

Living with Covid Plan – Extension of Government Supports

A year into living with Covid there is hope that the Level 5 restrictions will ease nationally after April 5, 2021 but organisations within the Community, Voluntary, Charity and Not for Profit Sectors have been restricted in how they operate, how they fundraise and how they pursue their vision and mission which for some, has had a detrimental impact on their organisation and workforce.

The unintended consequences of this are that many organisations must make difficult decisions in relation to their employees and how they will operate in the medium to long term. As part of the Government's Living with Covid Plan the Pandemic Unemployment Payment has been once again extended and further supports have been offered to organisations to mitigate financial pressures through the extension of the emergency period.

Emergency Measures in the Public Interest (Covid-19) Act

Extension of the Emergency Period

The suspension of rights to claim redundancy under the Emergency Measures in the Public Interest (Covid-19) Act, 2020 has again been extended, this time until June 30, 2021.

The introduction of the 2020 Act, meant that the ability of an employee who has been placed on layoff or short time for a period of (i) 4 or more consecutive weeks, or (ii) 6 or more weeks within a 13-week period, of which not more than 3 are consecutive, to give notice of redundancy after 4 weeks, has been suspended. For organisations, particularly those in the Community and Not-for-Profit sector this means that workforce planning can continue and provides some reprieve from a financial sense when placing employees on layoff or short time.

Key features of the Emergency Measures in the Public Interest (Covid-19) Act relating to redundancy include:

- An amendment to the Redundancy Payments Act 1967 providing for situations where employees who have been temporarily laid off or kept on short time as result of COVID-19 not being entitled to claim redundancy after 4 weeks on lay off or short time, as would have previously being permitted.
- Employees will only be able to claim redundancy after the expiry of the 'emergency period', which was laid out in the Act initially as existing until May 31, 2020 and for which the provision relating to the suspension now been extended until June 30, 2021.
- It is important to note that the employee's right to claim redundancy has not been removed but deferred for the emergency period in circumstances of temporary lay-off or short-time employment.

- While the 2020 Act has temporarily removed the right of an employee to claim redundancy it does not mean that this right will not be reinstated, therefore it would still be best advice to issue the RP9 form when notice of either layoff or short time is given to an employee.

Implementing changes to terms and conditions can be an onerous task so it is important to ensure that this process follows best practice and is managed in a compliant way to mitigate the associated risks. And while the task of effecting changes remains difficult, the government's extension of supports in this regard ensures impacted employees have some financial support.

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