



Working through COVID-19: Guidance for Employers



PENINSULA

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Introduction

This document is intended to consolidate practical guidance that is available at the time of writing on how to operate during the COVID-19 pandemic and will be updated regularly in line with the latest Government advice and **therefore is a living document and subject to change**. This guide addresses 3 main areas:

- Plan for Working Alongside COVID-19
- Work Safely Protocol
- Workforce Planning

1. Working through COVID-19

- An overview of the latest Government measures in place.

2. Work Safely Protocol

- An overview of the mandatory protocol as it applies to all workplaces.

3. Workforce Planning

- Potential measures to reduce workforce costs.
- Financial Supports
- Managing holidays, sickness and other absences.

Checklist

- ✓ Check the level of the Framework for Restrictive Measures which applies to your county and business.
- ✓ Follow the Work Safely Protocol to ensure the workplace is COVID-19 secure.
- ✓ Look at your workforce requirements; will you need to reduce salaries or headcount? Check your options.
- ✓ Read our separate guides on [Income & Business Supports](#) and [Varying Terms & Conditions](#).
- ✓ See how Peninsula can help you.

Disclaimer: This document does not address every possible situation for all organisations and sizes. The information provided relates to a new, untested area of law arising out of extraordinary circumstances. The guidance is being updated regularly and it is important that you speak to our expert HR advisors on the subject. Reliance on any views expressed is specifically excluded.

1. Working through COVID-19

On 31st August 2021, the Cabinet agreed on a reopening schedule that will see all existing COVID-19 restrictions coming to an end by the 22nd October 2021. The changes announced are as follows:

From 1st September

- Public transport can return to full capacity.

From 6th September

- Some easing of restrictions regarding indoor and outdoor events and mass gatherings.
- Live music to return to bars and at weddings.
- Indoor venues can use 60% capacity for vaccinated people.
- Outdoor venues can use 75% capacity for vaccinated people.

From 20th September

- Easing of restrictions for indoor and outdoor group activities (sports, arts, culture, dance classes etc.).
- A phased return to the workplace will begin in accordance with a new Work Safely Protocol which will be introduced prior to this date.

From 22nd October

- All remaining Covid-19 restrictions will be removed. However, some restrictions will remain including self-isolation of anyone with symptoms or a positive test result, social distancing in healthcare institutions, and mask wearing in certain settings including indoor retail and public transport.

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2. Work Safely Protocol

The Government has announced that from the 20th September 2021, employers may commence a phased return to the workplace in accordance with a new Work Safely Protocol which will be introduced prior to this date. The Work Safely Protocol will be updated once further guidance is published.

The Work Safely Protocol contains a combination of mandatory measures, in addition to a number of recommendations, for employers and workers to implement upon returning to work. The document was updated in May 2021 and the latest information includes practical advice on topics where there is now a greater understanding of the virus from when the protocols were first published.

These areas include the management and control of outbreaks, selection of hand sanitisers, wearing of masks, ventilation of workplaces and virus symptoms. For the full text of the Protocol, [click here](#).

The following requirements, among others, are included in the Protocol:

- Develop a COVID-19 business response plan.
- Provide COVID-19 induction training to all workers.
- Appoint at least one “lead worker representative” charged with ensuring that COVID-19 measures are strictly adhered to in their place of work.
- Maintain physical distancing across all work activities.
- Implement thorough and frequent cleaning of frequently touched surfaces in the workplace.
- Implement a “no handshaking” policy.
- Consider workers’ individual risk factors (e.g. older workers, underlying medical conditions).
- Establish a response plan to deal with any suspected case of COVID-19.
- Establish contingency measures to address increased absenteeism.
- Implement measures necessary to reduce the spread of COVID-19.
- Identify a designated isolation area for dealing with COVID-19 cases on site.
- Ensure that appropriate hygiene facilities are in place.

Return to Work Form and Employee Induction

Employers must prepare and issue a pre-return to work form for workers to complete at least three days in advance of employees returning to work. The form should seek confirmation that the worker, to the best of their knowledge, has no symptoms of COVID-19 and also confirm that the worker is not self-isolating or awaiting the results of a COVID-19 test. Pre-return to work induction training is also to be provided to all workers. Employers must also keep a log of contact or group work to facilitate contact tracing and display information on the signs and symptoms of COVID-19.

Business Response Plan

Each employer will need to prepare a Response Plan. It should set out the identity of individuals on the response team, the procedures to be followed when dealing with a suspected case of COVID-19 at work, to include an obligation on employees to immediately notify if they develop any symptoms, and that an isolation area is to be provided. A log should be created of contact/group work to facilitate contact tracing. Employees and other workers must be advised of the log. As part of the Business Response Plan, it is vital that staff are aware of their obligation to report any medical condition/symptoms or use of medication which could affect their safety or the safety of others in the workplace. Staff should be reminded that failure to report such issues could result in disciplinary action.

Mental Health, Hygiene and Physical Distancing

The Protocol calls on employers to put supports in place for workers who may suffer from anxiety or stress and provide information on available sources of support and advice. Employers need to ensure workers are made aware of and have access to any available Employee Assistance Programmes or Occupational Health Services. It also provides that employers must ensure that appropriate hygiene facilities are in place and make available advice, information, and training on how to perform hand and respiratory hygiene effectively. Relevant posters and information must be displayed in the workplace.

Please contact **Health Assured** for further information on their Employee Assistance Programmes and Occupational Health Services: <https://www.healthassured.org/ie/>

Contact our **24/7 Advice Line** for further information on any of these measures and/or login into [BrightSafe Online](#).

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Reopening Workplace: Flowchart

1. BUILDING PREPARATION:

- If the building has been empty during lockdown, ensure that it is safe to enter.
- Ensure fire safety systems are working.
- Ensure HVAS systems are working and are safe.
- Clean the workplace thoroughly.
- Review your normal cleaning regime.
- Ensure your water systems are free from legionella.
- Carry out repairs etc. prior to any employees returning.

2. COMMUNICATING WITH EMPLOYEES:

- Ensure you address any employee anxiety through good communication.
- Carry out risk assessments to ensure all risks are considered and effective control measures identified and implemented.
- Outline the precautions being taken to ensure employee health & safety.
- Have a clear procedure and response plan for employees reporting the recognised COVID-19 symptoms.
- Establish two-way communication and encourage employees to report any areas where the precautions are not working.

3. CONTROL ACCESS TO THE WORKPLACE:

- Introduce strict control on all access points to the workplace.
- Ensure reception areas have effective social distancing measures.
- Consider shields and barriers where social distancing cannot be achieved.
- Ensure clear signage is in place.
- Provide sanitiser, and personal protective equipment (if required).
- Do not share pens, visitor badges, etc.
- Consider testing / temperature testing on return (if appropriate).

4. PHYSICAL DISTANCING:

- Consider a phased-return to work.
- Implement staggered start and finish times.
- Re-design the workplace to ensure workstations are set out 2 metres apart.
- Consider one-way pedestrian systems.
- Provide sufficient signs, notices and floor markings to indicate the social distancing measures.
- Take small meeting rooms out of use.
- Consider screens/barriers where the 2 metre rule cannot be achieved.

5. REDUCE CONTAMINATION POINTS:

- Review and increase cleaning regimes and practices.
- Provide sufficient facilities for hand-washing with clear instruction on how to wash hands effectively.
- Ensure social distancing is maintained in food and drink areas - consider single use cups, plates and utensils.
- Ensure there is no sharing of utensils, cups and plates. Wash immediately after use.
- Create comprehensive cleaning regimes for workstations and equipment.

6. REVIEW:

Monitor and review these arrangements on a regular basis, including:

- When Government advice changes.
- During different phases of lockdown.
- Ensure there is no sharing of utensils, cups and plates. Wash immediately after use.
- Create comprehensive cleaning regimes for workstations and equipment.

3. Workforce Planning

Reorganisation Options

- Redeploying staff
- Lay-off
- Employment Wage Subsidy scheme
- Short-time

Redeploying staff

If your employees are agreeable and can be trained to carry out different duties in more viable parts of the business, this should certainly be considered.

Lay-off

If you think a lack of work is going to be for a temporary period, lay-off is a measure that might be appropriate. Lay-off is used when an employer does not have work for some or all its employees due to a temporary lack of work.

You will need to give employees notice that they are not required to work for a period of time due to the temporary lack of work, for example where all or part of a business is operating at a reduced capacity, or perhaps is not operating at all.

Lay-off may also be applicable in respect of employees who cannot work remotely as their duties can only be carried out at a particular location, and that location is closed. Irish legislation does not state that lay-off is unpaid but it tends to be, unless the employee's contract of employment provides otherwise.

Employers are largely relying on the custom and practice of lay-off being unpaid in Ireland.

Suspension of Redundancy Claims

The Government also confirmed that the suspension of redundancy claims by employees who have been laid-off or put on short-time has been extended for the final time until 30 September 2021. Peninsula, in conjunction with Chambers Ireland, has been lobbying the Government on behalf of companies throughout Ireland on this issue since March 2020.

Employment Wage Subsidy Scheme and Income Supports

The Temporary Wage Subsidy Scheme ceased on August 31 and has been replaced by the Employment Wage Subsidy Scheme. The new wage subsidy scheme has different eligibility criteria and pays a reduced subsidy. More details on this scheme can be found in your COVID-19 reopening toolkit by clicking [HERE](#).

Short-time essentially means reducing an employee's regular working hours by less than half. Employees on short-time hours are eligible to apply for the Short-Time Work Support.

You should first review your contracts of employment to establish whether lay-off or short-time may be appropriate.

It may be the case that even where contracts are silent on lay-off or short-time, employers in the circumstances may be permitted to avail of these options.

If none of these options are feasible, you will have to make a decision as to whether the role has been made redundant by the crisis. Redundancy is discussed further below.

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Further information on Peninsula services that can support and help your business during this uncertain period can be found at the end of this document.

Financial Supports

The Employment Wage Subsidy Scheme (EWSS) replaced the Temporary Wage Subsidy Scheme (TWSS) from 1 September 2020. It will continue until 31 December 2021. The scheme provides a flat rate €203 subsidy per week per employee to businesses who have suffered a minimum of a 30% decline in revenues and will cover seasonal employees and new hires as well as existing staff.

The existing payment rates will be maintained for July, August and September 2021 at current turnover thresholds.

Amendments to EWSS announced on 19/10/2020

There will be 5 payment rates/bands as follows:

Employee Gross Weekly Wages	Subsidy Payable
Less than € 151.50	Nil
From € 151.50 to € 202.99	€ 203 per week
From € 203 to € 299.99	€ 250 per week
From € 300 to € 399.99	€ 300 per week
From € 400 to € 1,462	€ 350 per week
More than € 1,462	Nil

Pandemic Unemployment Payment

The Pandemic Unemployment Payment (PUP) will continue to be paid until February 2022, subject to tapering conditions that are linked to the employee's previous income.

The PUP will be gradually reduced on a tapered basis in the coming months to align it with the standard jobseekers' payments. This transition commences in September 2021.

The scheme has been closed for new applicants as of 1st July 2021.

PUP claims for students will be extended until the start of the 2021/2022 college year (final payment on 7th September) in line with normal circumstances where students do not qualify for unemployment payments while at college.

It is planned that the current rates of support under the PUP scheme will remain in place until 7th September at which point, they will be gradually reduced on a phased basis in increments of €50 per week. The PUP will be gradually reduced to align it with the standard jobseekers' payments.

If progress continues as expected, two further phases of changes will take place on 16 November and 8 February.

Other business support measures

- A reduction in VAT for hospitality sector to 9%.
- A waiver of commercial rates to continue until September 2021.
- Cheap loans will be available to businesses with less than 500 employees.
- Supports for apprenticeships will be available. Businesses may be entitled to as much as €3,000 for each extra apprentice they hire.

- A two-year €7,500 JobsPlus subsidy is designed to encourage the recruitment of under-30s who are currently unemployed, or on PUP.

Where do I start when making redundancies?

- Firstly, you should seek advice on your obligations under the Redundancy Payments Act.
- You should confirm the cost savings you need to make to continue as a going concern and communicate transparently with employees throughout the process.
- You must then assess each role in the organisation by outlining all responsibilities and identifying the contributions of each role to the organisation.
- These criteria along with other factors will be analysed in making sure that you use a fair selection process when deciding what employees are to be made redundant.
- Remember a dismissal by reason of redundancy can be deemed unfair if the employer is considered to have made an unfair selection.
- If the Workplace Relations Commission is asked to review a redundancy, the first thing that will be examined is the selection of the employee and how it was made.
- Selection criteria must, most importantly, be based on the roles in the company and not on the employee or their performance.
- Redundancy selections must be impersonal, and the criteria examined should be relevant to the crucial needs of the business at that time. Criteria can include factors such as qualifications, skills, and disciplinary records.
- Once the criteria are decided upon, they should be reviewed by another person so that they're not based on the opinion of one person solely.
- Employees must be consulted from the early stages and throughout the process.
- At the first meeting, you should explain that the business is struggling and that pay reductions, reduced hours or redundancies may have to be the next step in order for the business to survive.
- Following the meeting a letter should be given to each employee outlining exactly what was discussed. This ensures all employees are fully aware of the situation.
- Further meetings should be held throughout the process to get feedback from staff and to keep them up to date on company decisions.
- In the case of collective redundancies, consultation must begin at least 30 days before notice of redundancy is given.
- A collective redundancy occurs when the number of employees to be made redundant is as follows:
 - Five employees where 21-49 employees are employed.
 - 10 employees where 50-99 employees are employed.
 - 10% of employees where 100-299 employees are employed.
 - 30 employees where 300 or more employees are employed.

It is worthwhile for companies to have a Redundancy Policy in place outlining the legislation, the statutory consultation obligations, the factors that the company will consider as well as the steps that they will take and the redundancy programme.

A well-designed redundancy programme can include assistance for employees to update their CV, refresh their interview skills and provide advice on job hunting. This can ease the tension in the workplace when the redundancies are announced and provide employees facing redundancy with

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invaluable job seeking skills.

Employers must remember that redundancies can prove to be a very expensive option if not handled correctly.

We would urge companies to take advice on the matter to ensure that a genuine redundancy situation exists and that the process is implemented correctly and in line with the legislation.

A good handling of the redundancy process is vital not only from a legal point of view but for an employer's reputation, customers, existing workforce, and the public at large.

Annual Leave and Childcare

Many employees have sought to take annual leave to cover childcare responsibilities arising from the closure of schools and crèches. Many employers too are keen to have employees avail of their entitlement to accrued annual leave so that once the crisis passes, they are poised to mobilise the workforce and meet increased demand without having to cater to a large volume of annual leave requests.

Section 20 (1) of the Organisation of Working Time Act provides that the times at which annual leave is granted are determined by the employer. In that regard, the employer should have regard to the opportunities for rest and recreation available to the employee but also the need for the employee to reconcile work and any family responsibilities. In addition, under the legislation the employer is required to consult with the employee or their Trade Union at least one month prior to the taking of leave. In the current climate, however, we are noting an acceptance by employees of measures being taken by their employers to respond to the Covid-19 crisis, and to include the mandatory taking of annual leave.

How Peninsula can help you

Working through COVID-19: Guidance for Employers

Access instant health & safety and HR advice on how to prepare your business for reopening post-COVID-19. Bookmark the page and check back regularly for further guidance.

<https://www.peninsulagrouplimited.com/ie/covid-19-toolkit/>

E-learning Sessions

Don't miss out on one of Peninsula's upcoming HR and employment law e-learning sessions which are specifically tailored to the challenges that employers are facing during the COVID-19 pandemic.

<https://www.peninsulagrouplimited.com/media/4252/elearning-schedule-roi-jun21.pdf>

BrightSafe Online

BrightSafe Online is the online health & safety system that helps you:

- Make risk assessments easy. Follow step-by-step guides to carry out assessments fast and to HSE standards.
- Forget filing cabinets and paperwork. Store all your policies and documents in one secure place online.
- Access a library of ready-made forms, posters, and logbooks. All designed by our health & safety experts to cover you in any event.
- Log accidents, near misses and evidence online. Spot hazards and the people most at risk, and link supporting photos to each incident report.
- Never miss a health & safety deadline. Assign work to staff and set reminders for important tasks such as formal investigations.

<https://login.peninsula-online.com/SignIn/>

Mental Health and Wellbeing

Occupational Health and Employee Assistance Programmes are essential tools to effectively manage reopening the workplace and a requirement of the Protocol, to support staff and to add value to your business. For further information please speak to any of our Health & Safety and HR Experts, and visit:

<https://www.healthassured.org/ie/>

Contact Peninsula today and speak to an expert

Contact our Health & Safety and HR Experts **24 hours a day** on:

- **01 855 5050** (Dublin)
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