

# Scottish Joint Council for Local Government Employees

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Dear Chief Executive,

## **SJC-62**

### **COVID-19 and Casual Workers**

Dear Colleague

It is recognised that during the COVID-19 outbreak and councils' responses to it there will be disruption to established patterns of work and arrangements for maintaining service delivery. This may result in workers whose names are on casual worker lists experiencing a change in the offers of work made that they can accept.

In this circular a casual worker means a person on list of names held by the council who can be contacted and offered work on an ad-hoc basis. The workers are directly employed by the Council. These lists are often referred by terms such as "relief", "supply", "sessional", "pool" or "bank". This circular applies to such workers where there is no "mutuality of obligation".

This circular does not apply to employees working additional hours, overtime, in 'acting up', or similar arrangements. It does not apply to employees on temporary contracts. It does not apply to agency workers.

It is recommended that the arrangements in this circular should apply to casual workers who have accepted an offer of casual worker in the period 1<sup>st</sup> January 2020 to 31<sup>st</sup> March 2020 and who are known to remain available for work. Councils may exercise discretion about this, including taking account of an individual's known personal circumstances.

It is suggested that compensation should be considered for each pay period commencing after 20/3/20 (when schools were closed by the Scottish Government). It is suggested that it should be reviewed on a monthly basis and discontinued when it is judged that working arrangements have regularised.

The following eligibility criteria are suggested:

- If a casual worker has not been offered work because of service disruption related to COVID-19, consider for compensation.

- If a casual worker has been offered and accepts work but has been offered less work than normal overall because of service disruption related to COVID-19 consider for compensation.
- If a casual worker cannot accept work because of being symptomatic or ill because of COVID-19, or because they are self-isolation in line with medical guidelines consider for compensation.
- If a casual worker cannot accept work because they are “shielding” consider for compensation.
- If a casual worker has been offered and declines work, they will not normally be eligible for compensation. This includes offers of work of a type that they would not normally do but are capable of accepting.

The principle for compensation is that it should calculate the typical weekly/monthly/pay-period earnings based on the average over the previous 12 weeks, or 3 months, or 3 pay periods (as appropriate to local circumstances). The purpose of any payment made should be to ensure that the worker receives approximately what they might anticipate in normal circumstances. This means that a worker who is receiving some paid work might have pay “topped up”.

There will be no need to consider compensation if a worker is clearly already earning more than normal.

Councils have discretion to customise the principles, including reference periods, means of calculation and dates above to take account of local factors such as peaks in demand which might distort the average and the ease and accuracy of calculation because of the pay system in use.

Any compensatory payment made will be treated as pay for the purposes of tax and national insurance.

This will be monitored by the SJC, and revisions will be made as necessary.

Yours sincerely

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Joint Secretaries