the government set up its own furlough programme, called the Coronavirus Job Retention Scheme (CJRS), to enable employers to keep their staff on and pay them in the absence of available work. The original scheme was due to end on 30 October 2020, but it has now been extended to 30 September 2021.

Can I be furloughed?	<p>Any employee or worker is eligible to be furloughed, including casual workers, supply teachers, agency workers and staff on variable hours or zero hours contracts.</p> <p>However, an employer can only claim from the CJRS to pay your wages if you were on their payroll scheme before 30 October 2020 and were paid between 20 March and 30 October 2020.</p> <p>If an employer decides not to make use of the government scheme, then it is up to the employer whether they pay furloughed staff or not.</p>
Do I have right to paid furlough leave?	<p>If your employer has asked you to stay at home because there is not enough work for you, you should receive your full pay unless your contract allows for unpaid or reduced pay layoffs.</p> <p>Unfortunately, a zero hours contract will most likely allow for unpaid furlough leave.</p> <p>However, as most of the costs of furloughing a worker under the CJRS are covered by the government, in our opinion, any decent employer should be as humane and kind to those who have served them during normal times. Employers who do the right thing now are likely to pay dividends in terms of</p>



ZERO HOURS JUSTICE

	<p>goodwill towards their organisation, especially post-pandemic when more businesses and organisations are likely to be judged on how they handled the pandemic.</p> <p>If you are on a zero hours contract and you have been temporarily laid off, you should write to your employer requesting to be furloughed with pay. We suggest that you highlight any regular patterns of work and your length of service.</p> <p>Should such a letter or discussion with your employer be met with a negative response, please do contact us so we can try and help you encourage your employer to do the right thing. We have numerous successful cases where we have helped workers in this situation</p> <p>If and when your employer is making a claim from the CJRS, you should be paid at least 80% of your wages.</p>
Who can use the CJRS?	<p>Any employer with a PAYE payroll scheme that was created on or before 30 October 2020 holding a UK, Isle of Man or Channel Islands bank account.</p> <p>The administrator of a company, where a company has been put into administration.</p>
How should furlough pay for casual workers and staff on variable hours or zero hours contracts?	<p>If your employer is claiming from the CJRS, then workers should be paid at least 80% of the highest of:</p> <ul style="list-style-type: none">• Earnings for same month in previous tax year;• Average monthly earnings for previous tax year;• Average monthly earnings since the worker started work, if less than 12 months. <p>You should also check your contract. Unless it allows for unpaid or reduced pay layoffs, you should receive your full pay.</p> <p>The absolute minimum you could be entitled to is guarantee pay of up to £30 a day for five days in any three-month period.</p>



ZERO HOURS JUSTICE

How should I be furloughed or unfurloughed?	Your employer should confirm in writing to individual members of staff that they have been furloughed, or reach a collective agreement with a trade union. There is no minimum notice period for unfurloughing.
Are there alternatives to being furloughed or temporarily laid off?	Your employer could decide to make you redundant. If you are on a zero hours contract and you have developed a regular pattern of working for at least two years, you may be entitled redundancy pay. Even if you have not been made redundant, you may still be able to apply for redundancy, if you have not been offered work for at least 4 weeks in a row or at least six weeks in a 13-week period.

If you would like further assistance, including help with contacting your employer to plead your case, please call our helpline on 01904 900 151 or email mail@zerohoursjustice.org. You can also complete our online form at <https://www.zerohoursjustice.org/contact.html>.

