



Republic of Labour Law – Irish HR Updates in January

By **Niall Pelly** and **Dónall Breen** - 28 January 2021

Welcome to a very special January 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.

This week in the Republic of Labour Law, we look at the year ahead, and what to expect in 2021.

We start with a very special update of our own. GQ|Littler has expanded to Dublin and we are very proud to announce that our Irish office is now open for business. For further details, see [here](#).

As we look forward to the year ahead with excitement, we also look ahead to what employment law changes we expect in over the next 11 months:

Government Support Schemes

The government continues to support employers with a variety of grants and payments, the centrepiece being the Employment Wage Subsidy Scheme.

It is due to end on 31 March 2021, but like so many Covid-related measures, we would not be surprised if this were extended again.

However, the harsh reality is that the government will need to turn off the tap at some stage. We expect the Employment Wage Subsidy Scheme will eventually wind up at some point next year – or perhaps change into a different form.

Statutory Sick Pay

In December, the government closed a consultation regarding the introduction of a statutory right to employer paid sick leave.

There is currently no legal obligation on employers in Ireland to pay workers during periods of illness, instead workers must rely on the



state paid Illness Benefit if there is no company sick pay. This makes Ireland an outlier in the OECD, and certainly in the EU.

It is widely anticipated that (spurred on by Covid related sickness absence) the government will introduce legislation this year that will require employers to start paying sick pay.

Gender Pay Gap Reporting

As we previously reported, Gender Pay Gap Reporting was put on hold in 2020. Will 2021 be its year?

It looks increasingly likely, with the Minister for Children, Equality, Disability, Integration and Youth committing in late December to bring a “strengthened” Gender Pay Gap Information Bill to the Cabinet in January this year – see [here](#). There have been no further announcements as of 28 January, but we expect news soon.

The introduction of the UK style reporting requirements has been stuck in legislative limbo for over a year now, but with this latest news we think it would be prudent for HR teams to consider preparing for its imminent introduction.

Workplace Relations Commission

Ireland’s employment dispute resolution system, the Workplace Relations Commission, is currently under attack as being unconstitutional. The Supreme Court decision on this case is due in the coming months which may have significant changes for employee litigation.

Government Initiatives

The government has signalled that several changes to employment work and practice are coming down the line.

The most significant was a headline grabbing publication of the ‘Making Remote Work: National Remote Work Strategy’. The report, amongst other things, committed the government to legislating for the right of employees to request remote work by Q3 2021 and introducing a Code of Practice on the right to disconnect by Q1 2021. For the full report, see [here](#).

Another Code of Practice that was updated was the '[Code of Practice on the Prevention and Resolution of Bullying at Work](#)'. The new Code replaces and updates separate codes that were previously published on these topics. The Code provides guidance on good practice and procedures for addressing and resolving issues around workplace bullying. It also provides practical guidance to employers on how to fulfil their statutory duties when it comes to identifying, managing and preventing bullying at work.

Failure to follow a Code of Practice is not in itself an offence. However, a statutory Code of Practice is admissible in evidence in any relevant proceedings before the Workplace Relations Commission and/or the Labour Court. If applicable, in assessing the potential liability of an employer for breaches of employment law, the extent to which an employer has complied with a relevant Code of Practice is not determinative but can be taken into account.

In conclusion, after a hectic year for employment law it looks as though there are plenty of changes that remain on the horizon. Along with everyone else, we hope these changes are those we freely choose to make this year.

In the meantime, from all of us here at GQ|Littler (Dublin and London), wishing you all the best.