

FACT SHEET 6

IF YOU ARE SICK

If you are in paid work but fall ill for a period of four days or more in a row, you may qualify for Statutory Sick Pay (SSP). You do not have to have worked for your employer for any qualifying period to be able to claim SSP. SSP is paid at a flat rate. From 6th April 2008 the rate is £75.40 a week.



As a homeworker, can I claim SSP?

To qualify for SSP you must be in paid work and earn, on average, at least £90.00 a week, pay class 1 national insurance contributions (or would pay if your earnings were high enough) and be between the ages of 16 and 65. There are some exceptions including workers who are on a short-term contract and have worked for less than three months. You can get more information about who is entitled to SSP from NGH or your local Jobcentre Plus office. You will find their telephone number in your local telephone directory.

If you qualify, you will not receive any payment for the first three days of any period of sickness (these count as "waiting days"), unless your illness is a recurrence of a condition which made you absent from work within the previous eight weeks. You can claim SSP for any period of illness of up to 28 weeks. After this period, if you are still ill, you may qualify for Incapacity Benefit. You can get more information about this from your local Jobcentre Plus office.

Homeworkers who pay their own Class 2 national insurance contributions are not entitled to SSP. If your supplier of homework has told you that you are self-employed, or you have signed a document agreeing to self-employed status, you should seek further advice (see NGH Fact Sheet 5 - Are You Employed or Self-Employed - for more details).

How do I claim SSP?

Your employer should pay SSP in the same way as they pay your wages. You must tell your employer that you are sick as soon as possible, but no later than 7 days after you become ill. Your employer may have certain rules on who to notify of your sickness and what information you need to provide. If you have a written statement of the terms and conditions of your work, any company rules should be included. For the first seven days of any illness, you may need to provide a self-certification form (form SC2). You can get these from your employer, your doctor or it can be downloaded from the HMRC website. If you are ill for more than seven days, your employer may ask you to provide a doctor's certificate.

What if my employer doesn't pay me SSP?

If your employer doesn't pay you SSP, you must claim from the Department for Work and Pensions, through your local Jobcentre Plus office. You may not get SSP because you have used up your 28-week entitlement or you may not qualify because your earnings have been below £90.00 a week. If you do not qualify for SSP, you may still be entitled to another benefit, such as Income Support or Incapacity Benefit. If this happens, you should seek some advice from your local social security office or your local Citizen's Advice Bureau (CAB).

If your employer refuses to pay you SSP, ask him or her to give you a form SSP1, which will give you the reason for your exclusion from

SSP in writing. You are entitled to receive this no later than the first pay day following your exclusion. Take this form to your local social security office to see if you can get another benefit instead. If you or the Department for Work and Pensions think that your employer's reasons for refusing to pay you SSP are wrong, you can appeal. Your local CAB may be able to provide information, advice and support.

You can contact NGH in confidence for more information on all aspects of working at home by telephoning the freephone Advice and Information Line on 0800 174095. NGH will advise and may be able to take a case on your behalf or provide representation at Employment Tribunal

This document is intended only to provide general advice on this subject. The document is provided on this basis and NGH would like to make it clear that further specialist advice may need to be taken on this subject.

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