

Coronavirus – Bus Operator Front Line Staff Sick Pay enhancements

Introduction

The current Coronavirus situation is clearly unprecedented, and TfL and the London bus operators have been working closely together to ensure our customers and workforce are protected and supported. We recognise that the normal sick pay arrangements for key front line staff across London aren't suitable for this very specific situation, where the aim is to discourage anyone who may show the symptoms of Covid-19 from attending work at those first signs to avoid it spreading. It's also important to support those people who have to self isolate for up to 14 days because somebody in their household has the symptoms. And lastly to encourage those who are able to attend work to do so, to keep the transport network operating.

The government has enhanced the Statutory Sick Pay (SSP) provision to come in at Day 1, but we recognise that the financial impact of SSP compared to basic pay is too great and could encourage some people who should be at home to attend work.

Company Sick Pay (CSP) varies across London, but **TfL and the bus operators have agreed that CSP will be brought forward to Day 1 of any absence that is directly related to Coronavirus – either showing the symptoms or complying with 14 days of isolation.** For staff in grades where there is no Company Sick Pay (typically new starters), a temporary equivalent will be introduced using the basis of CSP for more experienced drivers (eg a percentage of basic pay).

This will apply to key front line staff working on TfL contracted bus services, including bus drivers, engineers, cleaners/shunters etc working for operators or their contractors and canteen staff in garages. It will not apply to agency staff (drivers or engineers).

The enhanced temporary scheme will be **backdated to Tuesday 17th March**, and continue whilst the current situation remains. Each company will confirm details of the relevant CSP for their staff.

Process

Bus Operators will manage staff attendance appropriately and within their existing processes. The temporary framework outlined here is designed to be supplementary to help support staff who should be off, whilst encouraging as many as possible to continue to work normally.

The complexity in all of this is the range of existing arrangements which we feel in some cases could drive the wrong behaviour and increase the risk of spread of the virus. This proposal may well be more than is being considered in other parts of the UK, but based on London being ahead of the rest of the country in terms of infection we think it is right to apply a more rigorous approach for the bus network here.

The principles are:

- TfL will support Bus Operators to try to ensure that no one comes to work sick with Covid19 symptoms, because they cannot afford not to work.

- Support will be offered to uplift SSP to an earnings related figure where appropriate (please see below) and to ensure that sick pay is paid from the first day of absence.
- The payments are in place for the time somebody is off sick with the symptoms of Covid19 (but no other complication) or up to 14 days through self isolation.
- This does not cover those individuals who are themselves at high risk (over 70 etc) nor those who don't feel they can work because they live with somebody who is in a high risk group. This may be reviewed if government advice changes.
- This backdates to Tuesday 17th March, and continues until further notice but is subject to review at any time.
- We will have in place some checks and assurance, but our presumption is that operators are using fair and reasonable HR processes and then based on that process claiming the difference.

Drivers and Engineers – the change builds on the existing CSP within your T&Cs for the grade / pay grouping / company / garage they are in. This is not levelling off between those groups – it's extending current arrangements, not rationalising.

Cleaners – unless there is an existing Company Sick Pay scheme in place (in which case that would take precedence) the payment would be 80% of rostered earnings. That is broadly in line with the calculation for drivers.

Canteen / catering staff – TfL would accept claims for employed or contracted catering / canteen staff on the same basis.

We will expect operators to apply their own policies for self isolation and to determine that absence is genuine. The proposals **only apply to the very specific Covid-19 related absence**, for the period it is considered to be a pandemic and can be reviewed at any time. **It is not a long term change to T&Cs.**

Examples for how this would work for Drivers

Some examples of how this would work. The specifics vary from company to company

Length of Service	Current contractual sick pay	Scheme 'CSP'
New starter rate	Statutory sick pay	Temporary 'CSP' from day 1 – the rate set at each company relative to the rate paid for drivers who have more experience
4 year driver	No sick pay until day 4, then CSP of 80% of basic pay	CSP from day 1
3 year driver	No sick pay until day 3, then fixed payment of £350 p/w	£350 p/w from day 1

We recognise that Company Sick Pay varies between companies in terms of % of basic pay or a fixed weekly amount, and that is a key element of differentiation in the overall pay package which we do not propose to unify or change. We are not proposing to 'level up'

what that rate is across companies. However, TfL's assumption is that sick pay for Coronavirus is paid for all levels of experience at the current or equivalent % of pay and from day 1. As an example, in a company where a starter driver currently gets SSP, if at year 3 that driver would be entitled to CSP of 80% of a basic week, an equivalent to CSP is paid of 80% of the basic pay for a starter driver.

Engineers

The same principal applies to engineers.

Cleaners

The number of cleaners with CSP is very low. The same cleaning companies are also contracted across many garages and companies, and therefore some sort of consistency will be essential for them to manage their staff.

Unless there is a CSP scheme, to avoid issues within the cleaning company's TfL is supporting payments through bus operators of the difference between SSP and 80% of the cleaners' basic week pay.

Payment Mechanism

The length of absence will vary, and payments will be made retrospectively based on a certified claim set out as follows:

Payroll Number	Years Service	Date sick	Last day of sick	Total sick pay paid	Contractual sick pay (incl Govt SSP)	TfL contribution
1111	1	17/3/20	24/3/20	£820	£190	£630
2222	6	18/3/20	26/3/20	£440	£220	£220

Claims are made weekly at operator level, covering the period from Saturday to Friday, ideally within 10 days of the end of the week. They should be signed by an appropriately authorised official of the operator as true and accurate.

Claims should be made in the week in which the absence finishes for the whole period of that absence – ie the claim could cover a number of weeks but is 'crystallised' in the week they return when the full costs of the absence are known.

Reimbursements will be made at operator level as additional amount claims on existing intermediate and final settlements.

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