Back in Control Project

Case study

Tom's story

Tom has turned to ICOS for support with issues at work in August 2020. Tom is originally from Poland and has worked for the same employer for over 5 years.

The issue accrued when Tom has returned to work after his holiday abroad, his employer asked him to return home because other employees were concerned over COVI19 virus. The client has followed all guidance given by the government and did not require to self-isolate on his return from holiday according to COVID19 guidance and has shown proof required to his employer to confirm this.

His employer argued with him that he is not allowed to come into work but the client was concerned over loss of income for the next two weeks, Tom was not showing any symptoms of COVID and was unable to claim SSP, the employer told him that his time off work will be unpaid.

The client and the project worker rang up ACAS for information and advice to find out if its lawful for his employer to decide this. ACAS had advised that if there is no 'temporary layoff clause' in his contract, it is not lawful for the employer to do this. After our conversation with ACAS we had carefully checked the clients contract, which did not indicate that the employer was allowed to temporary layoff Tom.

We have written a grievance letter explaining the issue, we had stated in the grievance that Tom would like to either come back to work or would like to get full pay for the 2 weeks of absence due to losing out on his wages for 2 weeks of absence as their decision to temporary layoff Tom was unlawful.

The next day, Tom's employer had contacted him to resolve the issue and had agreed to pay the client full pay for the two weeks of temporary layoff period.

The client was very pleased with the outcome due to the support from Back in Control project. Due to the support received, Tom's income was not impacted by the decision of his employer.

'It's important to tell stories like mine so that others know what to do in this kind of situation' – Tom.