

Coronavirus: Supporting Employees

As the coronavirus the UK Government has intimated that there a national effort will be required to get the UK through the coronavirus. With NHS services braced for an increase in patient numbers the wider community including existing support networks and emergency volunteers will be called upon to help support those not admitted to hospital with the virus and help provide care to vulnerable people. In addition with the number of cases rising steadily and sadly the death toll too; employees may suffer bereavement during the crisis. So how can SGBs offer support to staff in this difficult and troubling time.

Caring for Dependents

Employees may well have caring responsibilities for children especially with the recent closure of schools. However with the added pressures on social care at this time they may have added responsibilities for elderly parents.

Employees are entitled to time off work to help someone who depends on them (a 'dependant') in an unexpected event or emergency. This could apply to situations to do with coronavirus. A dependant does not necessarily live with the person, for example they could be an elderly neighbour or relative who relies on the person for help. There's no statutory right to pay for this time off, but some SGBs might offer pay depending on the contract or workplace policy.

The amount of time off an employee takes to look after someone must be reasonable for the situation. For example, they might take 2 days off to start with, and if more time is needed, they can book holiday. This may be appropriate if a dependent falls ill with the virus which means that the employee cannot work in these circumstances.

Employees may not require time off work as allowed for in the statutory right. They may need to deliver shopping or pick up prescriptions for elderly relatives or their children may be off school. It is true that, when employees are working, SGBs have the right to expect that employees are devoting their

attention to working rather than looking after their children or running errands for elderly relatives.

However, these are exceptional circumstances and many SGBs are exercising common sense and flexibility to allow employees to reduce or vary their working hours or pattern to enable them to work around childcare needs and responsibilities for elderly dependents. SGBs should encourage employees to raise this with them and see if an agreement can be reached on a potential variation to working patterns.

SGBs and employees can consider these steps:

- talking to each other early on about time off that might be needed
- agreeing regular conversations so both can plan ahead
- agreeing flexible working instead of taking longer periods of time off, for example working from home or changing working hours to allow for child care or other caring responsibilities

If any agreement is made, it's a good idea for it to be in writing.

If dependents become seriously ill, SGBs will probably be expected to be more flexible when it comes to granting time off. SGBs and employees may come into conflict over issues such as length of leave and whether such leave should be paid or unpaid. SGBs will have to exercise their discretion in such circumstances and may be vulnerable to allegations of discrimination or breach of trust and confidence, so it is recommended if difficult scenarios arise that SGBs take advice.

Bereavement Leave

The death toll from the coronavirus is scheduled to rise steadily and many colleagues across the country will suffer bereavements as a result of the virus. This can be especially

hard for employees as social distancing restrictions mean that they are unable to visit family members as often as they would like and may be unable to attend hospital.

If someone needs time off because a person close to them has died, SGBs will wish to approach the matter sensitively. For example:

- giving the person the time they need to deal with the bereavement
- considering the person's physical and emotional wellbeing, including once they've returned to work

A sensitive approach can help keep a good working relationship between the employer and their employee. It can also help keep the virtual workplace productive which is especially important in these difficult times.

As outlined above, employees have the right to time off for a 'dependant' and this would include leave to arrange or attend a funeral. Leave again is not specified in law as long as time off is reasonable.

SGBs will doubtless at all times wish:

- to be compassionate towards a person's individual situation
- to ensure that everyone deals with bereavement differently (some people may need more time off than others) and colleagues must be encouraged to respect this

SGBs can treat time off for bereavement as sick leave or holiday leave, depending on their workplace policy and the individual circumstances.

There is no automatic right to paid time off for bereavement. However many SGBs do choose to offer pay when someone has suffered bereavement. The amount offered is discretionary and caution should be exercised when using that discretion. If the employee is permitted to take the time off as sick leave or holiday leave, their normal sick or holiday pay will apply.

From 6 April 2020, new rights are to be introduced to allow employees 2 weeks' leave if their child dies under the age of 18. Those employees exercising the new right to 2 weeks' parental bereavement leave also qualify for statutory bereavement pay in certain circumstances.

Get in touch

Sports clubs can access the **sportscotland** legal expert resource helpline by email at sportscotlandinfo@harpermacleod.co.uk or by calling 0141 227 9333.