

## **Options for Employed Solicitors in COVID-19 Crisis - Situation as at 12 April 2020**

While the current COVID-19 pandemic crisis continues, solicitors in employment may find themselves in any one of the five situations outlined below.

### **Continuing in Employment**

Most solicitors who were employed when the current crisis started, remain so and the vast majority are working from home. Legal practices are recognised as essential services and this means that solicitors and other legal staff are authorised to travel to and from work and associated places. However, going to the office and to other places should only be done when the work involved cannot be done from home.

Employers who continue to employ staff can apply for the Temporary COVID-19 Wage Subsidy Scheme. However, stringent qualifying criteria are in place and many employers are not eligible to participate in this initiative. This factor may impact on their ability to retain solicitors and other staff through to the end of this crisis.

### **Claiming COVID-19 Unemployment Payment**

If an employer is of the view that they cannot continue to employ their staff – they may decide to lay off on a temporary basis. Your employer can lay you off if it is in your contract of employment or if it is custom and practice in your workplace. Otherwise, your employer should not lay you off without your agreement. That said, if you do not agree you may be made redundant.

Your employer should explain the reason for the lay off and should keep you informed of the situation during the period of lay off. Your employer must give you notification - but during the current COVID-19 pandemic you may have been given very short notice.

The law on claiming redundancy from your employer if you have been temporarily laid off has changed for the duration of the COVID-19 crisis. Normally, if you are laid off, you can claim redundancy from your employer after 4 weeks or more, or 6 weeks in the last 13 weeks.

Under the Emergency Measures in the Public Interest (COVID-19) Bill, you will not be able to claim redundancy if you were laid off as a result of the COVID-19 pandemic. The emergency period set out in legislation is 13 March 2020 to 31 May 2020. This period may be extended. Some employees may also be made redundant by their employers before this crisis concludes.

Employees who are temporarily laid off or who lose their jobs on a permanent basis because of the COVID-19 crisis - on or after 13 March - can apply for the COVID-19 Pandemic Unemployment Payment. This is a payment of €350 per week (since being increased on 24 March) and it is paid by the Department of Employment Affairs and Social Protection. Everyone receives the same weekly amount. There is no additional amount paid for a dependant spouse and/or children. Information on COVID-19 Pandemic Unemployment Payment is available [here](#).

## **Claiming Jobseeker Benefit or Jobseeker Allowance**

Some people, who are laid off temporarily or made redundant - who have a dependant spouse and/or children - may be able to access more Exchequer money on Jobseeker's Benefit or Jobseeker's Allowance than they can from a COVID-19 Pandemic Unemployment Payment. If that is the case, such people are free to pursue the higher paying claim.

Jobseeker's Benefit is a weekly payment from the Department of Employment Affairs and Social Protection to people who lose their job. If you don't qualify for Jobseeker's Benefit, you may qualify for Jobseeker's Allowance. However, Jobseeker's Allowance is means tested and your means must be below a certain level to qualify. A person is paid a max of €203 per week on both Jobseeker's Benefit and Allowance and there is currently an additional weekly payment of €147 for a dependent spouse and up to €40 weekly for each dependant child.

Jobseeker's Benefit and Jobseekers Allowance are both not normally paid in a temporary shutdown situation. However, this rule has been suspended in the current COVID-19 crisis. A situation sometimes happens where a person who is only entitled to a reduced rate of Jobseeker's Benefit, may be better off on Jobseeker's Allowance. Switching can be organised and is known as 'Optional JA'. Information on Jobseeker's Benefit is available [here](#).

## **Claiming Short Term Work Support**

If an employer asks an employee to work two or three days a week - and if the employee will not be getting paid for days that they are not working – such employees do not qualify for the COVID-19 Pandemic Unemployment Payment. Instead, they must make a claim under Short Term Work Support.

If an employer proposes a short time working arrangement, similar rules apply as outlined for a lay off situation - regarding getting agreement, notice required and changes to the law during the current crisis. Employees put on short time by their employers can apply for Short Time Work Support if they work three days or less a week. This is a form of Jobseeker's Benefit / Jobseeker's Allowance and is subject to the same qualifying rules as outlined for these schemes above.

If a person is asked to work just two days a week by their employer - and they are paid pro-rata - they can seek Short Term Work Support from Intreo. If they qualify, they will receive 60% of what they would get if they were full time on Jobseekers Benefit or Allowance - which is €203 per week (not €350 which is the COVID-19 Unemployment Payment) plus additional payments listed above for a dependant spouse and/or dependant children. Details on this support are available [here](#).

## **Unable to Work**

Employees who cannot work because they are ill with COVID-19 or with suspected COVID-19 qualify for the COVID-19 Pandemic Unemployment Payment - up to 2 weeks if self-isolating and up to 10 weeks if diagnosed.

If you leave work to care for a child or another person and your employer is no longer paying you, you may qualify for the COVID-19 Pandemic Unemployment Payment. Contact the DEASP using MyWelfare or call 1890 800 024 to find out where you stand.