



Republic of Labour Law – Irish HR Updates

By **Dónall Breen** - 28 August 2020

Welcome to our August edition of Republic of Labour Law, a monthly newsletter in which we distil the most important Irish legal and HR updates from the last month in 500 words or less.

For those of you who do business in Ireland, this should be your one stop shop for what you need to know.

This week in the Republic of Labour Law:

- Trouble in Paradise
- The Wage Subsidy Scheme (Rebranded)

- Statistics

Trouble in Paradise

We start this week with some non-employment related news – but tangentially relevant.

The front pages are dominated by the story of a parliamentary social club dinner where 80 people crowded into a hotel one fine evening. Jammed with former attorney generals, judges and members of parliament (including an EU Commissioner) – it has hit a sore nerve with the public. Certainly not in the spirit of social distancing, and perhaps in breach of the law, heads are rolling as the new government tries to reign in a mass Dominic Cummings-style mishap.

Separately, Ireland has its first large ‘anti-mask’ and ‘anti-lockdown’ protest in Dublin which was attended by thousands.

What does this mean for employers?



In short, Ireland isn't immune to the populist pushbacks we are seeing in the States and other EU countries. Companies should at least consider how they would handle an anti-masker or anti-vaxxer who insists on coming into the office. Retailers should be thinking the same. Forewarned is forearmed.

Wage Subsidy Scheme

A new Employment Wage Subsidy Scheme will operate from 1 September 2020, expected to continue until 31 March 2021. It will gradually replace the current Temporary Wage Subsidy Scheme which will cease on 31 August 2020.

Revenue (the Irish tax authority) has published guidance for the new scheme which is broadly similar to the scheme it is replacing. For example, the 30% reduction in turnover test remains and the definition of eligible employees is similar. However, there are some differences, so if you are changing from one scheme to the other it is worth reading the fine print.

Interestingly, there is scope to backdate claims for employees excluded from the previous scheme (such as new hires or seasonal employees) - that may be worth checking.

Statistics

Ending on a fun topic, we have two sets of statistics to share.

First, the Labour Court has published its 2019 Annual Report. By way of reminder, the Labour Court is broadly divided between industrial relations work and employment rights work. It hears all appeals from the (first instance) Workplace Relations Commission.

The main takeaway is that the volume of employment rights cases are increasing, as is the percentage of employment rights cases versus industrial relations.

Unsurprisingly, more than half of all cases are concerned three categories: unfair dismissal, discrimination and working time/holiday pay.

Frustratingly, there is no breakdown of compensation amount. However, one eyebrow raising statistic is that only 6% of all unfair dismissal claims appealed were overturned and only 5% of discrimination claims were overturned. Therefore, being successful at first instance remains key.

Finally, statistics from the Irish Health and Safety Authority (HSA) have been published. It seems the HSA have been busy.

Since the economy reopened in mid-May, the HSA has carried out over 9,500 inspections and issued almost 60 prohibition notices (meaning activities must cease). Statistics also revealed that the HSA engages almost 70 inspectors specifically to check for compliance with the Covid-19 Return to Work Safely Protocol.

But the inspection fun doesn't stop there. There are also an additional 500 inspectors, from the likes of the Workplace Relations Commission, the Department of Agriculture, Food and the Marine and environmental health officers helping to ensure compliance with the protocol.

If you have a workplace in Ireland, be prepared for the inspector to darken your door. Although, from experience, most are pretty sensible and it is a fairly painless process. Ending on a happy note.

That's all for this month. In the meantime, wishing you all the best.