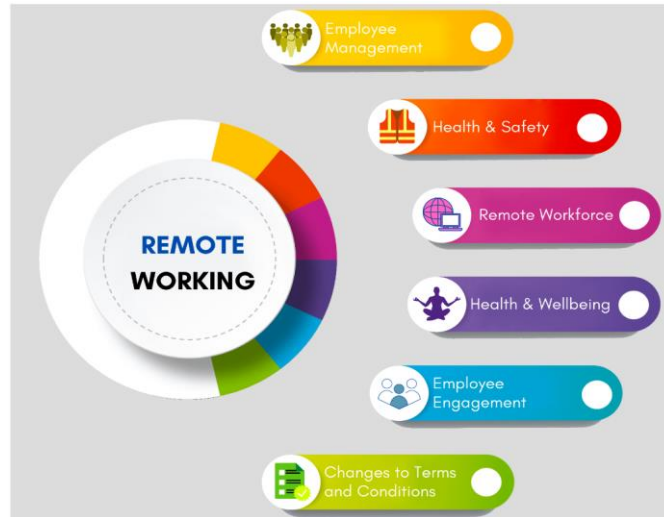


Remote Working & Employee Management



The measures in place under Level 5 lockdown has meant that employers in the Community and Voluntary Sector are facing re-emerging challenges not dissimilar to those that were in place at the beginning of the health crisis. The significance of the high rate of Covid-19 infections has left no one unscathed and once again employers were instructed to ensure, where possible, employees worked from home. For many remote working has been in place since March of last year with intentions of this practice continuing for the foreseeable future. What has re-emerged is the necessity to address childcare issues once again with the closure of schools and childcare facilities which has presented additional challenges for parents who are working from home and one that has been thrust upon employers again.

While in lockdown, there are no changes to the employer employee relationship; the employer provides the work and tools needed to complete tasks and the employees commit to doing the work as per the terms and conditions of their employment. If an employee is unable to carry out the work as per their contract of employment, for childcare as an example, employers are encouraged to understand the reasons preventing them to do so. Below are a number of questions and answers to assist with these considerations.



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Can an employee refuse to work during the current restrictions where childcare issues present?

There are a few considerations, but the simple answer is no. While there is no obligation on employers to provide childcare solutions for employees where an employee is unable to carry out the work as per their contract of employment, employers are encouraged to understand the reasons preventing them to do so, to act reasonably and provide some flexibility where possible.

What options do employers and employees have in respect of childcare issues arising?

Firstly, there should be an understanding by employees that they must meet their contractual / work obligations but there are also some options that employers can explore such as flexible start and finish times, flexible working week including working over weekends to free up weekdays which are all relatively straightforward ways of accommodating employees as much as possible.

Can an employer request that leave be taken where childcare issues have arisen?

If it is not possible to put temporary work arrangements in place, such as flexible start and finish times, then there are options under leave arrangements that can be discussed with the employee insofar as the employee agrees. Statutory arrangements such as annual leave or parental leave could be used in this instance with the agreement of the employee and with the employer being flexible in terms of the agreed notification requirements.

Outside of statutory entitlements are there any other arrangements that could support employees?

Yes, the employer and employee could agree to a period of unpaid leave without having to use up their statutory entitlements.

If an employee avails of unpaid leave are there any supports provided by the State?

Yes. It has been confirmed by the Department of Social Protection that there are arrangements in place which enables employees, who cannot attend work due to child minding responsibilities, to claim the Pandemic Unemployment Payment (PUP).

The best advice for employers is to provide flexibility where possible by ensuring employees are informed through effective communications, that any interim arrangements introduced to support employees with childcare at this time are not intended to be long term arrangements, and do not change the terms and conditions set out in contracts of employment.