

# Introduction to Emergency Volunteering Leave

The Coronavirus Act 2020 allows for 'Emergency Volunteering Leave' which entitles volunteers to a form of Statutory unpaid leave if they wish to volunteer during the outbreak.

Emergency Volunteering Leave is a new, temporary form of statutory unpaid leave for workers who wish to volunteer in the health and social care sectors during the outbreak of coronavirus.

There is no requirement for a worker to have any qualifying period of service with their employer to take Emergency Volunteering Leave. However, a number of categories of workers are exempted from the entitlement to take Emergency Volunteering Leave. Those exempted will be those who work in other critical roles.

## Who qualifies for Emergency Volunteering Leave?

To qualify for Emergency Volunteering Leave, a worker must be issued with an Emergency Volunteering Certificate (EVL Certificate) by an appropriate authority. The EVL Certificate will confirm that they have been approved as an emergency volunteer, and that they will volunteer for a specified period. A worker is entitled to take a set block of two, three or four consecutive weeks of Emergency Volunteering Leave during a period of 16 weeks, referred to as a 'volunteering period'. Subsequent volunteering periods can be stipulated by relevant national authorities.

The worker must then provide written notice to their employer, along with the EVL Certificate. The written notice should be provided at least three working days before the first day of the period specified in the EVL Certificate.

## What rights do employees have while on EVL?

The terms and conditions of employment, except those relating to remuneration, continue to apply during Emergency Volunteering Leave. There will also be protection applied to individuals' pension rights. Further, any worker who takes or seeks to take Emergency Volunteering Leave will be protected

from detriment and such workers will receive additional unfair dismissal protections under the amended Employment Rights Act 1996.

Part 3 of Schedule 7 of the Coronavirus Act 2020 inserts new sections into the Employment Rights Act 1996 and the effect of that is to make it unlawful to subject a worker to a detriment for exercising their right to Emergency Volunteering Leave. It also makes it clear in Part 3 that it is automatically unfair to dismiss someone because they take, or propose to take, Emergency Volunteering Leave. There is no qualifying period of employment and the compensatory award is uncapped.

In summary, an employer cannot dismiss someone because they have taken, or have proposed to take, Emergency Volunteering Leave. If they do dismiss someone for this reason, it is automatically unfair and the employee does not need two years' continuity of service to qualify in making a claim at an Employment Tribunal.

## Will Emergency Volunteers receive help from the government?

The Coronavirus Act 2020 provides that the Secretary of State must make arrangements for making payments to emergency volunteers by way of compensation for loss of earnings, as well as for travelling and subsistence. It is not yet known what these arrangements might be.

Further information surrounding Emergency Volunteering Leave is available on the [rradarstation website/Coronavirus AXA Hub](#).



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