

COVID-19

STRATEGIES TO SUSTAIN A BUSINESS DURING THE COVID-19 DOWNTURN

STRATEGY	WHAT IS IT?	ABILITY TO USE	NOTICE	POINTS TO NOTE	LAW	SOCIAL WELFARE
<p>Short – Time</p>	<ul style="list-style-type: none"> • Temporary reduction in work • Weekly pay less than ½ normal weekly pay; or • Hours of work less than ½ normal weekly hours • No termination of employment 	<ul style="list-style-type: none"> ✓ Contractual entitlement ✓ Custom & practice ✓ Consent of affected employees (in writing) ? Emergency health situation may constitute exceptional circumstances 	<ul style="list-style-type: none"> • Length of notice not defined, should be reasonable in the circumstances • Employers should use the RP 9 Form 	<ul style="list-style-type: none"> • An employee on lay off or short time for 4+ consecutive weeks OR 6+ weeks within a 13 week period can seek to be made redundant • Employer can serve counter-notice if it can guarantee at least 13 weeks continuous employment within 4 weeks. • However, draft emergency legislation, if enacted, provides any trigger by an employee for redundancy would have no effect for the 	<p>Section 11 Redundancy Payments Act 1967</p>	<p>Short Term Work Support:</p> <p>https://www.gov.ie/en/service/c20e1b-short-time-work-support/</p>

STRATEGY	WHAT IS IT?	ABILITY TO USE	NOTICE	POINTS TO NOTE	LAW	SOCIAL WELFARE
				duration of the Covid-19 emergency		
Parental Leave	<ul style="list-style-type: none"> 22 weeks' leave for parents to look after children under 12 (16 in the child has a disability or long-term illness) Parent must have one year's service 	✓ At the request of an employee (provided parental leave applicable to employee)	<ul style="list-style-type: none"> Usually six weeks prior to parental leave but employer can exercise discretion to treat leave as parental leave 	<ul style="list-style-type: none"> 22 weeks unpaid leave in respect of each child; Employees who avail of Parental Leave continue to accrue annual leave. No right to salary. 	Parental Leave Act 1998 – 2019	None
Parent's Leave	<ul style="list-style-type: none"> 2 weeks' leave during the first year of a child's life 	✓ At the request of an employee (provided parent's leave applicable to the employee)	<ul style="list-style-type: none"> Usually six weeks prior to parent's leave 	<ul style="list-style-type: none"> Available for parent's of child born or adopted after 1 November 2019 Parent's Benefit (if applicable) only available once for single and multiple births 	Parents Leave and Benefit Act 2019	https://www.gov.ie/en/service/b321b1-parents-benefit/
Reducing Pay	✓ Temporary reduction in pay for workforce	✓ Only with the express written agreement of the employee	✓ None prescribed, but reasonable notice	<ul style="list-style-type: none"> Employers cannot vary pay unilaterally because it is a 	<ul style="list-style-type: none"> None but be aware of the Payment of Wages 	None specific, but Short Term Work Support may apply. See above.

STRATEGY	WHAT IS IT?	ABILITY TO USE	NOTICE	POINTS TO NOTE	LAW	SOCIAL WELFARE
				fundamental term and condition of employment.	legislation which provides for unlawful deduction of pay	
Redundancy	<ul style="list-style-type: none"> Termination of employment by reason of redundancy 	<ul style="list-style-type: none"> ✓ if genuine redundancy and fair procedures followed 	<ul style="list-style-type: none"> Minimum 2 weeks notice which can run concurrently with employee's contractual notice. Employers should use RP50. 	<ul style="list-style-type: none"> Provided an employee has 104 weeks continuous service (which includes periods of lay off) employers to pay statutory redundancy of 2 weeks pay (capped at €600) per year of service plus a bonus week (capped at €600). No employer rebate available 	Redundancy Payments Acts 1967 – 2014	None
Collective Redundancy	<p>Redundancy during 30 consecutive days if thresholds apply:-</p> <ul style="list-style-type: none"> 5 employees where 21-49 employed 	<ul style="list-style-type: none"> ✓ If genuine redundancy and statutory procedures followed 	<ul style="list-style-type: none"> ✓ Strict rules re timing of consultation and notification to Minister prior to any notice of redundancy 	<ul style="list-style-type: none"> Provided an employee has 104 weeks continuous service (which includes periods of lay off) employers to pay 	Protection of Employment Acts 1977 – 2014	None

STRATEGY	WHAT IS IT?	ABILITY TO USE	NOTICE	POINTS TO NOTE	LAW	SOCIAL WELFARE
	<ul style="list-style-type: none"> • 10 employees where 50-99 employed • 10% of employees where 100 – 299 are employed • 30 employees where 300 or more are employed 			<p>statutory redundancy of 2 weeks pay (capped at €600) per year of service plus a bonus week (capped at €600).</p> <ul style="list-style-type: none"> • No employer rebate available 		
Force Majeure Leave	A limited right to limited paid time off for urgent family reasons owing to accident/illness of an immediate relative or a person <i>“in a relationship of domestic dependence”</i>	✓ At the request of an employee	<ul style="list-style-type: none"> • As soon as reasonably practicable after taking the leave • In accordance with the notice provisions provided by the employer 	<ul style="list-style-type: none"> • Maximum of 3 days in any period of 12 consecutive months Or • 5 days in any period of 36 consecutive months • Paid by employer • No service requirement 	Parental Leave Act 1998 – 2019	None, entitled to pay by employer