

Emergency Volunteers

Coronavirus Act 2020 has received Royal Assent, however Emergency Volunteering Provisions require Secondary Legislation

DID YOU KNOW? - YOUR RIGHTS

You have a right to return to work with your same seniority, pension, similar rights & on T&C's no less favourable

If a term confers discretion capable of volunteer leave being treated differently, term modified to disallow that discretion

Employee entitled to benefit from all of the T&C's of Employment which would have applied if Employee had not been absent

Employment related benefit scheme will be treated as having an emergency volunteering rule

DID YOU KNOW?- EMERGENCY VOLUNTEERING CERTIFICATE

Worker entitled to be absent from work for period specified on Emergency Volunteering Certificate

Certificate will be issued by an appropriate authority, certifying worker has been approved as an emergency worker from a specified date and period

No later than 3 working days before first day of period specified in Certificate, worker must notify their employer in writing of their intention to be absent from work & must provide a copy of the Certificate

Total consecutive amount of leave an individual can take is up to 4 weeks in a volunteering period of 16 weeks

DID YOU KNOW? - ARE YOU ELIGIBLE?

You cannot be an Emergency Volunteer if you are employed by:

- Police
- The Military
- Parliamentary and Commission Staff
- Civil Service
- An undertaking which the headcount of staff is less than 10

DID YOU KNOW? - MODIFICATIONS TO EMPLOYMENT RIGHTS ACT 1996

Section 47H "Emergency Volunteering Leave"

Worker has right not to be subjected to any detriment because the worker undertook emergency volunteer leave, or the employer believed the worker was likely to take emergency volunteer leave.

Under this section a worker may present a complaint to an employment tribunal that they have been subjected to a detriment

Section 104H "Emergency Volunteering leave into Employment Rights Act"

Modifications will be the same to Employment Rights (Northern Ireland) Order 1996

Employee who is dismissed is to be regarded as Unfairly Dismissed if the reason for dismissal is:

1. Employee took/sought to take/make use of benefits of emergency leave
2. Employer believed employee was likely to take emergency leave

DID YOU KNOW? - AGENCY WORKERS

Agency Worker must provide Notice & Certificate to:

1. If employer is the agent, to any principals
2. If employer is the principal, to the agent
3. If employer is neither, then provide to the agent and any principals

DID YOU KNOW? - COMPENSATION

SoS must make arrangements to compensate for loss of earnings, travelling & subsistence

Volunteer entitled to compensation for loss of earnings only if suffered a loss of earnings that the volunteer would otherwise not have suffered

Subsistence expenses compensation may be vouchers and other benefits