

Check you're eligible for sick pay, urges Kirklees Citizens Advice & Law Centre

Kirklees Citizens Advice & Law Centre is urging people to check if they're eligible for sick pay after national research finds that some employers are tricking people out of pay when they are off work because of illness or injury.

Nationally, Citizens Advice helped with 19,800 problems with sick pay and sick leave in 2016.

Over the same period, Kirklees Citizens Advice & Law Centre helped over 1000 people with problems including those where employers exploited confusion around the rules to try and get away with not paying people who need time off sick.

Tactics used by employers include:

- Cancelling people's shifts after they call in sick, so that it looks like they aren't meant to be working
- Reducing people's wages and downplaying their working hours so they don't meet the £112 earnings threshold
- Saying that they need a GP note as evidence they're ill for even a few days off, even though people can self-certify for up to 7 days
- Refusing to fill in a HMRC sick pay form, which would make employers explain their reasons for not paying
- Sacking people rather than paying them.

Despite employers' attempts to dodge sick pay, people who have their hours changed for example will often still be eligible - but don't realise that they are.

With cold and flu season underway, Kirklees Citizens Advice & Law Centre is urging people who are too ill to work to check if they are eligible for sick pay, and to seek advice if they believe they are but their employer won't pay.

Nick Whittingham, Chief Executive at Kirklees Citizens Advice & Law Centre said:

“Many workers are entitled to sick pay and it's very concerning that some employers are going to lengths to avoid giving people the pay they're owed.

“The last thing people should be worrying about when they're unable to work is not being paid properly. Time off is not only important while people recover, but it stops them from being left with a hole in their finances they are unable to fill.

“If you think you're owed sick pay but your employer won't pay, contact Kirklees Citizens Advice & Law Centre on 0344 848 7970 for help or visit the website www.advicekirklees.org.uk.”

How does sick pay work?

Statutory sick pay (SSP) is payable for up to 28 weeks of sick leave and is currently £88.45 per week. Some workers receive what's called contractual sick pay on top of SSP, so they'll be paid full pay for a certain number of weeks for example. SSP is paid by your employer in the same way that you normally get paid.

Who is entitled to sick pay?

You don't have to be a full time employee to get statutory sick pay (SSP). You can also get it if you're on a fixed term contract, work part-time, work through an agency or on a zero-hours contract.

You qualify if:

- You normally earn more than £112 a week.
- You're sick for more than four days in a row, including non-working days. You'll get sick pay from the fourth working day of your illness, unless you've been off sick in the last 8 weeks - then you'll get paid from the first working day.
- You follow your employer's' rules about reporting sickness absence. Most employers ask you to provide a sick note if you're off sick for more than 7 days for example. If there aren't any rules, make sure you call in sick as soon as you need to take time off work, and ask if there's anything else you need to do to record your sickness.

Top tips

- **Entitled to extra sick pay?** - Some employers pay more than statutory sick pay, for example paying your wages in full for a certain time period. This is called contractual sick pay. The details should be in your contract, staff handbook or on the intranet.
- **Work a zero hours contract?** If you're on a zero hours contract and work regularly for the same employer you're still entitled to sick pay as long as you normally earn more than £112 a week before tax.
- **Employer says you're not entitled?** Ask them to fill in the government sick pay [form](#) explaining their reasons. Once you've got it, contact HM revenue and customs (HMRC). They will ask you about your circumstances and make a decision about whether you are owed sick pay or not.
- **Employer still won't pay?** If HMRC have said that you are owed sick pay, then your employer has to pay this to you. If they refuse, contact ACAS early conciliation service who will negotiate with your employer. The final step is taking your employer to a tribunal - though beware that you will need to pay a fee.

- Ends-

For more information contact:

Tel:

Our out-of-hours contact number: