

HR FOR REOPENING

Employers Role to Provide a Safe Place of Work

*Considerations for business reopening
in light of COVID-19 Pandemic*



Legislative Background



EMPLOYER
Responsibilities

Providing a safe,
healthy workplace



LEGAL
Obligations &
Potential Liability

Duty of Care, GDPR &
Other Considerations



EMPLOYEE
Responsibilities

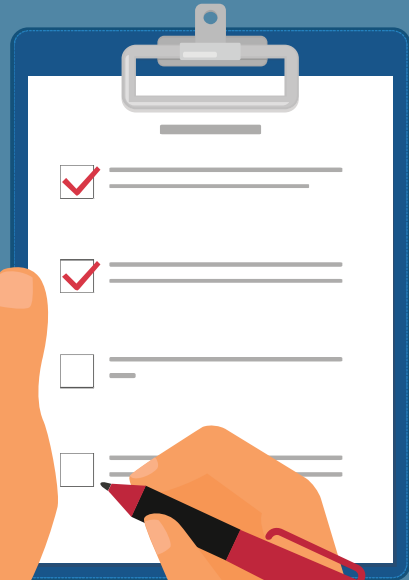
Adhere to work
policies

Employer Obligations

- Safe place to work - risk assessment to identify all risks
- Duty to provide reasonable accommodation to more vulnerable employees
 - Underlying health conditions
 - Pregnant
 - Other concerns
- Vicarious Liability – obligation to proactively act in the interest of employees
- Moral Employer Obligation – to proactively help employees rather than put them at risk



Policy Update



-  Coronavirus Policy
-  Sick Policy – review and amendment
-  Remote working
-  Annual Leave
-  Flexible Working Policies
-  Lay off & redundancy policies

Managing Absence



**Vulnerable
Employees**



**Employees
with Vulnerable
Relatives**



**Lack of
Childcare**



**Reluctant
Employees**

Other Considerations



Remote Working

Facilitate for as long as possible where appropriate



Communication

Engage with your employees frequently and often – be proactive!



Stress Management

Acknowledge this is a stressful time and provide support



Employee Wellbeing

Check-in with employees regularly, connect online

Fáilte Ireland's Employee Assistance Programme (EAP)

HR FOR REOPENING

Meeting the National Return to Work Safely Protocol Requirements



Business Response Plan

Develop and/or update a COVID-19 Response Plan in advance of returning to work



Plan should include:

- How to deal with a suspected case of COVID-19.
- Controls necessary to address the risks identified

Induction Training

Employers must provide an induction training for all workers

INCLUDE ADVICE AND GUIDANCE ON



- What a worker should do if they develop symptoms of COVID-19
- How workplace is organised to address the risk from COVID-19
- Outline of the COVID-19 response plan
- Identification of points of contact from the employer and the workers
- Any other sector specific advice that is relevant.

See the Induction Training Checklist on www.hsa.ie

Useful websites for Employer Updates

www.hsa.ie www.nsai.ie
www.hse.ie www.gov.ie

Contact Log

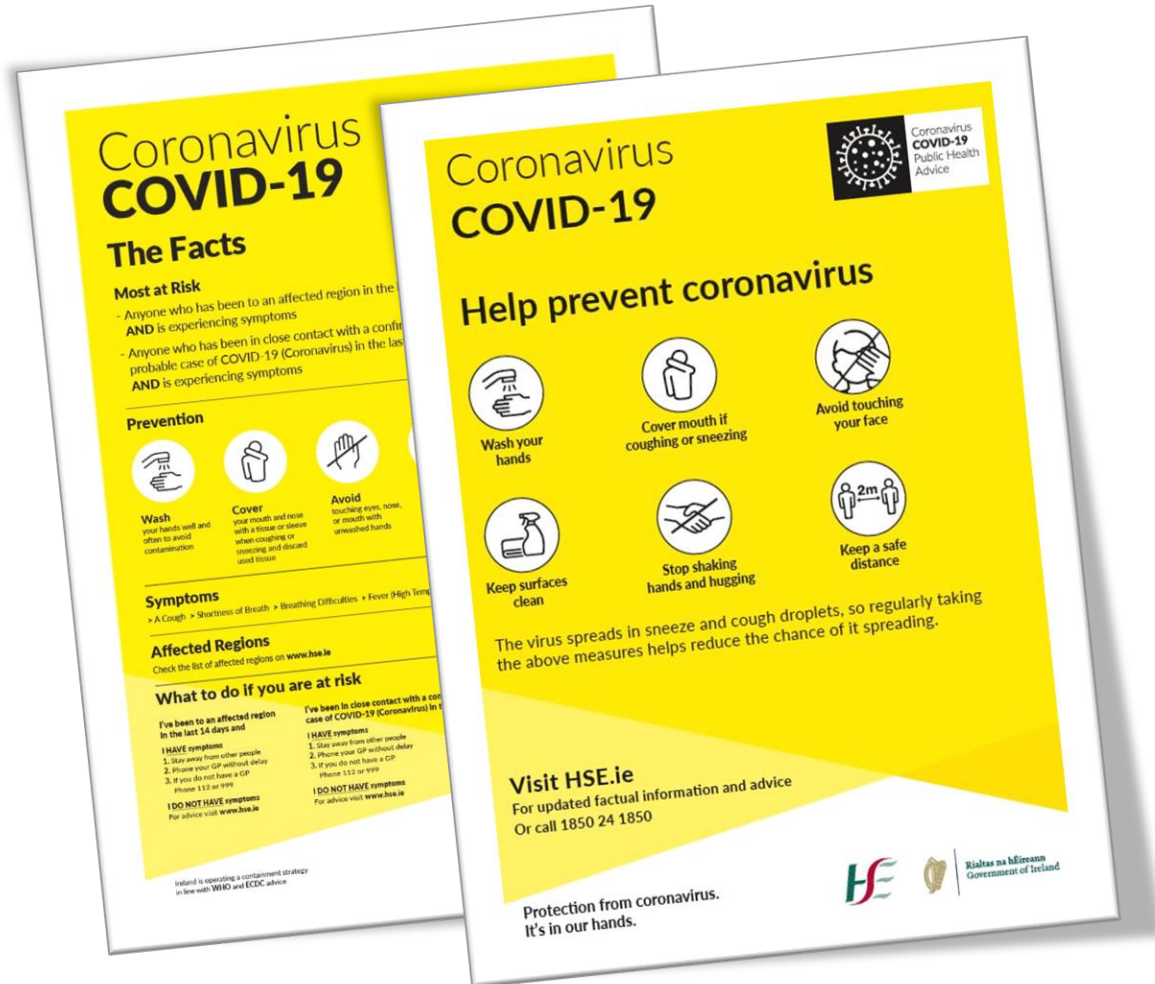
Ensures the prompt identification and isolation of potentially infectious individuals

Employers must:

- Keep a log of contact/group work to facilitate contact tracing.
- Inform workers and others of the purpose of the log.



Information Display for Employees



Signs and symptoms of COVID-19



Appropriate hand washing technique



Advice on the COVID-19 measures in visible locations to ensure that customers are also adhering to what is required

Risk Assessment

Identify practical steps to help eliminate & reduce the risks associated with COVID-19



Employee Flow

Look at all journeys an employee will take during working hours – identify risks and put measures in place e.g. using door stops to keep doors open *



Customer Flow

Identify all potential touchpoints for a customer – proactively reduce the risk while still facilitating the service to be delivered



“Reasonably Practicable”

Consider all appropriate reasonable measures that you can put in place

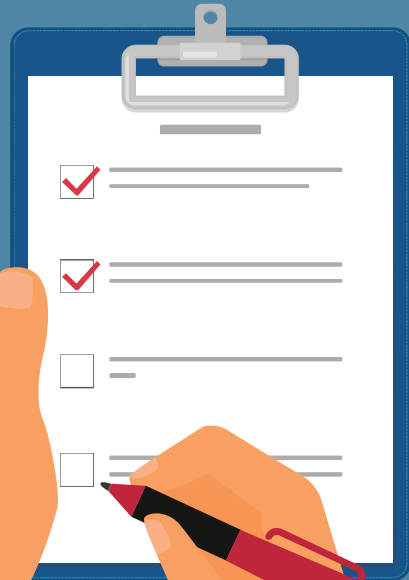








Examples of Preventative Measures

See examples on Fáilte Ireland website – good starting point to then develop and personalise your own

***NOTE:** Propping doors open could constitute a health and safety risk, so consult your insurance policy before taking these measures.

Key Policies to Review & Amend as required



-  Coronavirus policy
-  Sick policy
-  Remote working policy
-  Annual Leave policy
-  Flexible Working policy
-  Lay off & Redundancy policy

Return to Work Form

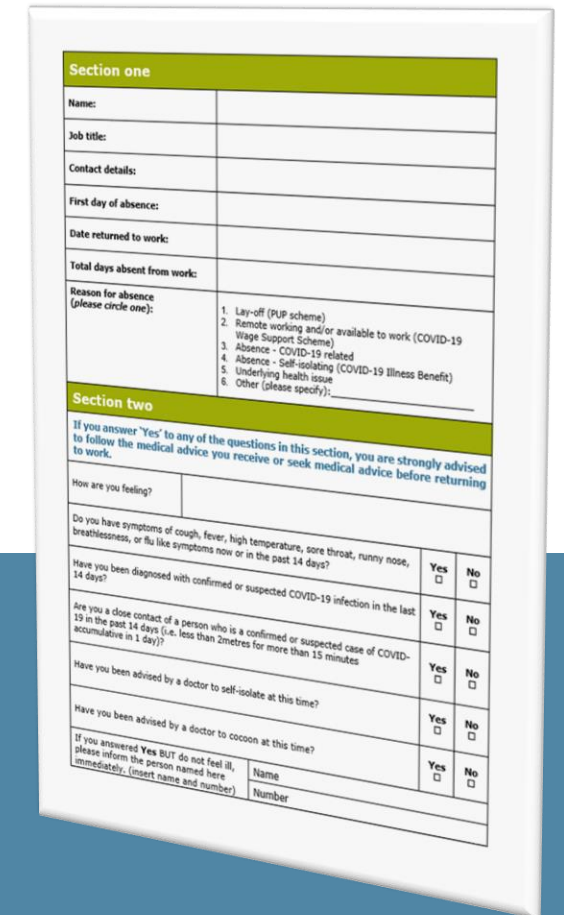
Good practice to foster proactive communication about symptoms or potential contacts that may pose a risk

Guidelines & advice:

- Issue a pre-return to work form for workers to complete **at least 3 days in advance** of the return to work.
- Use in all cases where employees have been out of the business for >5days

Form should confirm that the worker:

- Has no symptoms of COVID-19 - to the best of their knowledge
- Is not self-isolating or awaiting the results of a COVID-19 test



The image shows a 'Return to Work Form' document. It is divided into two sections. Section one contains fields for Name, Job title, Contact details, First day of absence, Date returned to work, Total days absent from work, and Reason for absence (please circle one). The reasons listed are: 1. Lay-off (PUP scheme), 2. Remote working and/or available to work (COVID-19 Wage Support Scheme), 3. Absence - COVID-19 related, 4. Absence - Self-isolating (COVID-19 Illness Benefit), 5. Underlying health issue, and 6. Other (please specify). Section two contains a warning: 'If you answer 'Yes' to any of the questions in this section, you are strongly advised to follow the medical advice you receive or seek medical advice before returning to work.' It then asks 'How are you feeling?' and a series of questions with 'Yes' and 'No' checkboxes: 'Do you have symptoms of cough, fever, high temperature, sore throat, runny nose, breathlessness, or flu like symptoms now or in the past 14 days?', 'Have you been diagnosed with confirmed or suspected COVID-19 infection in the last 14 days?', 'Are you a close contact of a person who is a confirmed or suspected case of COVID-19 in the past 14 days (i.e. less than 2metres for more than 15 minutes)', 'Have you been advised by a doctor to self-isolate at this time?', and 'Have you been advised by a doctor to cocoon at this time?'. At the bottom, there is a field for 'Name' and 'Number' with a note: 'If you answered Yes BUT do not feel ill, please inform the person named here immediately. (insert name and number)'.

Section one

Name:	
Job title:	
Contact details:	
First day of absence:	
Date returned to work:	
Total days absent from work:	
Reason for absence (please circle one):	<ol style="list-style-type: none">1. Lay-off (PUP scheme)2. Remote working and/or available to work (COVID-19 Wage Support Scheme)3. Absence - COVID-19 related4. Absence - Self-isolating (COVID-19 Illness Benefit)5. Underlying health issue6. Other (please specify): _____

Section two

If you answer 'Yes' to any of the questions in this section, you are strongly advised to follow the medical advice you receive or seek medical advice before returning to work.

How are you feeling?		
Do you have symptoms of cough, fever, high temperature, sore throat, runny nose, breathlessness, or flu like symptoms now or in the past 14 days?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you been diagnosed with confirmed or suspected COVID-19 infection in the last 14 days?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are you a close contact of a person who is a confirmed or suspected case of COVID-19 in the past 14 days (i.e. less than 2metres for more than 15 minutes accumulative in 1 day)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you been advised by a doctor to self-isolate at this time?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you been advised by a doctor to cocoon at this time?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you answered Yes BUT do not feel ill, please inform the person named here immediately. (insert name and number)	Name	
	Number	

Section two (cont.)

Are you fit to return to work, if you have previously been certified unfit by your Doctor? <i>(Please produce 'Return to Work Cert' for your HR file)</i>	
Is there anything the Company can do to help or support you if you work remotely and/or in preparation for your expected return to work at this time?	
Any other comments	

Data Protection Statement

The personal information collected on this form, (which may include the collection of sensitive personal data) is collected for the purpose of 'Prevention Of A Virus Contamination' and continued high standards of good Hygiene practices and for the Health and Safety of employees and the business. Unless you direct otherwise this questionnaire will be destroyed after 1 year.

Declaration

I have read and understand the above questions and information provided. I understand that providing false information may result in contamination and may have a critical effect on other people I come in contact with.

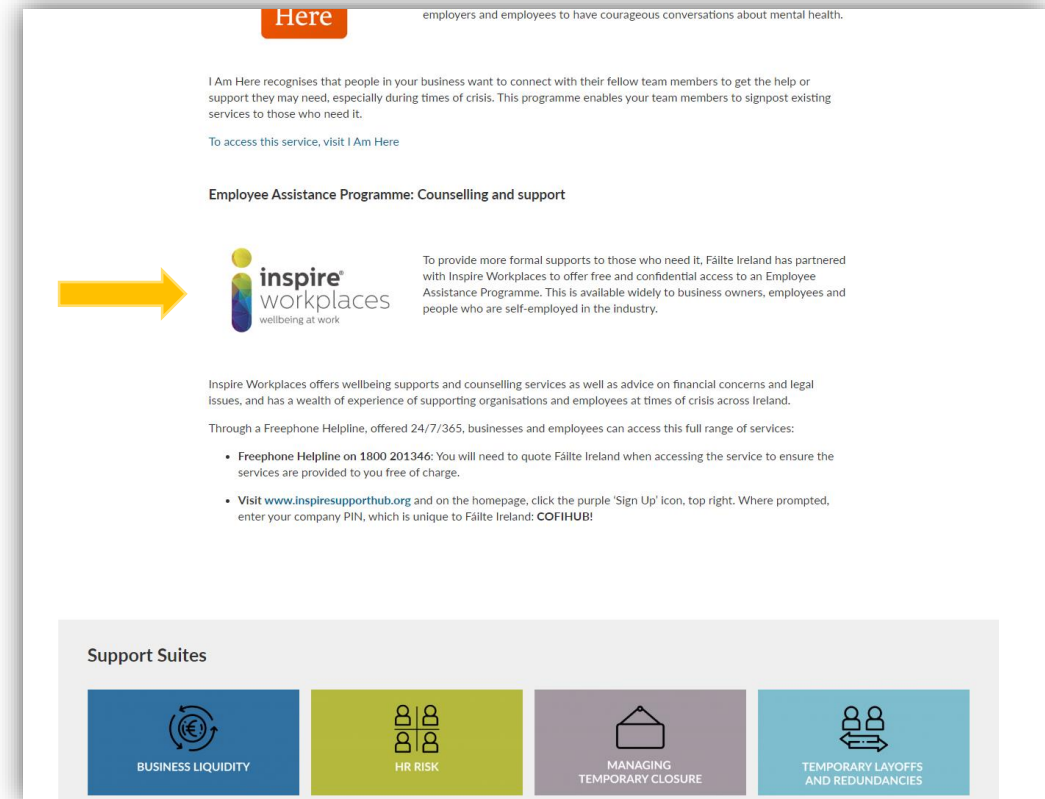
Signed: _____ Date: _____

Employee Assistance Programme (EAP)

Employers should ensure workers are made aware of and have access to any business provided schemes including:

 Employee Assistance Programmes

 Occupational Health Service




Here employers and employees to have courageous conversations about mental health.

I Am Here recognises that people in your business want to connect with their fellow team members to get the help or support they may need, especially during times of crisis. This programme enables your team members to signpost existing services to those who need it.

To access this service, visit I Am Here

Employee Assistance Programme: Counselling and support





 To provide more formal supports to those who need it, Fáilte Ireland has partnered with Inspire Workplaces to offer free and confidential access to an Employee Assistance Programme. This is available widely to business owners, employees and people who are self-employed in the industry.

Inspire Workplaces offers wellbeing supports and counselling services as well as advice on financial concerns and legal issues, and has a wealth of experience of supporting organisations and employees at times of crisis across Ireland.

Through a Freephone Helpline, offered 24/7/365, businesses and employees can access this full range of services:

- **Freephone Helpline on 1800 201346:** You will need to quote Fáilte Ireland when accessing the service to ensure the services are provided to you free of charge.
- **Visit www.inspiresupporthub.org** and on the homepage, click the purple 'Sign Up' icon, top right. Where prompted, enter your company PIN, which is unique to Fáilte Ireland: **COFIHUB!**

Support Suites

 BUSINESS LIQUIDITY	 HR RISK	 MANAGING TEMPORARY CLOSURE	 TEMPORARY LAYOFFS AND REDUNDANCIES
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Worker Representative

1

At least One Lead Worker Representative

Ensures COVID-19 measures are strictly adhered to in their place of work.

2

Necessary Training

Must be trained and have a structured framework to follow to be effective in preventing the spread of the virus.

3

Regular & meaningful engagement

Employers must regularly meet with their worker representative, workers and/or their recognised Trade Union or other representatives (including their Health and Safety Committee where this exists) about the measures being put in place to address COVID-19.



See the **Worker Representative Checklist** on www.hsa.ie

Breaks



Employers should organise breaks in such a way as to facilitate maintenance of physical distancing during breaks



PPE – Personal Protective Equipment

COVID-19 Risk

- Check the HPSC website regularly for updates regarding use of recommended PPE.
- Workers should be trained in the proper use, cleaning, storing and disposal of PPE.
- PPE needs to be consistently and properly worn when required, and must be regularly inspected, cleaned, maintained and replaced as necessary.



For more details on PPE visit www.hpsc.ie

HR FOR REOPENING

Changes to Working Hours & Arrangements



Business and HR Strategy

- Once you have reviewed your business strategy you need to align your HR strategy accordingly
- You can change your HR strategy as you go along



Employer Options



Temporary Reduction in Hours
Implementation and Risks



Wage Reduction Implementation
and Risks



Short-time Implementation



Lay Off Implementation



Lay Off vs Employee Wage
Subsidy Scheme

Employer Options



Temporary Reduction in Hours
Implementation and Risks

Wage Reduction Implementation
and Risks

Short-time Implementation

Lay Off Implementation

Lay Off vs Employee Wage
Subsidy Scheme

Employer must consult with employees

A reduction in hours that does not meet the short-time requirements, must be negotiated and agreed with employees

Guidelines & advice:

- Be clear what this looks like
- Consult with employees – discuss the viability for the business and them as employees
- Communicate what is agreed in writing

Employer Options

Temporary Reduction in Hours
Implementation and Risks



Wage Reduction Implementation
and Risks

Short-time Implementation

Lay Off Implementation

Lay Off vs Employee Wage
Subsidy Scheme

Employer must consult with employees

A reduction in wages must be agreed with employees. Normally done for period of time e.g. 20% reduction with a review in 6 months

Guidelines & advice:

- If employee accepts – confirm the agreement in writing
- If employees refuses – you can't enforce it

Employer Options

Temporary Reduction in Hours
Implementation and Risks

Wage Reduction Implementation
and Risks



Short-time Implementation

Lay Off Implementation

Lay Off vs Employee Wage
Subsidy Scheme

Reduction in Hours for Full-time Staff

Occurs if you don't have full-time work for staff. Need to reduce hours to less than half or less than 3 days

Guidelines & advice:

- Consult with employee - identify if there are other alternatives.
- Employer can place employee on short-time even if they don't agree.

Employer Options

Temporary Reduction in Hours
Implementation and Risks

Wage Reduction Implementation
and Risks

Short-time Implementation



Lay Off Implementation

Lay Off vs Employee Wage
Subsidy Scheme

**No work for certain roles for longer
period of time**

Requires you to have no work available for a
specific period of time.

Employer Options

Temporary Reduction in Hours
Implementation and Risks

Wage Reduction Implementation
and Risks

Short-time Implementation

Lay Off Implementation



Lay Off vs Employee Wage
Subsidy Scheme

Lay Off vs Wage Subsidy Scheme

- Lay Off – employee is NOT available for work, training, etc.
- Wage Subsidy Scheme – employer can get employee to do work, take training, help with rosters, etc.

Return from Lay Off

In selecting for return to work, the Company must apply selection criteria that are reasonable and are applied in a fair manner:

Selection Criteria

- First in, first to return
- Selection matrix which will have to be tailored specifically based on skills required
- Department or Location



- You can use a mix – e.g. you could use different criteria for each department
- Be aware of Equality and Unfair Dismissal legislation
- Keep a paper trail
- Address refusal to return to work – communicate date of lay off in writing

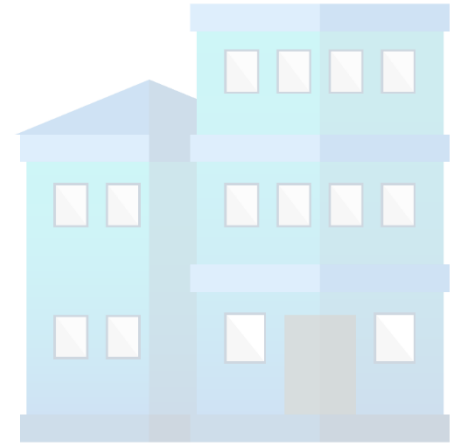
Soft/Phased Return to Work

Health &
Safety
Induction

Consider
shorter week
and phase to
full hours

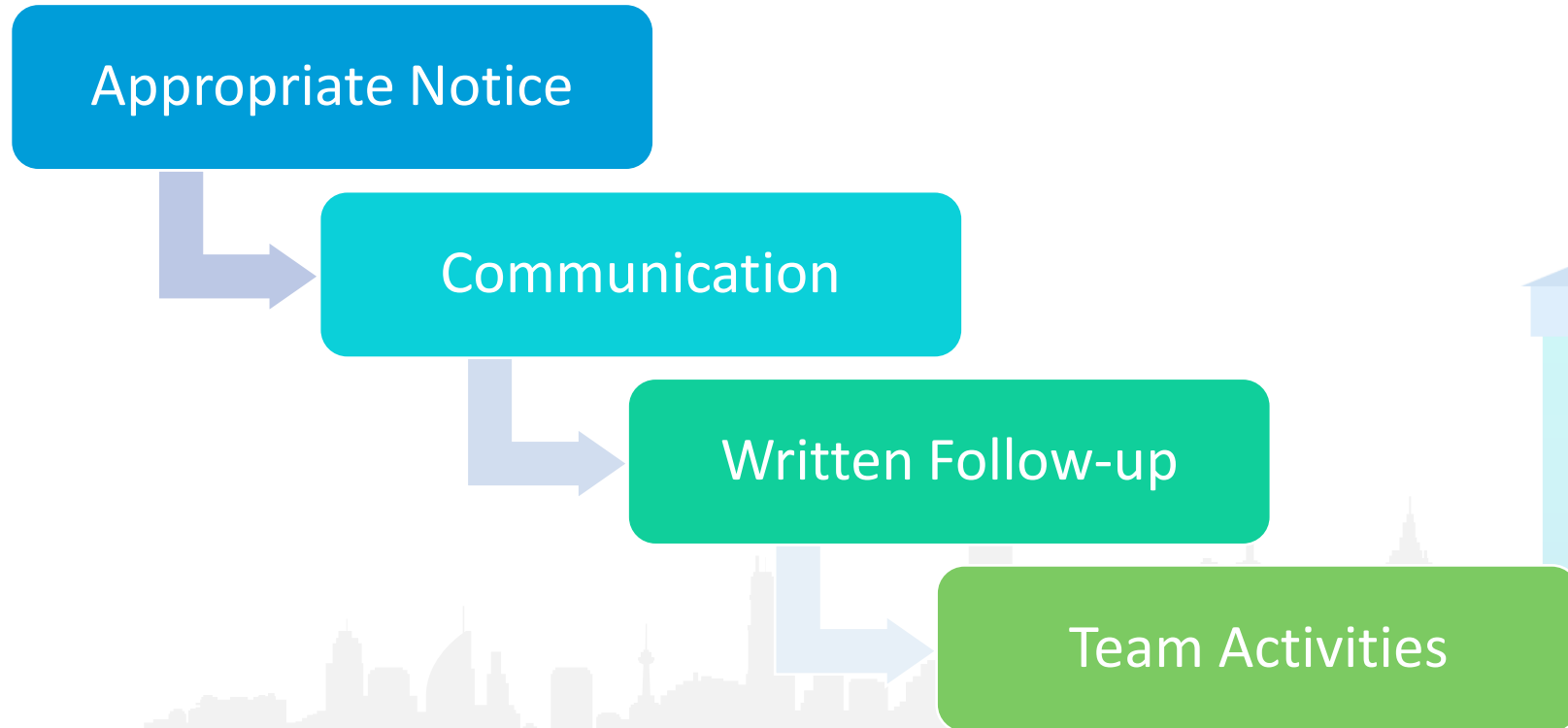
Engagement
activation

Well-being
initiatives



Soft/Phased Return to Work

Virtual Townhall and Departmental Meeting to address questions and concerns



Redundancy

Redundancy Payments Acts of 1967 – 2007 outlines employee's right to:

- notice of redundancy
- redundancy pay
- paid time off to look for alternative employment / arrange training

Risks:

- Unfair Dismissal – Unfair Dismissals Acts 1977-2015
- Equality – The Employment Equality Acts 1998-2015



Redundancy of the Role not the Person

Redundancy Selection

In selecting employees for redundancy, the Company must apply selection criteria that are reasonable and are applied in a fair manner.

Selection Criteria

- Last in first out
- A selection matrix which will have to be tailored specifically for a role
- Department or Location



- Start consultation as soon as reasonably practical
- Failure to consult – award up to four weeks' salary/wages. Failure to comply with any other requirement under the Redundancy Acts may result in compensation of up to two years' salary/wages or reinstatement or re-engagement of the employee.
- Paper trail is vital
- Alternative Work – allow employees to present options to avoid redundancy

What is collective redundancy?

The Protection of Employment Acts 1977 outlines obligations in relation to information and consultation by an employer where it is effecting a collective redundancy

- 5 employees where 21-49 are employed
- 10 employees where 50-99 are employed
- 10% of the employees where 100-299 are employed
- 30 employees where 300 or more are employed

Notice of Redundancies

Written notice of the proposed redundancies to the Minister for Business, Enterprise and Innovation copying employees' representatives at least 30 days before the first dismissal takes effect.



Redundancy Payment



Statutory Payment

- *Each employee with two years continuous service is entitled to two weeks' salary for every year of service plus one bonus week.*
- *The payments will depend on hours of work and gross salary.*



Ex-gratia

- *There is no entitlement to ex-gratia payments but you may wish to give them an additional amount on top of their statutory entitlement. May be subject to income tax depending on the amount given to the employee*
- *It is essential they sign a waiver to confirm their agreement to the same.*

Other Considerations

Employee Intention to Claim Redundancy

Redundancy Payments Acts 1967-2007

If Lay-off or a Short Time situation exists and has continued for 4 weeks or more, or for 6 weeks in the last 13 weeks, an employee may give their employer notice in writing of their intention to claim redundancy.

BUT *under the Under the Emergency Measures in the Public Interest (COVID-19) Bill, this section is currently paused and it is possible that it might be extended.*



Other Considerations



UNDERSTANDING

Always consider individual circumstances



CONSULTATION & NOTICE

Take your time! Make sure the employee feels heard and give them the appropriate notice.



COMPASSION

Show empathy for how challenging and scary this is for employees

HR FOR REOPENING

Employment Supports & Payments



Important Considerations



INDIVIDUAL CIRCUMSTANCES

Always consider an individual's situation
e.g. financial hardships



COMMUNICATION

Keep your employees informed of any changes in the business



CONSULTATION

Where possible make sure your employees feel included in decisions



COMPASSION

Try to always show empathy and understanding during these uncertain times

Extension of Schemes

On **5th June 2020** the Government announced an update in respect to the extension of both the PUP and the TWSS as follows

TWSS

Temporary Wage Subsidy Scheme

The TWSS has been extended until the **End of Phase 5**

PUP

Pandemic Unemployment Payment

The PUP has been extended until the **10th August 2020**

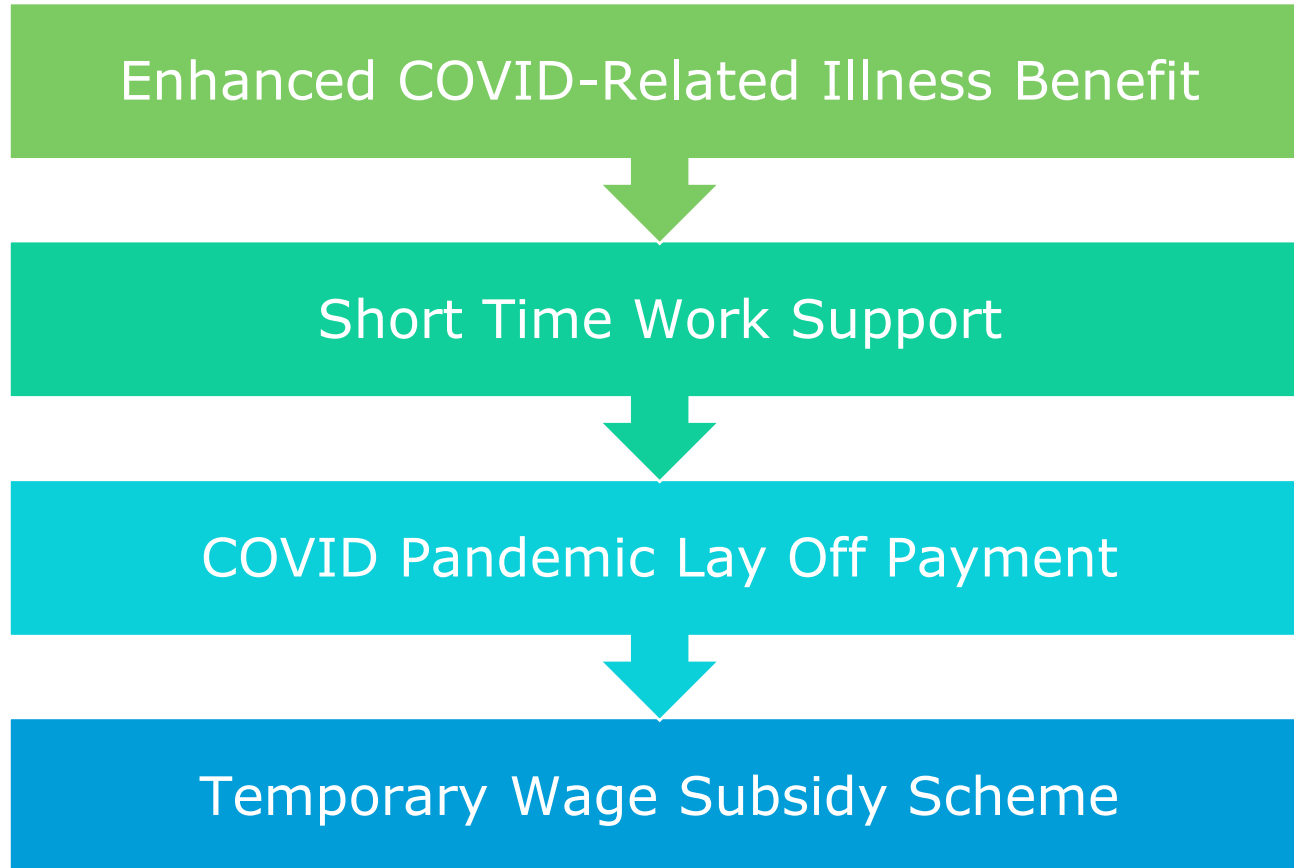
From 29th June - For those whose prior employment earnings were :

- €200 per week or higher, the PUP rate will remain at €350 per week
- Up to €199.99 per week, the PUP rate will be €203 per week.



Full details of this update are covered in the FAQ that accompanies this video

State Support Options



Payment Options & Supports

Enhanced COVID-related Illness Benefit

- €350 vs €203 (normal illness benefit)
- Self isolating (2 weeks)
- Diagnosed with COVID-19 (max 10 weeks)
- Contacted by HSE through contract tracing (2 weeks)
- Has to be certified
- Paper application for Illness Benefit (Form IB1)

Short-term Work Support

- Reduce hours or days
- Periods of temporary difficulty without permanent layoffs
- Form of Jobseeker's Benefit - income support payment (under 66) when temporarily placed on shorter working week
- Payment made in respect of regular salary for days they are no longer working - must work 3 or less days per week
- Must be full time and meet PRSI payment criteria to apply

COVID-19 Pandemic Unemployment Payment (PUP)

- Available where
 - a) Unable to provide work, or
 - b) Cessation is not permanent - provides employee with notice
- For employers unable to continue to pay them (e.g. in layoff situation)
- Available to employees and self-employed - lost employment due to COVID-19
- €350 per week

Temporary Wage Subsidy Scheme (TWSS)

- Available to all sectors
- To qualify employers must:
 - a) Economic disruption
 - b) Min 25% decline in turnover
 - c) Can't pay wages / outgoings
 - d) Retain employees on payroll.
- On payroll as at 29th Feb 2020, and payroll submission made to Revenue in period from 1st Feb 2020 to 15th Mar 2020
- Employee must sign off other supports to avail of this so no duplicate supports (e.g. Pandemic Unemployment Payment) from the DEASP.

Maternity Leave & TWSS



- Temporary Wage Subsidy Scheme (TWSS) - amended to allow women who were on maternity leave to access the payment.
- Provision will be implemented retrospectively from 26th March for employees who were retained on payroll by their employers.
- Change will require manual operation and system updates are ongoing – should be operational from 12th June 2020.
- Employers are encouraged to contact Revenue when the update is launched – process of including these employees' salaries may begin as quickly as possible.

PUP vs Employee Wage Subsidy Scheme

Pandemic Unemployment Payment (PUP)

- Flat rate of €350 for all employees
- Not available for work as contract is paused as they are on lay off

VS

Employee Wage Subsidy Scheme

- Employees are available for work and need to be flexible - includes availability for training

Decision on which is applied is at Employer's Discretion

PUP to Employee Wage Subsidy

What to consider when transitioning employees from one scheme to another



Written Correspondence

Provide written confirmation after you have communicated this verbally



Tax Implications

Provide employees with information regarding any tax credit implications



Address Concerns / Refusals

Proactively address any employee concerns or refusals to transition between schemes




Absences & Payments


Address any absence and payments while employee is transitioning to the Wage Subsidy Scheme

Revenue Obligations

Important notice: Latest information on Revenue services and tax and customs measures in place during the COVID-19 pandemic.
[COVID-19 information and advice for taxpayers and agents](#)

Revenue 
Cáin agus Custaim na hÉireann
Irish Tax and Customs

Sign in to [myAccount](#) or [ROS](#) | [Gaeilge](#)

Search 

Popular topics

- [COVID-19 related information and advice for taxpayers and agents](#)
- [Guidance on Employer Eligibility for Temporary COVID-19 Wage Subsidy Scheme](#)
- [COVID-19 Wage Subsidy Scheme statistics](#)
- [PAYE employees whose employers are availing of Temporary COVID-19 Wage Subsidy Scheme](#)

Important Customer Notice
Advice for our customers on necessary changes to our telephone and other services arising from additional COVID-19 restrictive measures.

[Read more... →](#)

<p>Jobs and pensions Starting work, emergency tax, claiming a refund, calculating your tax, understanding entitlements, pensions, being tax compliant.</p>	<p>Personal tax credits, reliefs and exemptions Understand your tax entitlements and ensure you get what you are due.</p>	<p>Life events and personal circumstances Marriage, separation, having children, illness, bereavement, disability, unemployment, retirement.</p>
<p>Self-assessment and self-employment Pay and file, Relevant Contracts Tax, Professional Services Withholding Tax, share options, disclosure, audit.</p>	<p>Gains, gifts and inheritance Selling assets, paying tax on gifts and inheritances, filing returns, Probate Tax, reliefs and exemptions.</p>	<p>Employing people Hiring and paying employees, returns, paying tax, benefit in kind, social welfare payments, employee expenses, PAYE modernisation.</p>
<p>Property Buying and selling, Local Property Tax, Stamp Duty, Home Renovation Incentive, Help to Buy, rental income.</p>	<p>Starting a business Registering for tax, tax credits, tax reliefs, tax incentives, paying tax, initiatives for start-ups, tax reliefs, tax authorisations, importing and exporting goods.</p>	<p>Companies and charities Corporation tax, international tax, charities and sports bodies, excise and licences, compliance, audit, disclosures.</p>

Right to Request Redundancy



29th May 2020

Cabinet extended the suspension of redundancy provisions relating to temporary lay off and short time work, which arose as a result of COVID-19 until **10th August 2020**

Annual Leave Accrual & Planning

Lay off

- No entitlement to accrue annual leave - works over 1,365 hours in 2020, full 4 week entitlement due

Short-time

- Accrual based on the hours worked - works over 1,365 hours in 2020, full 4 week entitlement due
- Departmental Annual Leave Plans for 2020 to be updated




Public Holidays

- Entitlement retained for 13 weeks from commencement of lay off



Annual Leave Accrual & Planning

Other considerations

-  Consideration for allowing a carry over into the new leave year due to circumstances
-  Annual leave considered a break from work under the Organisation of Working Time Act; its purpose = rest and recreation
-  Encourage employees to choose when they take it but be aware employer can designate giving 30 days' notice

