

MANAGING HUMAN RESOURCES DURING COVID-19

20th March 2020

The outbreak of COVID-19 and the subsequent measures taken by the Irish Government to contain its spread present the Irish Co-operative sector with several challenges. Chief among these challenges is the management of employees in a number of circumstances that may arise, such as a reduction of trade resulting in the need to lay-off employees or place them on short time arrangements and the loss of high numbers of staff or key staff as a result of:

- Contracting COVID-19
- Needing self-isolation
- Additional care responsibilities arising at home

Co-operatives should be aware of their options and their responsibilities in each of the circumstances set out above.

Co-operatives are directed to the [public health advice issued by the HSE](#) for questions arising as a result of COVID-19. It is essential that all co-operatives abide by this advice.

The government is urging all employers, including co-operatives, to support national public health objectives by continuing, as a minimum, to pay employees who cannot attend work due to COVID-19 illness or self-isolation the difference between the enhanced illness benefit and their normal wages.

This may be achieved through the co-operative considering a range of flexible working arrangements with their employees such as:

- Compassionate leave
- Allowing employees work remotely
- Allowing employees to 'work-up' any time taken at a future date
- Allowing employees to avail of annual leave entitlements
- Rearranging parental leave

Please note there are [income supports available from the Government](#) for your co-operative's employees during a COVID-19 (Coronavirus) related absence or temporary lay-off from work.

LAY-OFF & SHORT TIME

"Lay-Off" and "Short Time" are governed by the Redundancy Payments Acts:

- Lay-Off – the co-operative is temporarily unable to provide work for its employees
- Short Time – the co-operative cuts the wages or hours of its employees to less than 50%

When instigating Lay-Off and/or Short Time arrangements the co-operative:

- Is obliged to provide notice to its employee, however no time is specified and
- Must have a reasonable belief it will only be a temporary arrangement

Please note that when selecting employees for Lay-Off or Short Time the co-operative should apply the same standard of selection criteria as for redundancy and must not discriminate against employees on any of the following nine (9) grounds: gender, civil status, family status, age, disability, religious belief, race, sexual orientation or membership of the Traveller community.

The employer cannot, at common law, put an employee on lay-off without pay or place him on short time unless there is either:

- A clause in the contract providing for lay-off or
- An implied right to do so, deriving from custom and practice within the industry

EMPLOYER COVID-19 REFUND SCHEME

As an alternative to Lay-Offs In a situation where a co-operative must cease trading as a result of the HSE advice on 'social distancing', the government is encouraging employers to retain employees where possible. To facilitate this the Department of Employment Affairs and Social Protection (DEASP) is setting up a refund scheme for employers. Co-operatives may avail of €203 per week for each employee who would otherwise have been Laid-Off. This will mean:

- Employees retain their link with the co-operative and
- There is no need for them to personally submit a jobseeker's claim

Co-operatives who are unable to pay staff can register for the payment through Revenue's online portal, provided their employees are:

- Temporarily laid off due to COVID-19
- Between 18-66 years old
- Included on a payroll submission to Revenue between 1 February and 15 March 2020
- **Not receiving any other money from the co-operative**

REDUNDANCY

If an employee has been Laid-Off or on Short Time:

- For 4 or more consecutive weeks or
- For 6 weeks (not more than 3 consecutive) in a 13-week period

The employee can serve a notice on the co-operative to claim redundancy. The co-operative, however, may serve a counter-notice denying the redundancy if the co-operative can give the employee 13 weeks' employment without Lay-Off or Short Time, which shall be available within 4 weeks of the date

of the employee's notice. It is worth noting that these circumstances may require some flexibility on these notice periods as situations develop.

ICOS is aware that this will lead to some difficult conversations between the co-operative and its employees. **Therefore, it is essential the co-operative is able to give clear information to its employees on the [supports available to them](#).**

RETRAINING AND REASSIGNMENT OF EMPLOYEES

In contrast to the above, the COVID-19 outbreak is occurring at a very busy time for a number of co-operatives and losing employees as a result of COVID-19 would be extremely disruptive. Provided it is possible to comply with Government advice on social distancing and anti-contamination measures, these co-operatives should consider reallocating underutilised employees to departments under resourced as a result of absent employees who have contracted COVID-19 or are self-isolating. ICOS Skillnet can assist your co-operative in putting such a plan in place, utilising resources such as virtual classrooms to ensure training is carried out safely. Please contact Billy Goodburn (billy.goodburn@icos.ie) should you wish to discuss this.

The events that are unfolding are of course unprecedented. For that reason, no one size will fit all and so we would urge you to consider all variables in making decisions appropriate to your co-operative's circumstances. ICOS is monitoring the situation and Sinead Farrell (sfarrell@icos.ie) would be pleased to discuss any queries that may arise.