



**ibec**  
For Irish Business

**HR Guidance**

# **Business Continuity Planning/ Coronavirus (Covid-19)**

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# Introduction

**From time to time, issues and incidents will arise that may affect the normal operation of businesses. Business continuity planning is important in the context of a variety of different situations where unforeseen and unplanned events may result in employee absence. These unforeseen events may include adverse weather conditions, and or public transport disputes which make it difficult for employees to attend for work. Similarly, sustained interruptions to supply chains and major outbreaks of flu and/or other epidemics impact on normal business continuity. The recent outbreak of the Coronavirus (Covid-19) is one such example where international efforts are being taken to prevent the further spread of the virus.**

Any such incidents described above will raise a number of issues, which employers need to plan for in advance. To be prepared for these eventualities, it is important for employers to look at their internal policies and procedures to evaluate what impact such disruptions may have on their operations. This includes their ability to meet customer demands or orders or in cases of illness on the company sick pay scheme, etc. This latter consideration is particularly important in light of Covid-19 (Coronavirus) at the current time and planning needs to take account of changes to the workplace, which could extend for a number of months. Key areas to consider are outlined below in detail and focus on the following aspects of contingency planning:

## **Familiarising key staff with the Crisis Management Plan**

- Developing a comprehensive communications strategy
- Communicating relevant employee policies including absence and attendance management
- Considering resourcing options to address fluctuations in work requirements
- Stress testing the business to assess responses to external and sudden shocks.



# Business Disruption Planning



## Communications – Appoint a co-ordinator

It is important that employers have a robust communication strategy in place to prevent rumour and misinformation and to:

- provide up-to-date reliable information to employees
- provide up-to-date reliable information to suppliers and customers;
- clarify the company's procedures and policies;
- ensure central visibility regarding resourcing and operational needs;
- This should be a cross functional team comprising key areas of a business

## Communicating with suppliers and customers

Identify essential suppliers and service providers and discuss continuity issues with them such as understanding their business continuity plans.

Identify essential customers and ensure that plans are in place to meet customer needs.

Develop a plan on how and when to activate alternative suppliers and/or alternative delivery means to customers

## Communicating with employees

Identifying the communications co-ordinator to disseminate your communications plan in line with business needs and the business continuity plan. Employers should ensure all managers and staff are familiar with company policies and relevant legislation including:

- absence,
- sick leave,
- lay-off and short time
- force majeure
- Employment Equality Acts 1998 to 2015
- Payment of Wages Act 1991.

Managers must be prepared to deal with these issues as they arise and employees need to be clear about what is required. Ibec members can seek advice from their ER advisor if in doubt.

The appointment of a communications co-ordinator will centralise the information and manage the resulting impact. This ensures that the business is aware of absences across the organisation, other operational issues and any problems with suppliers or other related issues, in real time. This will facilitate making informed decisions on the allocation of resources.

**The Department of Business, Enterprise and Innovation have created a Business Continuity Planning Checklist which can be found here:**

<https://dbe.gov.ie/en/Publications/Business-Continuity-Planning-A-checklist-of-Preparatory-Actions-in-Responding-to-the-COVID-19-Outbreak.html>

## Stress test

**It is important that employers take precautionary steps in the form of “stress tests” in their business to consider the impact external shocks could have on the business and its continuity.**

For example, these stress tests should examine their challenges around absence and the payment of sick pay. How would your business cope if you had 10% absence? 20% absence? What if an entire department was absent? In addition, employers should examine their sick pay schemes to identify what level of absence would place undue financial pressure on the business.

What happens if there is are prolonged delays and interruptions in the supply of goods and raw materials, how long will the business be able to sustain a temporary cessation of all or part of business?

Finally, the same challenges may face the employers’ suppliers and customers and as such consideration should be given to where the stress points may be for the operation.

# People Management



## Attendance and absence management

It is important to review, communicate and formally implement the absence and sick leave policies in place in the organisation. In advance of any potential increase in absence, it is essential that all employees are fully familiar with policy requirements, particularly around what constitutes acceptable reasons for absence, the notification and certification requirements and the social welfare procedures.

It is important that employers follow through with their policies and are consistent. The first absence in an unusual situation such as the potential exposure to Covid-19, may initially be dealt with on an ad hoc basis which may set an undesirable or unsustainable precedent should absence levels suddenly escalate.

Employers need to consider the effect that significant employee absences would have on their workplace. Various types of absence need to be considered as it is possible that:

- a number of employees may contract a virus;
- employees may have family members who require care;
- there may be a fear factor, where employees consider absenting themselves for fear of contracting a virus.

Employees who have travelled to areas affected by Covid-19 and employees who have been in contact with individuals who have Covid-19 or indeed any virus of special concern should follow the Health Protection Surveillance Centre guidance for advice in the first instance and then notify the organisation before attending for work. See FAQs at the end of this document for further details.

Check on employees' health by phone or email during their absence from work.

If an employee is absent due to a fear of contracting the virus an employer must consider the risks and consider whether the employee is a vulnerable employee. Where there is no increased risk for the employee, the employer can request them to attend work. An employee who continues to be absent from work in these circumstances may be subject to disciplinary action for unauthorised absence.

At some point, based on public health advice, certain aspects of company policy and procedure may require adjustment in accordance with the situation as it evolves. Therefore, it is important to keep the policy under review and to communicate clearly any changes.



## **Resourcing; Ensure visibility regarding resourcing and operational needs.**

A crisis management co-ordinator, who is in a position to identify parts of the operation under stress, can be a valuable resource. Employers may identify a requirement, to redeploy staff from one part of the business to another to maintain core business operations. Employers should identify and document the essential and non-essential aspects of the business so that possible requirements for and sources of redeployment are identified in advance. Where an aspect of the business is deemed non-essential, the issues associated with redeploying those personnel to more critical areas should be examined, including contractual clauses and company agreements. A policy on redeployment should be developed by the organisation in consultation with employee representatives to ensure a smooth transition if required during any business disruption.

Consideration needs to be given to sources of alternative labour if a significant portion or key section of the operation is absent. Possible sources of alternative labour include:

- individuals who have left the organisation;
- recent retirees;
- agency staff;
- applicant pool;
- outsourcing.

An option which employers can immediately address is the cross-training of staff in key areas so that, in light of absences, the business remains sustainable. To start this process it may be useful to compile a list of the transferable skills of each employee and consider which employees/roles are best suited for re-training and re-deployment as required. It is essential that appropriate training for unfamiliar tasks is given to employees in these circumstances, and health and safety considerations must be paramount.

For critical operational roles, substitutes should be identified and a briefing process should be designed to bring them up to-to-date with current issues.

Significant absences may lead to employees working longer hours to support the business but employers need to be mindful of the breaks and rest period requirements of the Organisation of Working Time Act 1997.

## **Remote working**

It is important for an Organisation to acknowledge the possibility that all or part of your workforce may need to work remotely. Gather the cross-functional team together that includes business-line leaders, IT, HR, communications, and facilities to plan and pilot remote working.

Employers should:

- Map out jobs and tasks that could be affected
- Audit and test available IT hardware and software
- Set up a communications protocol including escalation procedures with staff and teams

### Temporary lay-off or short-time working

The degree of impact on a business will depend on the severity and length of the disruption. Interruptions to supply chain of goods and raw materials may affect an employer's ability to provide an employee with work necessitating placing employees on temporary lay-off or short-time.

#### Temporary Lay-off/short-time

Lay-off occurs when normal working is interrupted, and the employer is unable to retain employees in their normal capacity. Short-time working is defined under the Redundancy Payments Acts as where an employee's working week decreases to less than half of his or her normal weekly hours, or his or her pay is less than half of his or her normal take home pay; and the situation is not considered to be permanent and advance notice is given.

Employers who have reserved the right to place employees on lay-off or short-time working in their contracts of employment may utilise this clause if necessary. Otherwise, express agreement should be sought from the employees.

#### Protective notice

In the event that an employer has no option but to place an employee on a period of temporary lay-off or short-time, as much protective notice as practicable should be given.

Protective notice is not a legal term provided for in law. It is an industrial relations concept used to give employees notice of pending lay-off or short-time working. There may be a related provision in a contract of employment. Where the situation arises, an employee should be given as much notice as is reasonably practicable in which he/she is also informed that the break in employment is of a temporary nature. Notification does not have to be in writing, but it is advisable that it should be.

#### Considerations for Work Permits in certain sectors

If a permit holder has been subject to temporary lay-off during the period of the permit the following would arise:

- The Department of Business, Enterprise and Innovation (DBEI) should ideally be informed in advance of the temporary layoff so that it can be noted on the permit holder's file.
- If at renewal stage, the salary as per the conditions of the permit granted has not been reached any information available to the Department may be taken into account including reduced salary through no fault of the permit holder. Temporary lay-offs arising from Covid-19 would, in all likelihood, be considered as falling into this category.
- The permit holder cannot seek other work while temporarily laid off as they are still in the employment of their employer.

A full FAQ relating to lay-off/short-time is found at the back of this document.

The guidance created by the Workplace Relations Commission for employers and employees in light of Covid-19 can be found here: [https://www.workplacerelations.ie/wrc/en/news-media/workplace\\_relations\\_notices/covid-19-guidance-notice-for-employers-and-employees-.html](https://www.workplacerelations.ie/wrc/en/news-media/workplace_relations_notices/covid-19-guidance-notice-for-employers-and-employees-.html)

# Health and travel information



## OFFICIAL PUBLIC HEALTH INFORMATION

### Coronavirus (Covid-19)

Coronavirus (Covid-19) is a new respiratory illness that has not previously been seen in humans.

This type of coronavirus is also known as 2019-nCov or novel coronavirus.

Information on Covid-19 is available at:

■ **World Health Organisation Coronavirus (COVID-19): Employer Guidance**

The World Health Organization has declared that the outbreak of Coronavirus (COVID-19) a public health emergency of international concern (30/1/20). The HSE has stated that there are confirmed cases of Covid-19 in Ireland however the risk of catching coronavirus in Ireland is still low to moderate. (05/03/20). World Health Organisation at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

■ **Health Surveillance Protection Centre Coronavirus (COVID-19): Employer Guidance**

It is advisable to follow official guidance on the development of the Coronavirus (COVID-19). The Health Protection Surveillance Centre (HPSC) is the first point of reference for any information: <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/>  
(This link is updated daily with new information from 1pm)

■ **Health Services Executive**

The HSE have produced advice on the Coronavirus available at <https://www2.hse.ie/conditions/coronavirus/coronavirus.html>

■ **Department of Health**

<https://www.gov.ie/en/organisation/department-of-health/>

■ **Department of Foreign Affairs advice on Business/Personal Travel to China**

The Department of Foreign Affairs have advised against non-essential travel to affected countries/regions (27/02/20). Business trips should be reviewed in light of this advice. Continue to monitor travel advice as the guidance may be reviewed. <https://www.dfa.ie/travel/travel-advice/>  
<https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/traveladvice/>



### **GUIDANCE ON PREVENTION AND HYGIENE**

It is important that employers continue to review the guidance provided by the relevant authorities – HSE, HPSC and the Department of Foreign Affairs and Trade for Travel Advice.

Employers can also put up signage on their premises and generally communicate the HSE recommendations to prevent infection spread. These include:

Wash hands properly and regularly:

- after coughing or sneezing after toilet use
- before eating
- if in contact with a sick person, especially those with respiratory symptoms

Cover mouth when coughing and sneezing:

- cover your nose and mouth with disposable tissues
- if you don't have a tissue, cough or sneeze into your arm or sleeve (not hand)
- put used tissues into a sealed bin
- wash your hands

The HSE have created posters which employers can use to communicate the above. These are available at: <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/>

#### **Practical hygiene advice on prevention**

In cases of managing major viral infections and other epidemics, it is essential to stay healthy and hand hygiene is of paramount importance. Employers should communicate the key hygiene messages to staff to assist in the prevention of the spread of a virus. There are a number of HSE campaign posters available, which can be used to heighten awareness among employees. Key areas to consider include:

- articulating a respiratory hygiene or cough/sneeze etiquette approach;
- articulating a social distancing approach (reducing the frequency, length and proximity of gatherings between employees/others, instead making greater use of email and teleconferences);
- articulating a correct hand washing procedure;
- ensuring there are adequate supplies of infection control supplies (e.g., tissues, bins, disinfectant wipes, hand sanitisers);
- considering non-essential travel restrictions where there are affected geographic areas;
- considering reasonable options for individuals who may be deemed at high risk by the Health Protection Surveillance Centre (HPSC) (particularly employees with health concerns or who are pregnant).

# Ibec members Frequently Asked Questions (FAQs) on Coronavirus (Covid-19)

## **Q. What is the advice in relation to employees who have returned from affected areas?**

- A.** The HSE has advice available on their website in relation to individuals travelling from affected areas.

The advice is for people who have been in a place in the last 14 days where there is a spread of Coronavirus (Covid-19).

### **Places where there is spread of coronavirus:**

- China
- Hong Kong
- Singapore
- South Korea
- Iran
- Japan
- the following regions in Italy – Lombardy, Veneto, Emilia-Romagna or Piedmont

### **What you need to do depends on if you are:**

- not feeling well
- feeling well

#### **If you are not feeling well**

If you have been to one of the places listed above and you are not feeling well, check if you have symptoms of coronavirus. These are a cough, shortness of breath, breathing difficulties, fever (high temperature).

If you do have these symptoms, phone your GP or local emergency department (ED) without delay.

Do not go to your GP or health facility. Phone them first. If you do not have a GP, phone 112 or 999.

## Ibec members Frequently Asked Questions (FAQs) on Coronavirus (Covid-19) / continued

Tell them about your symptoms. Give them the details about your situation.

Avoid contact with other people by self-isolating.

### **If you are feeling well**

If you are feeling well, carry on with your normal routine.

Follow the advice on how to protect yourself from coronavirus and other infections such as flu.

Avoid spending time with people who are ill with a cough, high temperature, or breathing problems.

If you develop symptoms of coronavirus:

- avoid contact with people by self-isolating
- phone your GP or emergency department
- tell them your symptoms and the details of your situation

As a general principle in light of increasing concerns around Covid-19 (Novel Coronavirus), employees who have been travelling in affected countries/regions should follow the guidance on the [Department of Foreign Affairs and Trade](#) website and the [HPSC](#) and **continue to monitor these links** as they are being updated regularly.

It is recommended that if employees have concerns following review of this information that they inform their employer, before attending for work. If employees consider that they have been exposed to a high risk situation, they should notify their employer without delay, before attending for work.

### **Q. What about employees who have been in contact with individuals who have returned from affected areas?**

- A.** Employees who have been in contact with individuals who have returned from affected areas and are in quarantine should notify the organisation before attending for work. Follow the Health Protection Surveillance Centre guidance for advice on recommended quarantine procedures. It may be possible for the employee to work remotely during a period of quarantine.

### **Q. What about employees who have been in contact with a confirmed case of coronavirus?**

- A.** If you have been in close contact with a confirmed case of coronavirus, a public health doctor will tell you this.

Close contact as currently defined by HSE can mean:

- spending more than 15 minutes face-to-face contact within 2 metres of an infected person
- living in the same house or shared accommodation as an infected person
- spending more than 2 hours in a closed space with the case

\*This is a guide only.

Anyone with symptoms of coronavirus who has been in close contact with a confirmed case in the last 14 days should:

- isolate themselves from other people - this means going into a different, well-ventilated room alone, with a phone
- phone their GP, or emergency department - if this is not possible, phone 112 or 999
- in a medical emergency (if you have severe symptoms) phone 112 or 999

## Q. What is the advice on business travel?

A. The advice from the relevant authorities is that all non-essential travel to affected countries/regions should be avoided. The advice is:

- do not travel to affected countries/regions unless it is essential that you go
- do not visit anyone in affected countries/regions who is ill with cold or flu-like symptoms such as sneezing or coughing
- Wash your hands properly and regularly with soap and water.
- Follow the up-to-date travel information from the Department of Foreign Affairs

It should be borne in mind employees who travel to affected areas on business may find it difficult to return to Ireland and employers may need to have processes in place to assist employees who find themselves in this position

## Q. What are the symptoms of Coronavirus?

A. Symptoms may include:

- a cough
- shortness of breath
- breathing difficulties
- fever (high temperature)

Coronavirus can also cause more severe illness including:

- pneumonia
- severe acute respiratory syndrome
- Kidney failure

## Q. How is coronavirus spread?

A. Coronavirus is spread in sneeze or cough droplets.

You could get the virus if you:

- come into close contact with someone who has the virus and is coughing or sneezing.
- touch surfaces that someone who has the virus has coughed or sneezed on.

Because it's a new illness, it is not known how easily the virus spreads from person to person. It is not known if someone can spread the virus before they show symptoms.

The virus may only survive a few hours if someone who has it coughs or sneezes on a surface. Simple household disinfectants can kill the virus on surfaces. Information has emerged towards the end of January suggesting that it may also spread along a faecal-oral route.

## Ibec members Frequently Asked Questions (FAQs) on Coronavirus (Covid-19) / continued

This reinforces the WHO recommendations to stop the spread of the infection through:

- regular handwashing;
- covering mouth and nose when coughing and sneezing;
- avoiding close contact with anyone showing symptoms of respiratory illness such as coughing or sneezing.

### **Q. What about employees who may fail to attend for work for fear of catching a virus?**

- A.** If an employee is absent due to a fear of contracting the virus an employer must consider the risks and consider whether the employee is a vulnerable employee. Where there is no increased risk for the employee, the employer can request them to attend work. An employee who continues to be absent from work in these circumstances may be subject to disciplinary action for unauthorised absence.

### **Q. Should we be providing face masks to employees?**

- A.** The HSE has advised that using masks is unlikely to be of any benefit if you are not sick.

Sick people will be advised by their doctor when to use a mask. Healthcare workers need masks and other personal protective equipment to protect them from infection during their work.

Supplying disposable tissues is recommended.

### **Q. Should we provide employees with gloves?**

- A.** Unless you provide gloves to employees during the normal course of your work then frequent handwashing and hygiene protocols as outlined above will suffice as recommended by the HSE.

### **Q. What other facilities should we use?**

- A.** Depending on your organisation and size, it is useful to keep employees updated through bulletin boards and download the HSE awareness information. HSE advice posters can be found here: <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/>



# Ibec members Frequently Asked Questions (FAQs) on temporary lay-off and short-time

## 1. What is temporary lay-off?

This occurs where the services of an employee are not required because of a temporary lack of work carried out by that employee. There are many patterns of lay-off. Lay-off can be a period where no work is performed or the employees may work one week on, one week off. Other patterns could include working three out of four weeks or one week in each four-week period. These patterns could be used alternating the working weeks between them.

## 2. What does the term 'short-time' mean?

Short-time exists where there is a reduction in the amount of work available, leading to a reduction in weekly earnings to less than half the normal weekly earnings or a reduction in the hours worked to less than half the normal weekly working hours. Again, the employer must give notice that the short-time is of a temporary nature with failure to do so leaving the employer open to claims for redundancy payment.

## 3. What are the procedures for lay-off and short-time

### Company/union agreements

Many companies have an agreement with trade unions on the procedures to be followed in the event of lay-off or short-time. Generally, these procedures include some or all of the following:

- breach of contract
- possibility of alternative working arrangements
- selection of employees for lay-off/short-time
- protective notice
- company's commitment to prevent the occurrence of redundancy

### Breach of contract

By putting employees on lay-off/short-time, a company could be in breach of an employee's contract of employment. However, if the contract provides for lay-off or short-time this would not apply. The breach of contract can come about by an employer proposing to pay his employee less than his contractual entitlement, in such a situation the employee could sue for damages. However, the disadvantages for the employee in following this course of action are:

## Ibec members Frequently Asked Questions (FAQs) on temporary lay-off and short-time / continued

- (i) he/she must treat the contract of employment as being at an end;
- (ii) he/she must seek alternative employment to mitigate his/her loss;
- (iii) he/she must sue in a court of law for damages;

*Note: collective agreements should provide a clause stating that no payment will be made if work is not available because of circumstances beyond the employer's control, (such as lay-off or short-time), these have the effect of allowing the employer to unilaterally vary the contract in such circumstances.*

### **Alternative working arrangements**

Company/Union agreements on lay-off/short-time do not normally specify alternative working arrangements, except to state that in order to delay and if possible, avoid such circumstances, employees should be prepared to accept alternative work if their own work is not available.

### **Selection of employees**

A number of company agreements now incorporate a clause outlining the procedure to be used in the selection of employees in a lay-off/short-time situation. This tends to minimise, if not entirely eliminate, the problems sometimes associated with the selection process. Seniority, or last in, first out principle is the most common method of selection. However, arrangements normally take into account the maintenance and the most efficient and economic running of the firm, having regard for specialised or highly skilled employees whom it is impossible to replace by a less qualified employee.

Temporary and probationary employees (in that order) will usually be selected before permanent employees.

*Note: a clause should be inserted stating that the union agree that management shall have the sole right of selection of employees for lay-off or short-time.*

## **4. How much protective notice of temporary lay-off is an employee entitled to receive?**

This is not provided for in statute. Protective notice is not a legal term, it is an industrial relations concept and practice used to give employees notice of pending lay-off or short-time working.

The length of protective notice, which should be given, will depend on whether or not the cause and the appropriate date of the interruption of normal working is known in advance (and, if so, how long in advance). There is no standard form of protective notice. However, such notice should:

- (i) be addressed to each employee likely to be affected (care should be taken to contact all employees affected e.g. those on sick leave, on rest day etc.);
- (ii) carry the date of issue and the time and date of expiry;
- (iii) indicate that employment will be on a day-to-day basis from the time of expiry;
- (iv) explain briefly the circumstances which necessitate it;
- (v) assure those concerned that they and their union representatives (where applicable) will be kept informed of relevant developments and that a return to normal operations (by way of formal withdrawal of the protective notice) will be made as soon as circumstances permit.

As the issuing of protective notice and the act of laying-off can cause industrial relations problems the possibility of redeploying employees to other productive work should always be examined fully before issuing such notice.

**4a. Will a letter on company headed paper notifying the employee of the commencement date of temporary lay-off suffice?**

It will meet the requirements, however Form RP9 may also be used for this purpose.

**5. What happens if an employer fails to give notice of temporary lay-off?**

Where an employer fails to give notice of lay-off, they leave themselves open to claims for statutory redundancy payments

**6. How long can an employee remain on temporary lay-off or short-time before having the right to trigger their entitlement to a redundancy payment?**

An employee can trigger their entitlement to a statutory redundancy payment where they have been laid off or kept on short-time or a mixture of both for four consecutive weeks or for a broken series of six weeks where all six weeks fall within a 13 week period.

**7. What are the practical steps an employee can take to claim a statutory redundancy payment?**

An employee, if he/she wishes to claim a redundancy payment, must serve written notice to their employer (Form RP9 may also be used for this purpose) stating that he/she intends to claim because of lay-off or short-time, or give his employer notice in writing terminating his/her contract of employment.

**8. How soon may an employee claim a redundancy payment?**

An employee can serve notice once they have been temporarily laid off or kept on short-time for either of the periods mentioned above.

**Or**

An employee can wait longer, if they choose to do so, but if the short-time or temporary lay-off ceases and if they do decide to claim, they must serve a notice not later than four weeks after the lay-off or short-time stops. After that, they are debarred from claiming a payment in respect of that particular period of lay-off or short-time.

**9. In a situation where an employee claims and receives a statutory redundancy payment due to layoff or short-time, is the employee also entitled to notice?**

No. An employee who claims and receives a statutory redundancy payment due to layoff or short-time is deemed to have voluntarily left his or her employment and therefore not entitled to notice under Minimum Notice and Terms of Employment Acts 1973 to 2005.

**10. Does an employer have any right to give counter notice in these situations?**

The employer does have a right to give counter notice in all these situations.

The employer has seven days from the service of notice to give a counter notice to the employee concerned by offering that employee not less than thirteen weeks unbroken employment starting within 4 weeks of the employee serving notice to them. This indicates to the employee that the employer is contesting any claim for a redundancy payment.

## Ibec members Frequently Asked Questions (FAQs) on temporary lay-off and short-time / continued

Again, Redundancy Form RP9 may be used for this purpose. This counter notice must be given within seven days of receipt of the employee's notice.

If however, an unsatisfactory situation from the employee's point of view persists after the employer has given counter notice, with four more consecutive weeks of short-time or lay-off from his/her date of notice to claim redundancy, then that employee becomes eligible for redundancy.

### 11. Does an employee on temporary lay-off qualify for state benefit?

Employees on lay off may be entitled to Jobseeker's Benefit provided they are available and capable of work and satisfy the PRSI contribution requirements outlined by the Department of Employment Affairs and Social Protection.

### 12. Does an employee on short-time working qualify for state benefit?

Employees on short-time may be entitled to claim Jobseeker's Benefit for the days they don't work provided they are reduced to working no more than 3 days in the week and provided they meet the other DEASP conditions that apply. If an employee works 4 days out of 7 days, they are do are not entitled to claim Jobseeker's Benefit.

For further information on social welfare entitlements visit [www.welfare.ie](http://www.welfare.ie)

### 13. What are the considerations for employment permit holders in certain sectors?

If a permit holder has been subject to temporary layoff or short-time during the period of the permit the following would arise:

- The Department of Business Enterprise and Innovation (DBEI) should ideally be informed in advance of the temporary layoff so that it can be noted on the permit file.
- At renewal stage, the salary as per the conditions of the permit granted may not have been reached however any information available to DBEI may be taken into account including reduced salary through no fault of the permit holder. If there is a good reason for the reduced salary then the Department can take that into account. Temporary layoffs would in all likelihood be considered as falling into this category
- The permit holder cannot seek other work while temporarily laid off as they are still in the employment of their employer.

#### Redundancy

- a) For the permit holder, who has been made redundant following a period of temporary layoff or short-time – DBEI should be informed of the redundancy within four weeks of the date, via the relevant Redundancy Form.
- b) copies of the permit should be returned for cancellation
- c) The permit holder may seek employment in any eligible occupation and apply for a permit within six months of the date
- d) The Labour Market Needs Test is waived within the six months
- e) The Employer is unable to secure an employment permit for that particular occupation for a period of 6 months

#### **14. How should an organisation deal with the public relations aspect of placing employees on temporary layoff or short-time working?**

Public statements regarding temporary layoffs and short-time generally come from the CEO and will explain the challenges the organisation is facing. The media is also informed about how the company is helping those placed on temporary layoff or short-time.

This FAQ reflects some of the most frequently asked questions on temporary lay-off and short-time working. Other questions may arise that are not addressed in this document. In that instance member companies can also consult Ibec's Lay-Off and Short-time Employment Law Guideline and/or contact an Ibec ER Executive at the Knowledge Centre at (01) 6051542.

# Conclusion

**Careful planning and preparation by employers should encourage readiness for any disruption to normal operations and the implications this will have for organisations. However, situations will arise in organisations that will be unique to that operation and in this case, member employers should contact their relevant Ibec advisor.**

#### **Further information**

Ibec's Occupational Health and Safety service and Ibec's Knowledge Centre are available to advise members on aspects of planning for and managing potential employment issues arising from crisis management situations. Contact us at [knowledgecentre@ibec.ie](mailto:knowledgecentre@ibec.ie) or on (01) 6051542.



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