

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, PART 2. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 7

EMERGENCY VOLUNTEERING LEAVE

PART 2

EFFECT OF TAKING EMERGENCY VOLUNTEERING LEAVE

Application of terms and conditions of employment

- 5 (1) An employee who takes emergency volunteering leave is, during any period of leave—
- (a) entitled to the benefit of all of the terms and conditions of employment which would have applied if the employee had not been absent, and
 - (b) bound by any obligations arising under those terms and conditions (except in so far as they are inconsistent with paragraph 1).
- (2) In sub-paragraph (1) “terms and conditions of employment”—
- (a) includes matters connected with an employee's employment whether or not they arise under the contract of employment, but
 - (b) does not include terms and conditions about remuneration.
- (3) For the purposes of this paragraph, only sums payable to an employee by way of wages or salary are to be treated as remuneration.

Right to return

- 6 (1) An employee who returns to work after a period of emergency volunteering leave is entitled to return from leave to the job in which they were employed before the absence.
- (2) The right to return under this paragraph is a right to return—
- (a) with the employee's seniority, pension and similar rights as they would have been if the employee had not been absent, and
 - (b) on terms and conditions no less favourable than those which would have applied if the employee had not been absent.

Pension rights

- 7 (1) If an employment-related benefit scheme does not include an emergency volunteering rule, it is to be treated as including one.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, PART 2. (See end of Document for details)

- (2) An emergency volunteering rule is a provision that has the effect set out in sub-paragraphs (3) and (4).
- (3) If a relevant term does not treat time when a worker is on emergency volunteering leave as it treats time when they are not, the term is modified so as to treat time when they are on emergency volunteering leave as time when they are not.
- (4) If a term confers a relevant discretion capable of being exercised so that time when a worker is on emergency volunteering leave is treated differently from time when they are not, the term is modified so as not to allow the discretion to be exercised in that way.
- (5) A term is relevant if it is—
 - (a) a term relating to membership of the scheme,
 - (b) a term relating to the accrual of rights under the scheme, or
 - (c) a term providing for the determination of the amount of a benefit payable under the scheme.
- (6) A discretion is relevant if its exercise is capable of affecting—
 - (a) membership of the scheme,
 - (b) the accrual of rights under the scheme, or
 - (c) the determination of the amount of a benefit payable under the scheme.
- (7) This paragraph does not require the worker's contributions to the scheme in respect of time when they are on emergency volunteering leave to be determined otherwise than by reference to the amount they are paid by the employer in respect of that time.
- (8) “Employment-related benefit scheme”—
 - (a) in relation to England and Wales and Scotland, has the meaning given by paragraph 7 of Schedule 5 to the Social Security Act 1989;
 - (b) in relation to Northern Ireland, has the meaning given by paragraph 7 of Schedule 5 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)).

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Coronavirus Act 2020, PART 2.