

COVID-19 Use of Reservists- Information for Employers

Frequently Asked Questions (FAQs)

Q: What happens to a mobilised reservist employee who are already furloughed by their employer?

A. When a reservist is mobilised, their civilian employer should follow existing guidance and place the reservist on unpaid leave for the duration of their mobilisation. This means that there is no requirement for the reservist to be furloughed by their employer using the Coronavirus Job Retention Scheme.

Q: What guidance is available on using the Coronavirus Job Retention Scheme for reservists?

A. The Coronavirus Self-employment Income Support Scheme is still under development and guidance on its application for reservists will follow ahead of the scheme's launch in the summer.

Q. Where can I find more information about reserves and mobilisation?

A. Employers and Employees can find further information on reserves and mobilisation on Gov.uk: <https://www.gov.uk/employee-reservist/mobilisation>

Q. In what circumstances can Reservists be mobilised?

A. Sections 52, 54 and 56 of the Reserve Forces Act 1996 (RFA 96) provide for three main powers under which mobilisation can take place if it appears:

- that national danger is imminent, or a great emergency has arisen, or in the event of an actual or apprehended attack on the United Kingdom*
- that warlike operations are in preparation or progress*
- necessary or desirable to use members of a Reserve Force for any purpose for which members of the regular services may be used.*

Q. How likely is mobilisation and how long will it last?

A. Our reserve forces represent a key element of our Defence capability, and they will be essential in helping to sustain the nation's response to the unfolding situation caused by the Coronavirus. We expect Reserve Forces to be used to help to deliver a range of Defence outputs such as support of the NHS and other key tasks; liaison officer roles; the provision of specialist skills; reinforcement of Regional Points of Command, to enable their 24/7 operation and resilience; and to support the implementation of contingency plans developed by other Government departments. Reservists are typically mobilised for no less than three months and no longer than 12 months in a five-year period. In the current circumstances it would be prudent to plan on mobilisation for a minimum of 6 months, but up to 12 months.

Q. How much notice will be given when a Reservist is mobilised?

A. Defence aims to give employers as much notice as possible of mobilisation, and ideally a minimum of 28 days. However, in a fast-developing scenario such as the response to COVID-19 it is likely that in some cases we will need to call out reservists, particularly those with specific, in-demand skills, at short, or even no notice. We hope employers will understand that this is in their interests. The quicker we can deal with the Coronavirus the quicker we can all get back to normal.

Q. What is the process for being informed about mobilisations? When will we know?

A. Defence intends to operate what is known as “intelligent mobilisation”. This is a tried and tested process and is designed to ensure that we only call out the reservists we need, that we protect key services (eg NHS, Blue Light services etc) and that we do not clog-up the mobilisation process with unnecessary employer appeals.

In the first instance, reservists who have been identified for call-out by their units, should engage with their civilian employer to discuss the possibility of mobilisation, and provide the employer with an opportunity to agree – or disagree – with the proposed call-out. In the event that the employer is not content to support call-out, this should be communicated back to the unit and, providing the employer’s reasons for withholding agreement are compelling (ie the individual is a key worker or the business might be seriously damaged by their loss), the reservist should not be mobilised. Key workers should flag up their status to units as soon as they are approached about mobilisation so that they are not considered further.

Reservists who are available for mobilisation will be sent a ‘call-out notice’ if they’re needed for full-time service. This is known as ‘mobilisation’. A similar letter will be sent to the civilian employer listed on the Reservist’s service record, explaining their rights and responsibilities. Reservists must answer their call-out notice and the letters explain what reservists and employers need to do.

Q. Will normal ‘mobilisation’ rules apply, for example the Reserve Force will assume responsibility for pay, pensions etc?

A. Yes

Q. What happens to an employee’s civilian salary during mobilisation?

A. The civilian employer may suspend the reservist’s salary for the duration of the mobilisation. The reservist will be paid by their Reserve Force.

Q. Is there anything, as an employer, that we should be doing?

A. Employers and their line managers should look to inform their HR team of impending mobilisation and the first day of mobilised service to enable the appropriate adjustments to pay and benefits to be made and provide them with a copy of the call-out papers.

Q. What are the specific actions employers need to take?

A. They should complete the consent form included in the call-out pack and any internal paperwork regarding mobilisation. If possible, they should meet with or contact the reservist employee to discuss mobilisation, including:

- *Any arrangements for the handover of work;*

- *Return of any equipment;*
- *Agreement of employee benefits entitlements and required actions (e.g. pay, benefits, pension arrangements etc);*
- *Consider annual leave arrangements prior to and following the period of mobilisation.*

Q. Can an employer decline to release a member of staff if, for example, they are key to providing a public service?

A. Under Intelligent Mobilisation your reservist employee should agree any period of mobilised service with you in advance. However, employers always have the right to lodge an appeal against mobilisation and details of how to do this will be provided in the employer pack set out with the call-out notification. You can apply to delay or cancel mobilisation if it would seriously harm your business (for example, by causing financial harm or making it difficult to produce goods or provide services) or if your reservist employee is a key worker or already involved in responding to COVID-19.

Q. What happens if the reservist is not able to mobilise e.g. because they have caring responsibilities?

A. Reservists can apply to delay or cancel mobilisation, if they are being called up at a difficult time (for example, they have caring responsibilities, or are already involved in the COVID-19 response).

Q. Is there financial assistance for releasing my member of staff and replacing them? How do I access this?

A. Yes. You can claim financial support if a reservist you employ is called up. See the attached link (<https://www.gov.uk/employee-reservist/financial-support-for-employers>) and details will also be set out in the employer's call-out letter. If you need further help you should contact either the Service adjudication officer, whose details will be set out in the call-out letter, or Defence Relationship Management (DRM), email employerrelations@rfca.mod.uk, Monday to Friday, 9am to 5pm.

Q. What communication will I receive whilst my member of staff is mobilised? What are my obligations?

A. No formal communications are in place whilst a Reservist is mobilised. We encourage Reservists to maintain contact with their employers whilst they are mobilised. Most Reservists will have access to email during their mobilisation period, however, if this is not the case, then they can be contacted via their local Unit. When planning for the Reservist's period of mobilisation, it is important to ensure that the Reservist employee provides a contact address/email and contact details of their Unit Employer Support Officer. It is essential that this information is exchanged to ensure that the employer can make necessary contact during mobilisation.

Q. Can an employer call a member of staff back if they are need?

A. If a reservist has already been mobilised and you need apply to delay or cancel the mobilisation employers should contact one of the following: The Reservist's Commanding Officer (if known) , the person named in the call-out notice; he adjudication officer at the mobilisation centre or the adjudication officer for the service. See the attached link for further information and contacts <https://www.gov.uk/employee-reservist/mobilisation>.

Q, Is there a maximum number of my employees that can be called up?

A. *This should be addressed as part of the 'intelligent mobilisation' process. Defence will always seek to avoid calling out an unreasonable number of Reservists from the same employer.*

Q. My Reservist is currently signed off work due to no longer being able to financially employ them until the restrictions are lifted, how will I know if they have been called up?

A. *If you are recorded as their employer in their Service records, you should receive a call-out notice. You should also encourage your reservist employees who may have been sent on unpaid leave during the current situation, to keep in touch with you and report any plan for them to be called out.*

Q. If an employer is not in the office and working remotely, where will the paperwork regarding my employees call up, and the information that my organisation needs, be sent to?

A. *In the current circumstances, we may send the documentation by email if we have an email contact. We will also send a copy of the employer's pack to the reservist and direct them to pass it on to their civilian employer.*

Q. What additional protection does the Employment Rights Act 1996 give to Reservists?

A. *The Reserve Forces Act 1996 provides reservists with legal protection against dismissal by a civilian employer on the basis of their membership of a Reserve Force. Unlike many other cases under the Employment Rights Act, reservists do not need to meet a qualifying period of employment before they would be able to make a claim for unfair dismissal. This means that, regardless of length of service, an employee cannot be dismissed on the grounds of being a Reservist. The law also provides for a Reservist who is called out for permanent service to be reinstated by his/her civilian employer into the same post or a similar post, at the end of their mobilised service.*

Q. Can an employee receive their employees' Mobilisation notifications electronically via email rather than by post?

A. *The legal requirement is that Mobilisation notifications should be served by hand, or leaving it at, or posting it to, the reservist's last known address. However, currently once the employer/employee mobilisation discussion has taken place, the Mobilisation 'Papers' are being sent direct in e-form to the Reservist in question. Within that pack, is an Employer Notification Letter, which the Reservist is directed to send to their line manager electronically; this is what would normally come by post and outlines the employer's responsibilities and the financial support available.*

Q: Why aren't retired veterans being called back to support the COVID 19 response?

A: *Defence is calling out reservists in response to the demand signals from Other Government Departments, including Health. We are carefully selecting reservists based on their skills and ability to meet the demand for support. There is no general mobilisation. At this point, the issue is not about mass. It is about meeting specific demand. It is possible that we will call back ex-Regular Reservists if they have current skills that are in demand.*

Q: Is there a joined-up approach in respect of large national employers as individual units won't have sight of how many other units have requested people from the same employer to mobilise?

A: Under Intelligent Mobilisation, reservists should be engaging with their employers in advance of call-out to check that the employer is prepared to release them. Employers will be able to take a view about the scale of requests that are coming from their reservists and respond accordingly.

Q: Can my employees' Reserves units ask them to volunteer to be mobilised even if the reservists have been identified as a key worker?

A: We encourage the employers of reservists to instruct their employees who are key workers, or who are already supporting the response to C-19 in their civilian roles, to flag up their key worker status to their units. This requirement has also been passed down to units. This should help to ensure that reservists who are key workers are NOT asked to volunteer for call-out. If, after doing this, a key worker is inadvertently called-out, it will be possible to engage with the Service adjudication officers to appeal against mobilisation. Details of the Service adjudication officers will be provided in the employers' call-out notice.

Q: How are Reservists being selected for mobilisation to support the COVID 19 response.

A. Defence is using the tried and tested 'intelligent mobilisation' process to identify and call-out reservists. It is intended to fill specific gaps by carefully selecting reservists with the required skills. When reservists are approached about call-out by their unit, they should inform their employers and ensure there are no compelling reasons why they cannot be released, before confirming their availability for mobilisation.

Q: Will an employer of a mobilised reservists be able to claim financial compensation?

A: Yes. Employers of mobilised reservists will be able to claim financial compensation, and details of how to do this will be set out in employers' call-out notices, including the arrangements for furloughed employees. There will also be legal employment protection for reservists. Details of the employers' compensation package are available on line at <https://www.gov.uk/employee-reservist/mobilisation>.

Q: Why are some of our Reservist employees being asked to come in to their units without being mobilised?

A: Some reservists may be asked to attend for short periods by their unit to carry out work associated with responding to COVID-19. These reservists are not on mobilised service and they should only agree to attend their units with their civilian employer's agreement, either on special paid or unpaid leave or by using their annual leave allowance.