



BUSINESS RECOVERY - ISSUES FOR EMPLOYERS !

- **Employees Return to the Office or Business Premises**

As Employers begin to return towards a more '**normal**' working environment over the Summer months, this will also result in more of their employees returning to the office or business premises – **whether on a full or part time basis.**

As a minimum an Employer needs to have a **COVID-19 Return to the Office Staff Policy** in place to cover issues that vary from risk assessments, mask policy, interactions with staff and customers, testing and clarity on isolation where a '**close contact**' of an infected individual etc.

However another area that Employers need to be aware of is the issue of '**vaccinations**' !

Recent advice from the Data Protection Commissioner has indicated that Employers **DO NOT** have the right (nor is it deemed reasonable), to ask or record the vaccination status of their employee(s).

They need only follow the current health advice from the Government and the Health and Safety Authority, which covers issues such as masks, 'social distancing', ventilation etc

So therefore what should Employers do, or more importantly, **NOT** do around this quite topical issue in the coming weeks and months ?

1. **Don't ask employees** if they are vaccinated (or not)
2. **Assume that everyone is NOT vaccinated**, and apply the general company COVID policies on that basis
3. **Ensure that the Employer's COVID policies** retain a focus on current guidelines such as masks, social distancing etc as key issues
4. **Ensure that risk assessments are carried out as per Government guidance**, or as circumstances within the business changes i.e. more employees onsite, increase in cases in the local area etc

For an Employer, apart from trying to keep their employees (and customers) safe and healthy, there are also additional risks as a result of COVID related actions (**or inactions**) i.e. potential for claims from employees or other third parties around GDPR, discrimination, unfair dismissal or other breaches – all of which **need to be managed as carefully as possible !**

- **NEW Statutory Sick Pay Scheme**

Background

Although not specifically linked to the COVID-19 pandemic, the Government has recently announced that a **Statutory Sick pay scheme** is to be introduced in Ireland from 2022 (**which is realistically now ONLY months away**).

The Government aim with the SSP scheme, which will be phased in from 2022 through to 2025 is

1. to provide a minimum level of protection to low paid employees, who may have no entitlement to company sick pay schemes, but also



2. to provide Employers with the opportunity to plan and manage the additional costs - **especially as some will also need to deal the costs of replacing staff to cover sick leave.**

The Government has also indicated that the new scheme is not aimed at preventing Employers offering better sick leave scheme than the mandatory minimum amount.

Key Points

By 2025, Employers will have to cover the cost of **10 sick days** per annum for each employee, however the 'phasing in' of the SSP scheme by the Government should allow Employers sufficient time to plan for this change in a sensible way post 2025 i.e.

- **2022** : three sick days per annum
- **2023** : five sick days per annum
- **2024** : seven sick days per annum
- **2025** : ten sick days per annum

In terms of the amounts that Employers will be required to pay under the SSP scheme, this will be at a rate of **70% of an employee's wage - subject to a daily threshold of €110.**

The rate of 70% and the daily cap have been set to ensure excessive costs are not placed solely on employers, with an incentive for the employee to return to work as soon as is practicable.

It does however, represent a small (**2.6%**) pay increase to the average employee who currently receives **NO sick pay** at all from their Employer.

It should also be noted - that the Government also plans to bring in a **minimum wage** in due course as well, on their '**roadmap**' for supporting employees (especially those at the lower end of the pay scale).

If you have further queries or need more assistance on any of the above issues, then feel free to contact the office, or damian@sakurabusiness.ie in the first instance, where we can then introduce you to some of our HR contacts, where this may be necessary.