



Republic of Labour Law – Irish HR Updates in June

By Dónall Breen - 30 June 2020

Welcome to our June 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:

- Open for business!
- The Temporary Covid-Wage Subsidy Scheme - updates
- Redundancies in Ireland
- Employment injunctions

Good news at last! After months of working hard but hardly socialising, Ireland is reopening. From 9 July huge swathes of the Irish economy will welcome customers again - from hospitality, to pubs, to retail.

The advice remains that those who can work from home should work from home, so we may not see the IFSC packed full of suits just yet. Foreign travel restrictions largely remain in place and public gatherings above 50 people (indoors) or 200 people (outdoors) remain off limits.

For this reason, the government has also announced changes to the Covid-Wage Subsidy Scheme. It was due to end late June but has now been extended to the end of August – it seems the government anticipates that it will take some time to get everyone back to work.

The government has said it will continue to monitor the situation and decide later in the summer on the need for further extensions or tapering. The eligibility has also been widened to close a loophole where those on family leave were deemed ineligible.



However, the unfortunate situation is that some jobs are simply no longer there anymore, and redundancies will be inevitable.

Clients often ask, 'how difficult is it to make redundancies in Ireland'? The short answer is – not difficult, but you must follow a process.

The headline points are as follows:

- Generally, you need to individually consult with employees to avoid unfair dismissal claims
- If your workplace employs more than 20 people, and more than 5 employees are being made redundant, you may need to collectively consult first which will last at least 30 days
- Statutory redundancy payments are calculated as 2 weeks' pay per year of service (capped at €600) plus a bonus week

Those familiar with the UK redundancy process will be in familiar territory but be warned that the threshold for collective redundancies is different in Ireland.

Finally, on a completely unrelated note, the Irish High Court has recently granted an employment injunction. Basically, these injunctions stop a disciplinary process from proceeding if the process is so flawed that the employee's right to constitutional fairness has been infringed. These are very difficult to secure and seen as the nuclear weapon of Irish employment law - always exciting when one pops up in the wild.

In this case, an investigator (who made a complaint about the employee during the investigation that was dismissed) cleared a social worker of serious allegations but then proposed a new investigation into other claims.

The employer accepted this finding, which the investigator was not in a position to make. The employer then failed to register the employee with the regulatory body meaning he couldn't work. A new investigation was due to begin.

The judge decided that the whole investigation was flawed, there was an element of predetermination and this may have serious consequences for the employee. He granted an injunction against the new disciplinary investigation continuing and ordered a full hearing on the matter.

That's all for this month. In the meantime, stay safe but feel free to start wandering out (if you live in Ireland!).