



COVID-19 and Your Rights as a Worker

Frequently Asked Questions – UPDATED 05 June 2020

The COVID-19 (Coronavirus) situation continues to evolve and Unite will continue updating our advice as dictated by circumstances.

The measures announced by the Government in March resulted in widespread business closures, layoffs and job losses affecting many Unite members. The measures also meant that more people have working from home in challenging circumstances.

On Monday June 8th, the second phase of the Government's 'Roadmap' (accelerations announced on June 5th) will see additional workplaces, re-open while remote working will continue to be encouraged where possible. This follows the first phase of re-opening on May 18th, which saw many construction workers – including many Unite members – return to work. The information below has been updated to reflect ongoing developments.

Unite is endeavouring to maintain our service to members during this unprecedented health emergency. In order to facilitate social distancing in line with public health guidelines, our offices remain closed to public visitors until further notice.

If you require assistance, please email adminroi@uniteunion.org.

Below, please find information on some questions you may have as a worker affected by the COVID-19 emergency. We will continue updating this FAQ on a rolling basis as the situation develops. The current version incorporates announcements made on June 5th. As well as the general information below, please scroll down for specific Health & Safety information.

*As we prepare for workplaces to re-open (see current schedule below), Unite, together with the Irish Congress of Trade Unions, is continuing to engage with Government and employers in different sectors to ensure the safety of our members, and to protect their terms and conditions going forward. The **Return to Work Safely Protocol** is available for download [here](#). Unite will continue advocating for increased enforcement resources and powers to ensure that the the Protocol is fully implemented by all employers.*

*On a broader level, Unite and the wider trade union movement are determined to ensure that working people, their families and communities do not pay the price for any economic recession when we emerge from this emergency. In this regard, click [here](#) to download our policy document **Hope or Austerity: A Road Map for a Better Fairer Ireland after the Pandemic**. The policies in that*

document fed into ICTU's recent report, **No Going Back: A New Deal towards a Safe and Secure Future for All**, which is available [here](#).

What if I fall sick and/or need to self-isolate?

If you feel you may have COVID-19, or may need to self-isolate as a result of COVID-19, the first thing you should do is phone your GP and [self-isolate in line with HSE advice](#). Your GP will assess you and decide if a test for COVID-19 is necessary.

*** DO NOT GO TO YOUR GP IN PERSON ***

If you are diagnosed with COVID-19, or a GP has certified that you need to self-isolate, you need to inform your employer and adhere to any employment sick pay policy in place. You then need to apply for Illness Benefit. An enhanced Illness Benefit of €350 per week has been agreed for COVID-19 related cases. To be eligible for this payment you **must** be confined to your home or a medical facility. This payment, which is also available to members of a household who have to self-isolate in connection with COVID-19, is [available](#) from the first day of illness. The enhanced Illness Benefit arrangements will now continue in force until 19 June.

What if I am working from home?

On Friday 27 March the Government issued an instruction to people to stay at home and to only travel to and from work if providing an essential service as specified [here](#). Despite the phased return to work, this inevitably means that many Unite members are either working from home, have been placed on layoff or rendered unemployed (further information on your rights in the event of layoff/job loss is below).

If you are working from home at your employer's instruction, your employer must pay you your usual wage. Confirm with your employer that this is the case before agreeing to work from home.

Revenue has made provisions for these people to be reimbursed for work-related expenses, such as heating, electricity and possibly broadband expenses.

An employer can pay €3.20 tax-free (without PAYE, PRSI or USC being deducted) a day to their employee to cover additional costs involved in working from home. It is important to note that there is no legal obligation on your employer to make such a payment.

Even if your employer does not make this payment, you will still be eligible for tax relief on such expenses. Such claims would need to be supported by evidence in the form of receipts, and you may be required to produce a letter from your employer confirming that you have been working from home.

Further information on e-working and tax is available on the Revenue website [here](#). Health and safety information relating to working from home during the COVID-19 emergency is available [here](#).

What if I want to continue working from home during this period?

While the widespread closures referenced above mean that many people still have to work from home, there will be other workers who can return to their workplaces under the 'Roadmap, but who wish to work from home during this period in order to mind children during the period of school closure or for other health, personal or family reasons. You should approach the company and request to be facilitated in that regard. It is at your employer's discretion whether or not to grant that request but they should be cognisant of public health as well as Government advice and instructions.

It may be that your presence is necessary for only some of the normal working week when particular tasks need to be performed. If so, it may be worthwhile highlighting this fact to your employer. Given the 'stay-at-home' order announced on 27 March, with the exception of workplaces specified in the different phases of the 'Roadmap', attendance may otherwise expose you and your employer to criminal sanction.

When will workplaces be re-opening?

On 1 May, the Government published its 'Roadmap for Reopening Society and Business' which included a schedule for the reopening of workplaces in different sectors. This started on May 18th, and on June 5th it was announced that the Roadmap would be accelerated as indicated below, with further adjustments possible.

- **8 June:** On June 5th, an acceleration of the Roadmap was announced which will see all retail outlets with street entrances re-opening, with staggered hours. Shopping centres (only retail outlets) will re-open on **June 15th**, ensuring physical distancing. Solitary workers and those who can maintain physical distance can return to their workplaces, but working from home is encouraged where possible.
- **29 June:** Re-opening of the hospitality and tourism sector, including bars which also serve food; limited to table service. All domestic travel restrictions will be lifted.
- **20 July:** Remaining restrictions will start to be lifted.

What if my employer asks me to attend work, but I don't feel safe doing so?

Your employer must abide by the Return to Work Safety Protocol, which is available [here](#). Under the 2005 Health, Safety and Welfare at Work Act, workers must report a hazard or danger to their employer in the first instance. If an employee leaves the workplace because of an emergency, or because of serious and imminent danger, they cannot suffer any detriment as a result. Further information on the Act is available from the Health and Safety Authority [here](#).

What if I have been placed on lay off – and my employer is operating the Temporary Wage Subsidy Scheme?

Government-ordered closures of businesses, as well as reduced demand in some sectors due to the pandemic, have resulted in a significant number of lay-offs.

The Government has asked those employers who have ceased trading to continue to pay workers during this period; this measure is intended to retain the link between workers and their employers.

A wage subsidy scheme was established providing that the Government would pay relevant employers 70 per cent of a workers' salary (after tax) - up to maximum of €410 per week – in respect of workers who would otherwise have been laid off. This Temporary Wage Subsidy Scheme, which employers may top up, is intended to ensure that workers retain their link with employers and they do not have to submit a jobseeker claim. This scheme replaced the COVID-19 Refund Scheme announced on 15 March, and is now scheduled to last until the end of August.

On 15 April, changes to the Temporary Wage Subsidy scheme were announced which primarily addressed anomalies which had become apparent at the higher and lower ends of the earnings spectrum. The Scheme has now moved from the 'transitional' to the 'operational' phase.

Operation of the Temporary Wage Subsidy Scheme:

- Initially, and until 4 May 2020, the subsidy scheme refunded employers €410 for each qualifying employee.
- From 4 May 2020, the subsidy payment moved to a system based on the previous net weekly pay for each employee. See further information below.
- Employers should pay the relevant subsidy to each employee and may make an additional payment so that the total pay does not exceed the average net weekly pay of the employee.
- The subsidy scheme applies both to employers who make additional payments to their employees and those that are not in a position to do so.
- Employers make this subsidy payment to their employees through their normal payroll process.
- Employers will then be reimbursed for amounts paid to eligible employees and notified to Revenue via the payroll process.
- The reimbursement will, in general, be made within two working days after receipt of the payroll submission.
- Income tax and USC will not be applied to the subsidy payment made through the payroll.
- Employee PRSI will not apply to the subsidy or any additional payment by the employer.
- Employer's PRSI will not apply to the subsidy and will be reduced from 11.05% to 0.5% on the additional 'top-up' payment from the employer.

Subsidy rates from 4 May

The following new rates will apply to payroll submitted from 4 May with a pay date on or after that date until the end of the scheme. (No backdating of the revised rates prior to 4 May will apply.)

Employees previously earning up to €586 net per week

- An 85% subsidy shall be payable in the case of employees whose previous average net weekly pay does not exceed €412.
- A flat rate subsidy of up to €350 shall be payable in the case of employees whose previous average net weekly pay is more than €412 but not more than €500.
- A 70% subsidy shall be payable in the case of employees whose previous average net weekly pay is more than €500 but not more than €586, with the maximum cap of €410 applying.

Employees previously earning over €586 net per week

- For employees whose average net weekly pay is greater than €586 per week but not more than €960 per week, the temporary wage subsidy shall not exceed €350 per week, and shall

be calculated with reference to the gross salary paid by the employer and its effect on net average wages as follows:

- A subsidy of €350 shall be payable to employees with average net weekly pay greater than €586, where the employer pays sufficient gross salary which equates to an amount up to 60% of the employee's net weekly earnings;
- A subsidy of €205 shall be payable to employees with average net weekly pay greater than €586, where the employer pays sufficient gross salary which equates to an amount that is more than 60% but not more than 80% of the employee's net weekly earnings;
- No subsidy shall be payable to employees with average net weekly pay greater than €586, where the employer pays sufficient gross salary which equates to an amount that is more than 80% of the employee's net weekly earnings.

A comprehensive FAQ on the Wage Subsidy Scheme is available [here](#).

What if my employer is operating the Temporary Wage Subsidy Scheme, but is refusing to pay the top up in respect of public holidays?

Payment for public holidays is generally subject to the 1997 Organisation of Working Time Act, and Unite would argue that if an employer is topping up the Temporary Wage Subsidy they should also do so in respect of public holidays. However, given that the Act did not envisage the current circumstances, an employer may argue that they are not obliged to pay the top up – which is at the employer's discretion – in respect of public holidays. Any disputes in this regard would need to be raised by way of a formal grievance in the first instance and thereafter to the Adjudication Services of the Workplace Relations Commission.

What if I am returning from Maternity Leave?

At the end of May, following pressure from unions and civil society organisations, the Government rectified an anomaly whereby women returning from unpaid maternity leave – as well as people previously on paternity leave, adoptive leave illness benefit or off-pay leave – were ineligible for the Temporary Wage Subsidy Scheme since they had not been paid in January or February, the calculation basis for the Scheme. These categories of people will now be eligible for the Scheme. The revised arrangements will be in place from June 12th, and payments may be backdated to March 26th.

What if I have been placed on lay off – and my employer is NOT operating the Wage Subsidy Scheme?

If a worker is laid off without pay, there is **no need to claim in person at an Intreo centre**. Instead, a new support payment has been introduced which applies to those workers whose employers lay them off. This **Covid-19 Pandemic Unemployment Payment** is paid at a flat rate of €350 per week.

The payment is available to all employees and the self-employed who have lost their job due to the COVID-19 (Coronavirus) pandemic, and is scheduled to last until at least August 10th.

On June 5th, a change to the Pandemic Unemployment Payment was announced whereby, from June 29th, part-time workers who were earning up to €200 per week will receive a PUP of €203, while those earning over that amount will continue receiving the payment of €350.

The Covid-19 unemployment payment can be applied for through the Department of Social Welfare's online portal www.MyWelfare.ie.

All that is required is for the applicant to have an email address, a bank account and a Personal Public Service Number. You will find your PPS number on a range of documents, including previous payslips. Simply go onto the Covid-19 Services section of the website and apply for the payment. You will have to set up an account but it is a simple and straight forward process.

To avoid any delay in payment, it is very important that you check carefully to ensure you have supplied the correct bank account and PPS numbers.

What about other social welfare payments?

If you were working and were also in receipt of any social welfare payment such as a Carers Payment, Working Family Payment (WFP) or One-Parent Family Payment, you can, provided you have lost your job due to COVID-19, also claim the COVID-19 emergency payment, in addition to retaining your existing welfare payment. The COVID-19 Payment Unemployment Payment will replace your employment income and will be regarded by the Department as equivalent to employment income.

If you have one adult and one or more dependent children you should claim a [Jobseeker's Payment](#) instead of the COVID-19 Pandemic Payment.

This is because you can claim an additional allowance for your adult dependant and child dependants, which will bring your weekly payment to in excess of the €350 weekly payment due under the emergency COVID-19 Pandemic Unemployment Payment. Further information on Covid-19 and social welfare payments is available [here](#).

What if I have been placed on short-time working?

If your employer reduces your hours to 3 days or less per week from your normal full-time hours, you can apply for a payment called [Short Time Work Support](#).

Your employer can also put you on short-time working which is a more formal procedure and applies in the following situation:

- Due to a reduction in the amount of work to be done, your weekly pay is less than half your normal weekly pay, or
- Your hours worked are reduced to less than half your normal weekly working hours

What if my employer instructed me to go home?

You are entitled to clarity regarding your work situation, and in particular regarding whether you are to be paid, or are being laid off, made redundant or expected to work from home. If unclear on any of these or related questions, contact your employer in writing (e.g. by email) and ask them to confirm your employment and payment status in writing. In the event that your employer says that you will not be paid the Department of Social Protection will require written confirmation of your status if you are applying for a Social Protection payment.

A simple email detailing when, where and by who you were told to go home and asking that your status be confirmed to you in writing without delay will assist you to explain your circumstances to the Department of Social Protection.

If I have been placed on layoff or short time working as a result of COVID-19, can I claim for a redundancy payment?

The provisions of Section 12 of the Redundancy Payments Act 1967 have been suspended where an employee has been temporarily laid off or put on short-term work arising from the COVID-19 emergency measures. These provisions will remain suspended for as long as the Temporary Wage Subsidy Scheme and the Pandemic Unemployment Payment remain in place.

Workplace health and safety

Please click [here](#) to download the Return to Work Safely Protocol, and [here](#) to download the ICTU's User Guide to the Protocol. Unite is continuing to advocate for improved resources to ensure enforcement of the Protocol.

Members working in the construction sector should note that Unite has set up a hotline for you to report any safety concerns relating to Covid-19. The number is 089-2031044. We also have a dedicated email address for construction members to contact: constructionROI@unitetheunion.org.

You should have a Health and Safety Representative – and you should know who s/he is

Under the 2005 Safety, Health and Welfare at Work Act, all employees are entitled to elect a Health and Safety representative. You may also have a union safety rep. It is important that you know who they are, that they are fully updated on any health and safety risks and relevant measures.

The Return to Work Safety Protocol states that your employer MUST:

- Appoint at least one lead worker representative to make sure safety measures are in place and being followed.
- Update business and safety plans, including the business COVID-19 Response Plan, the occupational health and safety risk assessment and the safety statement. Include how to deal with a suspected case of COVID-19 in the safety plans and appoint a dedicated manager in charge of dealing with suspected cases.
- Develop, consult on, communicate and implement workplace changes or policies.
- Send out a pre-return to work form to employees at least 3 days before their return to work. The form will ask employees to confirm they have not had symptoms of COVID-19 in the past 14 days, have not been diagnosed or suspected of COVID-19 in the past 14 days, have not been in close contact with someone confirmed or suspected of COVID-19 in the past 14 days and are not self-isolating or cocooning. You can get a [return to work form template](#) from the HSA website. Note: Employers should not directly receive any test results from the HSE. Rather, the results should be provided to the person tested, who should then pass on the outcome to his or her employer.
- Provide COVID-19 induction training for all staff.
- Put in place temperature testing in line with public health advice.
- Have appropriate hygiene facilities in place, display posters of good hand washing practices and have proper ventilation. Give tissues as well as bins or bags for employee's disposal. Empty bins regularly and provide advice on good respiratory practice.
- Provide for physical distancing across all work activities of at least 2 metres as much as possible. (Staggering breaks, put in place arrangements for meetings and canteen facilities, put in place a no handshaking policy, no sharing of cups or pens, adapt sign in or sign out systems). Install physical barriers, such as clear plastic sneeze guards between workers where 2 metre distancing is not possible.
- Keep a log of any group work to help with contact tracing.
- Have regular cleaning of the workplace and provide hand sanitisers.
- Provide Personal Protective Equipment (PPE) and protective clothing where there is an identified COVID-19 exposure risk and in line with public health advice. You [can get more information on PPE from the HSA](#).

- Make sure employees look after their mental health and well-being and are aware of any employee assistance programmes.

If an employee has symptoms of the virus during work hours, your employer must have a designated isolation area for employees and must follow a specific procedure:

- The designated manager must direct the person to a designated isolation area, along a designated route
- Maintain a 2 metre distance
- Arrange for the employee to stay in isolation before arranging for them to be transported home, or to a medical facility, avoiding public transport.
- Carry out a full risk assessment of the incident to see what, if any, further action needs to be taken

You are legally entitled and obliged to protect your health and the health of others

Under the 2005 Health, Safety and Welfare at Work Act, workers must report a hazard or danger to their employer in the first instance. If an employee leaves the workplace because of an emergency, or because of serious and imminent danger, they cannot suffer any detriment as a result. Further information on the Act is available from the Health and Safety Authority [here](#).
