

Hello everyone

On 23rd March more than 2.2 million people with underlying severe conditions were asked to shield by the government:



'Expert doctors in England have identified specific medical conditions that, based on what we know about the virus so far, place some people at greatest risk of severe illness from COVID-19. Disease severity, medical history or treatment levels will also affect who is in this group.'

Clinically extremely vulnerable people may include:

- solid organ transplant recipients
- people with specific cancers:
 - people with cancer who are undergoing active chemotherapy
 - people with lung cancer who are undergoing radical radiotherapy
 - people with cancers of the blood or bone marrow such as leukaemia, lymphoma or myeloma who are at any stage of treatment
 - people having immunotherapy or other continuing antibody treatments for cancer
 - people having other targeted cancer treatments that can affect the immune system, such as protein kinase inhibitors or PARP inhibitors
 - people who have had bone marrow or stem cell transplants in the last 6 months or who are still taking immunosuppression drugs
- people with severe respiratory conditions including all cystic fibrosis, severe asthma and severe chronic obstructive pulmonary disease (COPD)
- people with rare diseases that significantly increase the risk of infections (such as severe combined immunodeficiency (SCID), homozygous sickle cell)
- people on immunosuppression therapies sufficient to significantly increase risk of infection.

Please always consult a legal professional, ACAS, your union or Working With Cancer should you require legal support or advice.

Resources:

 acas
working for everyone

What happens now?

If you were shielding at home as a result of being a clinically extremely vulnerable person, as of the 1st August 2020 in **England** and **Scotland**, you are now required to return to work, where possible. In **Wales** the shielding provision has been extended to 16 August 2020.

The Government has advised that employees should negotiate with their employers about their transition back to work and should wherever possible work from home; this could also include changing roles to make this possible. The Government has also advised:

'If you need support to work at home or in the workplace, you can [apply for Access to Work](#). Access to Work will provide support for the disability-related extra costs of working that are beyond standard reasonable adjustments an employer must provide.'

This advice comes at a time where the Government has imposed local lockdowns in some parts of the North of England. Some

industries that were previously supposed to open, have been advised to stay closed for a further two weeks. These industries include - bowling alleys, casinos, skating rinks and beauty salons that offer close-contact services like facials.

The news has sparked concern from a number of charities who have signed an open letter. They have stated that employees who were previously shielding may, in some cases, have to decide between their health and their job. Employees were also at risk of being made redundant or being forced to return to a workplace which they felt to be unsafe.

The open letter states that this is 'desperately unfair for the people who have made great sacrifices by staying at home all these months'.

A survey conducted by Macmillan Cancer Support with 2000 adults found many cancer patients are fearful of returning to workplaces, with 42% saying they feel it is currently unsafe for them to return to work outside of their homes. In addition, 36% of those surveyed said that the coronavirus crisis has affected their finances, with some saying they have been left struggling to pay their bills.

Implications for employers and employees

Statutory Sick Pay

Employees will no longer be eligible for SSP as a result of being 'clinically extremely vulnerable'. Employers should assist these employees back to work wherever possible, in a safe and secure manner and should conduct a risk assessment. Employees should adhere to the safety protocols, washing hands and staying two meters apart as recommended. These actions are to be taken in order to transition an employee back to work **where working from home is not possible.**

If, as an employee, you do not believe that you can return to work safely, speak to your line manager, health and safety officer or union representative.

However, if due to treatment or a chronic illness you continue to be unwell, your employer will be able to continue claiming SSP as before, prior to the COVID-19 requirements, if you have the appropriate sick note stating this.

Furlough

Your employer may be able to furlough you under [the Coronavirus Job Retention Scheme](#) if you have previously been furloughed for a period of at least 3 consecutive weeks taking place any time between 1 March 2020 and 30 June 2020. This scheme will run until the end of October 2020.

Help from carers

Any carers or visitors who support you with your everyday needs can continue to visit unless they have any of the symptoms of COVID-19. They should follow [social distancing guidance](#) where close or personal contact is not required.

If your carer is a paid carer visiting you in your home, they will find information on the provision of home care and personal protective equipment (PPE) in [the provision of home care guidance](#) and [PPE for care workers delivering homecare guidance](#).

If you provide unpaid care, see the [Guidance for those who provide unpaid care for friends or family](#).

If you are in a local lockdown area

If you are clinically extremely vulnerable and live in an area where additional public health measures require you to resume shielding, the government will write to you and advise you to stay at home and shield.

If you are unable to work from home or a location outside the lockdown area:

- your employer may be able to furlough you under the [Coronavirus Job Retention Scheme](#) if you have previously been furloughed for a period of at least 3 consecutive weeks taking place any time between 1 March 2020 and 30 June 2020. This scheme will run until the end of October 2020.
- you may be entitled to [Statutory Sick Pay from your employer](#) on the basis that you cannot work because you are shielding
- you may be eligible for [benefits](#).

In the event of a local lockdown, visit your [local authority's website](#) for further guidance and follow the public health guidance for your local area.

Unfair treatment and dismissal

An employee or worker is protected by law against unfair treatment and dismissal, if this is because of:

- pregnancy
- age
- a health condition like cancer that is considered a disability under the Equality Act. [Remember this protection lasts for the rest of your life, including after treatment and however well you are].

This protection starts from day one of your employment.

It could be unlawful discrimination on the grounds of pregnancy, disability or age if an employer either:

- unreasonably tries to pressure someone to go to work
- unreasonably disciplines someone for not going to work.



**Special contribution by
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