



Republic of Labour Law – Irish HR Updates in December

15th December 2020

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By Dónall Breen - 17 December 2020

Welcome to our December 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 employment law winners and losers from 2020.

In January, Brexit was the headline. In December, Brexit is the headline once more. There is a grim symmetry to this year's news cycle which was largely filled with Covid.

What has that meant for Irish employment law? A lot. And better for some than others.



Winners:

- Sick Pay – Ireland is an outlier in Europe in that there is no mandatory, employer paid sick pay. This may all change next year as Covid related sickness absences brought the issue to the fore. There is nothing concrete announced yet (aside from a government commitment to tackle the issue) but watch this space.
- Pension Autoenrollment – The programme for government has stated that mandatory employer contribution pensions are on the way in. This was somewhat expected, and we anticipate it will mirror the UK system to a large extent. Again, no firm details yet.
- Government Support Programmes – From the Pandemic Unemployment Payment, to the furlough scheme, from business grants to bail outs. It has been one hell of a year for government intervention. Like governments all over the world, the Dáil has splashed the cash to try keep the wheels moving. How long this will last into the future seems to be a function of our success in battling the pandemic.
- Working from Home – Lockdown, restrictions and a change in the working world have meant offices from Galway to Grand Canal Dock have lay empty for a large part of the year. The government advice has been almost consistently ‘work from home’ if you can. Despite what online commentators will tell you, the full impact of this is yet to be known. However, as a signpost to the future, the government has said they are looking to make this shift a more permanent feature of Irish working life.

Losers:

- SEOs – The High Court ruled that a sectoral employment orders (SEO), issued by the government that set out pay rates, pension and sick pay entitlements, was unconstitutional. Whether they will be replaced (again!) is unknown.
- Gender Pay Gap Reporting – Was put on hold. Again. The introduction of the UK style reporting requirements has been stuck in legislative limbo all year, but we expect it will be finally introduced next year. Although, that is what we thought last year...
- The UK – With Brexit steaming at full throttle over a cliff edge, more and more companies have been turning to Dublin as an alternative. Ireland will ultimately share the pain of any no deal Brexit, but that will be somewhat offset by winning these new corporate citizens.
- The WRC – The poor Workplace Relations Commission is fighting of its life as a case comes before the Supreme Court to determine if the whole system is unconstitutional or not. It will be another seismic change to Irish employment practice and process if it is struck down.
- Golf Dinners – And the dawn of ‘Golfgate’. For reference, see [here](#).

It has been quite the year. For most, it has been tough. But as we look to a new year, the rays of hope are just about peaking over the horizon.

We have not come this far, just to come this far. In the words of literary giant Samuel Beckett:

“Ever tried. Ever failed. No matter. Try Again. Fail again. Fail better.”

In the meantime, a very merry Christmas, or Nollaig Shona, from all of us here at GQ|Littler.