

COVID-19 | Work Rights

Your employer can't just stop paying you

- If you are available to work - whether at home or not - you should be fully paid.
- Some employers are saying COVID-19 is an “act of god” (other terms used include “frustration of contract” and “force majeure”) so they don't have to follow your employment agreement. This is not a fact.
- Some employers are saying they are “suspending” their business to stop paying people. Unless your employment agreement specifically covers this - suspension is illegal.
- If you are made redundant (your employer says you are no longer employed), there has to be a process, they need to give a reason, you need to be able to respond, they have to show “good faith” and you are entitled to all money you are owed (pay, annual leave, redundancy pay - if any) and you have to be paid your notice period.

Changing your pay

It is against the law for your employer to take any money out of your pay without your agreement. This is against the [Wages Protection Act 1983](#).

If you are still working your normal hours, your employer can't legally reduce your pay. If you have an agreement with your employer about what your normal hours are, or a normal pattern that you work, they also can't change this without your agreement.

If your employer has applied for the Government wage subsidy, they should keep paying you your full pay if they are able to. The Government says that any employer who gets the wage subsidy has to do their best to keep paying you at least 80% of your normal pay. At the very least, they have to pass on the full amount of the wage subsidy, up to the rate of your normal pay.

Ending your employment - Redundancy

Your employer can't just decide to make you redundant without talking to you about it. They have to be fair and reasonable, and they have to consider other options with an open mind before they make a decision. Other options could include offering you re-training, moving you to a different job, or changing the kind of work you do, if you agree.

Employers should apply for the wage subsidy provided by the Government to keep people employed. For most employers, this is a reasonable alternative to making anyone redundant. If an employer applies for the subsidy, they are not allowed to make anyone redundant.

If your employment agreement has more detail on the process for redundancy, your employer must follow this as well, including paying any redundancy pay and notice period.

If your employer ends your employment but doesn't follow the right process, or they act unfairly, you may be able to challenge this with a [personal grievance](#).

“Act of God”

Some employers have tried to claim that the COVID-19 situation is an “Act of God” or “Force Majeure” that allows them to change or cancel contracts. This is not generally true, unless there is a specific clause in your employment contract that allows for it. Even if there is a clause like this in your contract, it does not remove the employer's obligations under the law, including the Wages Protection Act.