



**Level 5: Resilience and Recovery 2020-2021:  
Plan for Living with COVID-19: Update 30<sup>th</sup> October 2020**

The Government has announced a move, for the whole of the country, to Level 5 of the Resilience and Recovery Plan.

Given the decision has been made, and that the costs for livelihoods has once again been committed, it is now up to all societal stakeholders, including the business community, to abide by and engage fully with the Level 5 protocols so that we can best secure the benefits.

While more activities are open than in the more extreme lockdown of earlier this year, it's important that as much remote and home working as possible is undertaken to facilitate the school, manufacturing and construction activities operating.

In the circumstances where many businesses and workers will lose their livelihoods it is positive to see the extension of the safeguard of financial supports, such as the Employment Wage Subsidy Scheme and the Pandemic Unemployment Payment

Employers have the opportunity to play a significant role in the suppression of the virus, working with employees to communicate and keep alive the awareness of the public health measures on hand and respiratory hygiene and social distancing, both in the workplace and our communities.

A summary of the main workplace implications is in tabular format at the end of this document. Full details of the government plan is available on [www.gov.ie](http://www.gov.ie).

The entire country will now move to Level 5 of the Plan with effect from midnight on Wednesday 21<sup>st</sup> October 2020 for a proposed period of 6 weeks to be reviewed after 4 weeks. Level 5 states that workplace attendance is for '*essential workers only*'. The Government has stated that manufacturing, construction, schools and childcare are all essential services. In addition, an updated list of essential retail can be found [here](#).

Below are some OHS and employment considerations for employers.

**Occupational Health and Safety Perspective**

Level 5 of the Plan specifies that you should work from home unless you are providing an [essential service](#) for which your physical presence is required.

For some (non-essential) employers that had started the process of returning their employees to the workplace, they are advised to now reverse this decision and employees must again work from home.

Ibec has provided supports for employers on Remote and Flexible Working which should be considered carefully. There is further detailed guidance available from the HSA [here](#).

For those employers that can continue to operate from the workplace, no organised indoor gatherings can take place. This will apply to non-essential training and meetings etc. For workplaces that remain open, the Return to Work Safely Protocol must continue to be applied and control measures put in place accordingly. As there will be fewer people in the workplace during Level 5 restrictions, the COVID Response Plan should be reviewed to identify any resource gaps that may exist.

## **Employment Information**

### **Working from home supports & information**

Ibec has produced a number of HR articles and guidelines on working from home that address issues such as working time considerations, and mental health and wellbeing. A recently published Ibec guide on flexible work that includes remote working is available [here](#). The guide includes health and safety information for those working from home whose main work is computer work. Employers can access other HR supports on our COVID-19 page [here](#).

Employers are encouraged to continue to support the public health campaign in communicating to workers about the importance of complying with all of the health and safety guidance to prevent the further spread of COVID-19. Employers with any particular queries are advised to contact their designated Ibec Executive or [Knowledgecentre@ibec.ie](mailto:Knowledgecentre@ibec.ie)

### **Essential worker letters**

A sample letter for essential workers can be found on our COVID-19 webpage [here](#)

### **Lay-off/Short-time**

Where there are implications for the employment of staff, employers may have to consider placing workers on lay-off or short-time or declaring positions redundant. Guidance documents for both can be found [here](#).

### **Redundancy trigger**

Due to the particular and significant challenges posed by the COVID-19 pandemic, Section 12 of the Redundancy Payments Acts was amended by the Emergency Measures in the Public Interest (COVID-19) Act 2020.

As a result, for the duration of the designated emergency period, employees on lay-off or short-time are not in a position to claim a redundancy payment if the lay-off or short-time is due to the effects or measures required to be taken by the employer to comply with, or as a consequence of, the Government policy to reduce the spread of infection of COVID-19.

The current 'emergency period' was most recently extended to 30 November 2020. Ibec has engaged with the department seeking a further extension of the stay on the redundancy trigger.

### **Welfare & employment supports**

A new payment structure for the Pandemic Unemployment Payment (PUP) has been introduced as follows;

<b>Prior Weekly Earnings (Gross)</b>	<b>PUP Payment</b>
less than €200	€203
€200 – €299.99	€250
€300 - €399.99	€300
more than €400	€350

The change to payment rates will apply for payments issued from Tuesday 27th October (PUP is paid weekly on a Tuesday) in respect of all existing and new applicants.

### **How are earnings assessed for this rate change?**

The department has used the calculation which gives individuals the highest weekly rate of income as the basis for calculating the new rate.

If an individual is an employee, the Department will examine the individual's average gross weekly earnings in 2019 and compare it to the average gross weekly earnings in January and February 2020.

The higher earnings figure will be used to determine the new weekly payment rate.

For example, if the individual's average gross weekly earnings were €195 in 2019 and €210 in 2020, the figure of €210 will be used.

Similarly, if the average gross weekly earnings in 2019 were higher than in 2020, the 2019 figure will be used.

The Employment Wage Subsidy Scheme (EWSS) rates have also been revised to achieve better alignment to the PUP rates. These revised EWSS rates are effective from 20 October 2020 to 31 January 2021, as announced by Minister Donohoe, and are as follows:

Less than €151.50 = Nil  
€151.50 - €202.99 = €203  
€203 - €299.99 = €250  
€300 - €399.99 = €300  
€400 - €1,462 = €350  
Over €1,462 = Nil

The EWSS is available to employers who have had to temporarily close their business due to Level 5 public health restrictions in respect of eligible employees that are maintained on the payroll during the period they are closed. The main aim of this scheme is to ensure where possible employees retain their link with their employer rather than become unemployed. Employers who previously did not qualify for EWSS may now be able to show the necessary 30% reduction in turnover or customer orders between 1 July and 31 December

2020. Revenue is reminding employers that it is still possible to register for EWSS once all qualifying criteria are met. Once registered, employers can then claim subsidy payments in respect of payroll submissions with a pay date on or after the registration date.

### **Frequency of EWSS payments**

The EWSS was originally designed to pay the subsidy due once a month in arrears as soon as possible after the due date of the relevant monthly Employer PAYE return (the 14th of the following month).

On 6 October 2020, Revenue announced that it had brought forward the date for EWSS payments to the fifth day of the following month. October EWSS payments, including the increased rates announced by the Minister for Finance in respect of payroll submissions with pay dates on or after 20 October 2020, will be paid by 5 November 2020.

Revenue is currently working to further significantly shorten the EWSS payment timeframe. In this regard, the first EWSS payments in respect of November payrolls will be made in early November, rather than by 5 December. Thereafter, subsequent payments for November will be paid following the receipt of a payroll submission containing an EWSS claim. This means EWSS will be paid on a similar basis to the Temporary Wage Subsidy Scheme (TWSS), providing a significant positive cashflow boost for businesses.

Full details on the EWSS is available from Revenue [here](#).

## Summary of the National Framework for living with COVID-19

	Level 1	Level 2	Level 3	Level 4	Level 5
<b>Social &amp; Family Gatherings</b>	Max 10 from 3 other households	Max 6 from 3 other households	Max 6 from 1 other household	No visitors	Generally, no visitors to home or garden. Exception for those who risk isolation - possible for those in such circumstances to nominate one other household with whom they can mix. Possible to meet with 1 other household in an outdoor setting which is not a home or garden, such as a park, including for exercise. No other social or family gatherings should take place.
<b>Weddings</b>	Max 100	Max 50	Max 25	Max 6	Max 25
<b>Indoor Events</b>	Depending on venue size 100 : 200	Depending on venue size 50 : 100	No organised events	No organised events	No organised events
<b>Outdoor Events</b>	Depending on venue size 200 : 500	Depending on venue size 100 : 200	Gatherings of up to 15	Gatherings of up to 15	No organised events
<b>Sports Training</b>	Normal training with protective measures	Indoors Pods of 6 Outdoors Pods of 15	Indoors individual only Outdoors Pods of 15 non-contact	Indoors individual only Outdoors Pods of 15 non-contact	Non -contact training can continue for school aged children, outdoors in pods of 15. Professional, elite sports and inter-county Gaelic games, horse-racing and greyhound racing are permitted to continue behind closed door. All other training activities should be individual only. No exercise or dance classes are permitted.
<b>Matches &amp; Events</b>	Indoor 100 Outdoor 200 Stadia 500	Indoor 50 Outdoor 100 Stadia 200	None except specific exemptions	None except specific exemptions	No events

<b>Gyms, Pools &amp; Leisure Centres</b>	Open with protective measures	Open with protective measures	Individual training only	Closed	Closed
<b>Religious Services</b>	50 (or sub-groups of 50)	50 (or sub-groups of 50)	Services move online Funerals 25	Services move online Funerals 25	Services move online. Funerals 25.
<b>Bars serving food, Cafes and Restaurants</b>	Open with protective measures	Open Groups of 6 from up to 3 households	Range of restrictions up to and including no indoor dining	Outdoor dining only Max 15 Takeaway/ Delivery	Takeaway/ Delivery only.
<b>Wet Pubs</b>	Open with protective measure	Open Groups of 6 from up to 3 households	Range of restrictions up to and including no indoor service*	Outdoor only Max 15 persons Takeaway/ Delivery	Takeaway/ Delivery only.
<b>Hotels, Guesthouses B&amp;Bs</b>	Open with protective measures	Open with protective measures	Services limited to Residents only	Existing Guests & Essential purposes only	Essential purposes only.
<b>Retail &amp; Services (Mandatory face coverings)</b>	Open with protective measures	Open with protective measures	Open with protective measures	Primarily outdoor Essential retail/ services	Essential Retail only
<b>Indoor Cultural Venues</b>	Open with protective measures	Open with protective measures	Venues closed Libraries available for e-services/call & collect	Venues closed Online services available	Venues closed. Online services available.
<b>Workplace (Work from home if possible)</b>	Staggered attendance	Essential Meetings, Induction & Training only	Attend only if absolutely necessary Essential training only	Essential & other designated workers only	Essential workers only.
<b>Domestic Travel</b>	No restrictions	No restrictions	Stay in your county except for work, education & essential purposes	Stay in your county except for essential work, education & essential purposes	Stay at home. Exercise within 5km.
<b>Public Transport Cycle or work if possible</b>  <b>Mandatory face coverings</b>	Travel at Off-peak hours	50% capacity  Peak hours prioritised for essential workers and purposes	50% capacity  Travel only when necessary	25% capacity  Avoid public transport	25% capacity  Avoid public transport

<b>Schools &amp; Childcare</b>	Open with protective measures	Open with protective measures	Open with protective measures	Open with protective measures	In line with current NPHET advice schools, early learning and childcare services will continue to remain open and are deemed essential
<b>Adult &amp; Higher Education</b>	Open with protective measures	Open with protective measures	Open Escalate all appropriate protective measures /limit congregation	Primarily online with appropriate protective measures in place for essential attendance on site.	In line with current NPHET advice remain primarily online with appropriate protective measures in place for essential attendance on site.
<b>Care Homes</b>	Open with protective measures	Open with enhanced protective measures	Visiting suspended, aside from critical and compassionate circumstances	Visiting suspended, aside from critical and compassionate circumstances	Visiting suspended, aside from critical and compassionate circumstances
<b>Over 70s &amp; Medically Vulnerable</b>	Exercise judgement regarding engaging with others and in activities outside the home.	Exercise judgement regarding engaging with others and in activities outside the home.	Exercise judgement regarding engaging with others and in activities outside the home.	Exercise judgement regarding engaging with others and in activities outside the home.	Exercise judgement regarding engaging with others and in activities outside the home. When taking outside exercise maintain 2 metre distance, wash hands on return. Shop during designated hours. Avoid public transport.

### **Further Information**

#### **Resilience and Recovery 2020-2021: Plan for Living with COVID-19**

<https://www.gov.ie/en/publication/e5175-resilience-and-recovery-2020-2021-plan-for-living-with-covid-19/>

#### **General Guidance on COVID-19**

[www.gov.ie/covid19](http://www.gov.ie/covid19)

#### **Return to Work Safely Protocol**

<https://www.gov.ie/en/publication/22829a-return-to-work-safely-protocol/>

#### **Public Health Guidance**

<https://www2.hse.ie/coronavirus/>

#### **Government Guidance for Level 5 including full list of essential services and full list of essential retailers**

<https://www.gov.ie/en/press-release/66269-ireland-placed-on-level-5-of-the-plan-for-living-with-covid/>

#### **Faillte Ireland Guidance**

<https://covid19.failteireland.ie/industry-updates/guidelines-for-re-opening-published/>

#### **Department of Employment Affairs and Social Protection Pandemic Unemployment advice**

<https://www.gov.ie/en/service/be74d3-covid-19-pandemic-unemployment-payment/>

#### **Department of Employment Affairs and Social Protection Job Seekers Benefit advice**

<https://www.gov.ie/en/service/1221b0-jobseekers-benefit/>

*For further information, please contact Ibec's knowledge centre at email [knowledgecentre@ibec.ie](mailto:knowledgecentre@ibec.ie) or call 01 6051542. Please also see our COVID-19 page and HR Management Guide on [www.ibec.ie](http://www.ibec.ie)*

### **Disclaimer**

This document is provided for informational purposes only for Ibec members. The employer is advised to ensure that they keep up to date with any changes to the protocol and/or public health advice. It provides the holder with an overview of the issues that may arise during crisis management and situations where there is an interruption to normal business operations. It is not a substitute for specialist employment, legal and or any other advice where appropriate. Ibec assume no responsibility for any use to which the information may be put, or for any errors.