



Covid-19 related traineeship FAQs

This document has been produced to assist trainee solicitors in respect of the frequently asked questions that the Traineeship Section has been receiving related to the issues arising from COVID-19. It does not constitute legal advice.

Q. I am a trainee solicitor and I have been told to work from home. Will this time count towards my in-office training period?

A. If the trainee solicitor is working from home on legal tasks and that work is being supervised by his/her training solicitor albeit remotely, the work will count towards the in-office training period for the trainee solicitor.

Q. I am a prospective trainee solicitor intending to attend PPC I in 2020 and I don't have a training contract registered with the Law Society and my training firm is terminating my employment due to a downturn in business. Does my employer need the consent of the Law Society to terminate my employment?

A. In this situation the Law Society Education Committee does not have a remit as there is no registered training contract (indenture deed).

Q. Can a training firm insist on trainee solicitors working whilst on PPC II?

A. Under the training contract (indenture deed), the training solicitor agreed to release the trainee solicitor for the duration of PPC II therefore trainee solicitors should not be expected to work in the office whilst attending PPC II even in circumstances where the course is being delivered online.

Q. I am a trainee solicitor attending the 2020 PPC II course. My training firm have told me that due to a downturn in business they will not be paying me whilst I attend PPC II and they have placed me on temporary layoff for the duration of PPC II. Can they do this?

A. The Law Society's interpretation of the Minimum Wage Act 2000 is that trainee solicitors should be paid whilst attending PPC II at least the statutory minimum wage of €10.10 per hour. PPC II is based on a weekly attendance of 26 hours therefore giving a minimum weekly wage of €262.60 per week. This is based on the fact that the trainee solicitor is being released by their employer for the purposes of completing a work related training course and that the training course is being completed by the trainee solicitor during normal working hours. A dispute in respect of pay may be adjudicated upon by the Workplace Relations Commission. However in the current unprecedented times some firms have taken the decision to lay off trainee solicitors temporarily in the

hope that the said trainee solicitors will be able to claim a COVID-19 payment during the period of temporary layoff. In a recent bulletin from the President of the Law Society advice from the Employment Law Committee was included whereby they stated that in times of emergency a pay claim under the Payment of Wages Act might not be upheld despite the employee's normal right to pay. The Education Committee's view is that in the current extraordinary circumstances arising from the COVID-19 pandemic provided that a temporary layoff is confined to being for a reasonable and objectively justifiable period of time, such temporary layoff is unlikely to give rise to a breach of inter alia Regulation 19 of the Solicitors Acts, 1954 to 1994 (Apprenticeship and Education) Regulations, 2001 (as amended).

- Q. I am a trainee solicitor attending PPC II. I have been laid off for the period of PPC II. Will this affect my in-office training period end date?
- A. **The time spent on PPC II counts towards the 24 month in-office training period. Therefore temporary layoff for the duration of PPC II will not alter the in-office training period end-date. If the temporary layoff continues after the trainee solicitor has completed PPC II, the in-office training period end date will be extended pro-rata based on the temporary layoff duration.**
- Q. Can my training firm terminate my indentures due to a downturn in business?
- A. **If your training contract is registered with the Law Society, it will be necessary for your training firm to apply to the Law Society's Education Committee to terminate a training contract (deed of indentures). As a trainee solicitor, you have a right to respond to such an application.**