

	Question / Comment	Answer
1	<p>If employee is asked to return to work and employee's response is that not comfortable to return at the moment, employee does not say it is because of underlying issue or childcare, what are the options open to employer?</p> <p>Also if employees' are going to receive higher on COVID payment then returning to work and employer has a suspicion that this may be the issue for employee returning to work, can employer employ someone else to fill that position.</p>	<p>If the employee is notified that they are expected to return and refuses, non-related to medical issues, then the employer can discuss, advise that it is be deemed a refusal to work and ultimately it is dealt with under the company disciplinary process.</p> <p>In relation to the second aspect, again this would be looked at as a refusal to return to work and ultimately can lead to termination of employment.</p> <p>The Advice line can assist with those issues. Aidan McGrath</p>
2	<p>We will require staff to come in for about 4 hours the week before re opening for training. If they are on the Covid payment do they have to come off the payment and we pay them for the 4 hours training. We are doing as much training on line as possible but we need them to have them on the premises for these 4 hours</p>	<p>This depends on the scheme they are receiving; being the Covid 19 pandemic payment on lay off or Wage Subsidy Scheme. The latter allows work to be undertaken without affecting the payment; however, the former presupposes that the employee is on lay off and no work available.</p> <p>Aidan McGrath</p>
3	<p>If we have a number of employees who started on the same day and we don't need all of them back to work how do you decide who come back from that pool of employees</p>	<p>The return from lay off is decided utilising a criteria matrix, grading employees; length of service being one of those.</p> <p>You utilise a selection criteria matrix similar to a redundancy matrix, highest graded are returned firstly. Mindful of avoiding any discriminatory issues.</p> <p>Aidan McGrath</p>
4	<p>How do you deal with a member of Staff that you don't want to return to work?</p>	<p>This issue should be addressed with an advisor on the legal advice line through the IHF</p> <p>Aidan McGrath</p>
5	<p>Are you within your right to bring an employee back on a 3 day week after they were made temporarily unemployed from a 5 day role</p>	<p>This will involve renegotiation of contract and the process around that. An employee who is brought back from lay off, should ordinarily be returned to original position unless it is renegotiated.</p> <p>Aidan McGrath</p>
6	<p>What will happen in a Redundancy situation now?</p> <p>I know the right to claim redundancy by the employee is on hold until the 10th of August but if the employer was forced to look at redundancies will there be assistance from the government in regards to redundancy payments? Will there be assistance from the government when employees are able to resume taking redundancy claims?</p>	<p>The employer rebate which provided for 60% rebate on the statutory redundancy lump sum was abolished in 2013.</p> <p>At the present time no such rebate exists nor are we aware if the government are planning to reintroduce such a rebate.</p>

7	What will happen if the hotel isn't ready to open on or around the 29th of June?	The 29th of June is the date when you can reopen; however, you can decide what is the best reopening date for your hotel. Staff will remain on lay off or the TWSS pending reopening. The schemes remain in place until the 31st of August. Aidan McGrath
8	the issue pf paycuts have arisen and there is pushback from the staff in fact they are looking for recognition of the fact that they are returning to a less safe work environment and want additional pay for this in fact... any advice?	This push back needs to be gauged, if it is a large number; then the risk of mass claims may arise. Alternatives, or incentives perhaps may assist if possible. It is important to outline exactly why and what if it cannot be achieved; redundancies. Aidan McGrath
9	Good morning, this may be addressed later in terms of selection for return to work but can I check if an employee does not agree to a salary reduction, can they be selected to stay on lay off until the business levels improve? It is likely we will be opening the business at a cost rather than profit. thank you	The Schemes remain in place until 31st of August, so no obligation to return staff on 29th of June; however, paycut negotiations need to outline the reasons for same and the consequences of not achieving the savings. Consultation is key to trying to achieve such changes and perhaps non-monetary incentives to achieve it. Aidan McGrath
10	Please can you clarify the situation in relation to contractors with a current contract? Are companies obliged to return them to work?	I assume you refer to self-employed persons; this would require a review of the contractual documents to ensure they are correctly categorised as a contractor and to see how such contractual position may be brought to an end. Perhaps it would be best to log a call with IHF legal advice team. Aidan McGrath
11	Has there been any indication by the government that they will have a scheme for redundancies to help employers?	I understand the IHF are lobbying in relation to that matter. Aidan McGrath
12	Are employees who are on the TWSS scheme entitled to accrue holidays	The TWSS allows employees to work and holidays are accrued against hours worked in accordance with the Organisation of Working Time Act. Aidan McGrath
13	Is there a template on what we should cover on Reduction of staff/Covid-19 training?	The return to work safety protocol and the re-opening guidelines contain the requirements in this regard.
14	For Collective Redundancy, one needs to advise the minister of any consultation that took place with employee representatives / unions. We are in a workplace that has no engagement with unions and we don't have an employee representative body. Would individual employee consultation suffice?	No, you must facilitate the election of an employee representative, or representatives from within the body of employees affected by redundancy

15	We are in the process of compiling a list of staff who will be returning to work. In regards to the heads of department who come back, can we (1) seek the temp. WSS for them on their return and (2) if no, can we offer 3 days only?	You should still be able to seek the WSS for these employees. You can propose 3 days only and enter into negotiations with the employees on that basis.
16	Also regarding the TWSS and the Revenue average which is generated from the first two months of the year. Some employee's averages for this time would be significantly lower than busier periods, what do we do here?	Average weekly pay should be calculated by looking back 13 weeks and calculating the average pay over the previous 26 weeks.
17	If we make someone redundant who is currently on a four day week, has had a pay cut and is on the wage subsidy scheme do we pay their notice period on their contracted rate or the rate they are currently on?	You need to calculate the average weekly pay for redundancy purposes, where it was altered prior to redundancy. You go back 13 weeks from the date, and get the average over the previous 26 weeks to get average weekly pay. Aidan McGrath
18	Can employees apply for redundancy even if hotels are seasonal and we keep their positions open for them so that they can return year on year?	All employees will have a right to seek redundancy from 10th of August, but dependant on service, they may have no entitlement to a lump sum. I suggest you log a call with IHF advice line on this matter. Aidan McGrath
19	If an employee refuses to come back to work are they still entitled to redundancy?	A refusal to return to work is not a redundancy, as you have a position for them. This is dealt with as a potential disciplinary issue leading to termination of employment. Aidan McGrath
20	Can we engage in redundancies before the end of August when the wage subsidy scheme is due to end?	Yes, an employer is not precluded from engaging in a redundancy process at any point, the limit imposed was that employees who are on lay off; cannot request redundancy from employer until the 10th of August. Aidan McGrath
21	If an employee has less than two years' service are we entitled to do a short term dismissal?	Unfortunately, not sure what is being termed "short term dismissal". This will require further information and can be looked at by an Advisor on the Legal Advice Helpline.
22	If we open on the 29th and bring employees back but business is not good enough to keep everyone on afterwards (during the following few weeks) can they return to the Covid payment?	It is unlikely that the employee would be in a position to return to Covid 19 lay off payment, as this would be a new unrelated to initial shut down lay off and likely they would have to avail of unemployment assistance benefit.

23	If we have people promoted up through the ranks should we consider demoting everyone rather than making the most Senior position redundant?	This would be best looked at by the advisors on IHF Advice line. Aidan McGrath
24	Thanks Aidan Yes they are on the Covid pandemic payment. Not sure how to handle this as if they come off Covid then they will only be paid for 4 hours training that week! Can they still come in for training, not work, on a once off basis and remain on the 350 payment for that week?	I think it would be best to reach an arrangement with them on the matter, as any payment can affect the layoff payment of €350 per week, as obligation to notify Department of work and monies earned.
25	Are part time employees working an average of twenty hours per week over the year entitled to redundancy?	Yes, once they meet the service requirements
26	If a staff member returns to their previous position with the same duties and hours but a 10% pay reduction. Is this a renegotiation of the contract?	Yes, any reduction in an essential term is a change to the employment contract and must be negotiated with the employee.
27	How long can you leave employees on lay off? Some may not be needed to return until next year - is there a time limit?	At the present time employees can remain on lay off until the 10 th of August, following which an employee who has been on lay off can seek a redundancy payment from employer; unless the employer can return them to work. Following the 10 th of August, an employee can seek a redundancy payment if they are placed on lay off for a period of four consecutive weeks.
28	If you had a new employee due to start during the closure but do not need that employee now, can you cancel the offer or do you need to defer start date to see how business goes. If so how long can you defer the start date for. What's a reasonable time	This will depend on the position and will require a discussion with an advisor on the legal advice helpline.
29	If you are selecting employees for redundancy using the matrix system could it be challenged based on training records or personal improvement plans?	One employee having a higher level of skill over another could be a valid criteria. Care should be taken if relying on PIP's as it may be possible for the employee to argue that they are being dismissed on the basis of performance rather than a genuine redundancy
30	Could you use different selection criteria per department?	Potentially, depending on precedent, contract employee handbooks etc, and if there is a objective reason for doing so.
31	Can you take an employee off the pup payment and put on the subsidy and pay them holidays before they are accrued and back to work?	You can't pay employees in lieu of annual leave. The employee would need to actually receive the annual leave. There is nothing to prevent employees taking annual leave at present once they actually receive time off and full payment for same.

10th June 2020

32	Do part-time people on as and when contracts qualify for redundancy?	Generally yes, however further advice should be sought from the advice line
33	Hi Aidan, if we email all our staff advising we are reopening at the beginning of July and asking for their confirmation that they are available for work should we have the hours to offer them. If they advise they are not available, does this preclude them from any redundancy claims down the line?	If an employee advises that they do not want to return to work; then you should be seeking to end the contract. This would not be a redundancy as you have work for them, but termination of the employment relationship. The legal advice helpline should be contacted for assistance with this type of scenario.
34	If staff members are still on probation, I assume they need to be treated the same or are there any differences? Anne	Whilst all staff should be treated in a similar manner in relation to renegotiation of contracts and so on; the Unfair Dismissal Acts may not apply to them. However, specific issues should be discussed on the advice line.
35	If you do not envisage some of your team returning in the more long term, example, C&B Manager and C&B team, can you leave them on lay-off for the remainder of the year or what is the best approach to take?	The protection afforded under the current lay off position; expires in the 10 th of August, where staff can request redundancy from employer if not re-employed. This maybe a matter more particularly dealt with under redundancy for some of the employees, as a primary tenant of lay off is it is temporary in nature and it appears such a lay off may run foul of that.
36	How do you calculate a part time hours for redundancy?	Average pay is calculated, by counting 13 weeks from the date of redundancy notice, and getting average weekly pay over the previous 26 weeks. Guidance has to be sought from ARAG prior to notice of redundancy to ensure cover.
37	Are redundancy payments taxable?	Statutory redundancy payments are tax free and any ex gratia payments can be provided for tax free, but this is calculated on a fixed payment amount and a sum per year of service. Can be addressed on the legal advice line.
38	We have offered a part-time employee three days' work, however they have refused on the basis that they will receive less than the €350 CPUP payment. How would you advise to manage this circumstance?	Refusal to return to work is a matter to be addressed in accordance with the disciplinary procedure. The legal advice line should be consulted on this specific issue.
39	Part time employees are also entitled to qualify for redundancy. is there a requirement on the number of hours worked per week to qualify or just service?	It is based on service, the redundancy payment will reflect the number of hours worked
40	If you have carried out the redundancy correctly and the employee is still saying it is unfair, but you don't have a job as the business is not open. Can you go ahead and make the person redundant.	You can progress with the redundancy; however you should provide a right of appeal. If the employee feels the redundancy is unfair, they may issue a claim before the WRC.

41	If employees are reluctant to return to work, because of the amounts being earned on WSS, can we opt to halt the WSS payment for individual employees who have been offered work but refuse to come in?	Employees can be required to work while on the WSS, if they refuse to do so, then this can be dealt with through normal disciplinary procedures. Consult legal advice line in relation to this
42	Can you pay Annual Leave on TWSS	There does not appear to be any prohibition on annual leave on the TWSS
43	Fixed Term contracts that expire in June 2020. Is it just a matter of continuing to a new contract or not renewing?	Legal advice line needs to be consulted in relation to ending of a fixed term contract.