

Republic of Ireland Payroll Overview



Alison Hendriks
April 2020

Year End
31st
December

Absences

Public Holidays



Public Holidays

9 public (bank) holidays in Ireland each year

- New Year's Day (1st January)
- St. Patrick's Day (17th March)
- Easter Monday (Good Friday is not a public holiday and so no entitlement to holiday but some businesses and schools do close)
- First Monday in May
- First Monday in June
- First Monday in August
- Last Monday in October
- Christmas Day (25th December)
- St. Stephen's Day (26th December)

2020

Date	Day	Holiday
1 Jan	Wed	New Year's Day
17 Mar	Tue	Saint Patrick's Day
13 Apr	Mon	Easter Monday
4 May	Mon	May Day
1 Jun	Mon	June Bank Holiday
3 Aug	Mon	August Bank Holiday
26 Oct	Mon	October Bank Holiday
25 Dec	Fri	Christmas Day
26 Dec	Sat	St Stephen's Day

Public Holidays

- Most employees are entitled to paid time off for public holidays as laid out in the Organisation of Working Time act 1997
- Employees who qualify are entitled to one of the following:
 - A paid day off on the public holiday
 - An additional day of annual leave
 - An additional days pay
 - A paid day off within the month of the holiday

Public Holidays – part time workers

- If a part-timer has worked at least 40 hours in the 5 weeks before the holiday and it would fall on a day normally worked, they are entitled to a days paid leave
- If a part timer does not work on the day of the holiday they should receive one fifth of a weeks pay, even if they are never rostered on to work during a public holiday
- If the employee does not have normal daily or weekly hours, an average of a days or weeks pay can be calculated using an average of the 13 weeks before the holiday
- An employer may choose to give the employee paid time off instead of the additional pay
- If a part time employee works on a public holiday they are entitled to an additional days pay

Public Holidays – full time workers

- If an employee is a full time worker or qualifying part time worker and they are sick on a public holiday, they are entitled to the benefit for the day they missed
- If they are absent from work immediately before the holiday and have already been off work for more than 26 weeks due to an illness or accident they are not entitled to the public holiday
 - In the case of occupational sickness/injury the time limit is 52 weeks
- Employee are not entitled to public holidays if they are absent immediately before the holiday and their absence is:
 - Over 13 weeks due to a lay off or other reason authorised by your employer
 - Due to a strike
 - After the first 13 weeks of carer's leave
- Employees are entitled to leave for public holidays during maternity, adoption or parental leave

Annual Leave



Annual Leave

- The Organisation of Working Time Act 1997 gives a basic minimum annual leave of 4 weeks per year – more may be given in the employment contract
- Pay in respect of annual leave is paid in advance (except for salaried employees) at the normal weekly rate
- If the pay varies then an average of 13 weeks before the leave should be used to calculate the rate
- Agency workers - the party who pays the wages is the employer for the purposes of the act and is responsible for the holidays
- Leave must be taken within the appropriate leave year, or with an employee's consent, within 6 months of the relevant leave year

Sick Leave



Sick Leave

- Employees are not obliged to paid time off during sick leave unless stipulated in their terms and conditions via an occupational sick leave scheme
- Illness Benefit may be due if sufficient PRSI contributions have been made
- If an employer does pay sick pay, they are entitled to ask employees to sign over their sickness benefit to offset some of the cost of the company sick pay
- Employers can ask for medical certificates during sick leave
- If the employee has an accident at work and qualifies for injury benefit, this can also be signed over to the employer to cover the costs of any paid sickness
- Employees can raise a claim against employers for accidents at work with the Injuries Board
- Employees are not entitled to Illness Benefit during the first 6 days of the sickness

Sick Leave

- An employee must claim the state benefit from the DSP by submitting their medical certificate
- Employers are advised of the benefit to pay an employee, this may also include benefits for dependants
- Any benefits received from the state are subject to tax in the normal way
- However, PRSI and USC are not due on these payments
- Where occupational sick pay is paid then the difference between the state benefit and the occupational sick pay or any other payments made during the sickness period will be subject to PRSI and USC

Sick Leave – Illness Benefit rates

Weekly payment in 2020 for claims started in 2009 or after:

Average weekly earnings	Personal rate	Increase for an adult dependant
€300 or more	€203	€147 (from 26 March 2020)
€220 - €299.99	€159	€87.20
€150 - €219.99	€131	€87.20
less than €150	€91.10	€87.20

Maternity Leave



Maternity Leave

- All employees, including casual workers, are entitled to basic maternity leave of 26 weeks and additional unpaid maternity leave of 16 weeks which begins as soon as normal maternity leave finishes
- Maternity leave must start at least 2 weeks before the end of the expected week of birth a maximum of 16 weeks can be taken before the EWB
- Maternity Leave must continue for at least 4 weeks following the birth. Employers do not have to pay employees during this period unless there is a company maternity scheme in place as part of the terms and conditions of employment
- Employees must give you 4 weeks notice and a medical certificate as notification of their intention to begin maternity and the same notice of an intention to take additional maternity leave

Maternity Leave

- Pregnant women are entitled to reasonable, paid time off for medical appointments before and for 14 weeks after the birth
- There are no limits to this time off and it must include travel time to the visits
- You may ask your employee for the appointment card for these visits
- Women are also entitled to paid time off for 1 set of ante-natal classes, except for the last 3 classes in the set
- Fathers are entitled to paid time off for the last 2 classes
- Public holidays and Annual leave should continue to accrue during the maternity leave period
- Employees still qualify for maternity leave for still births or miscarriages after the 24th week of pregnancy

Maternity Leave

- Employees rights are protected whilst they are on maternity leave and when they return they should come back to the same job
- If this is not possible they should be given an alternative with terms no less favourable than those they previously enjoyed
- Employees gets PRSI credits whilst on maternity leave, payments of maternity benefit are not subject to PRSI or USC
- Employees must claim maternity benefit from the DSP 6 weeks before they intend to start the leave
- If the employee chooses to take additional leave the employer should complete an application for maternity leave credits
- Where occupational maternity pay is paid or if other payments are made during the period of maternity leave then the difference between the benefits and the pay received are subject to PRSI and USC

Maternity Leave Benefit

Maternity Benefit rate 2020

Maternity Benefit	Weekly rate
Standard payment	€245

Adoption Leave



Adoption Leave

- Adoptive mothers are entitled to take 24 weeks of adoptive leave and additional 16 weeks of adoptive leave when the 24 weeks ends
- Employers do not have to pay adoptive leave unless the company scheme is laid out in the terms and conditions of employment
- Employees are entitled to paid time off for classes and pre-adoption meetings with social workers during the pre-adoption process
- Leave continues to accrue during adoption leave as with maternity leave
- Notice needs to be given 4 weeks before the expected placement date
- Employment rights are protected during adoption leave in the same way as maternity leave

Adoption Leave Benefit

Rate of payment 2020

Adoptive Benefit	Weekly rate
Standard payment	€245

Paternity Leave



Paternity Leave

- Paternity Benefit is a payment for employed and self-employed people who are on paternity leave from work and covered by social insurance (PRSI)
- It is paid for two weeks and is available for any child born or
- Paternity leave can start at any time within the first 6 months following the birth or adoption placement
- Employees should apply to the department of social protection for the payment 4 weeks before they intend to go on paternity leave (12 weeks if self-employed)
- Employees should provide a certificate from their spouse or partner's doctor confirming when the baby is due, or, confirmation of the actual date of birth if applying for leave after the birth
- Claimants must satisfy the PRSI contribution conditions

Paternity Leave

- Paternity Benefit will be paid directly into the employees bank account, unless you as an employer choose to pay a company paternity rate, in which case you can ask for the paternity benefit to be paid to your organisation to offset some of the payments received
- Paternity benefit is subject to tax, but not USC or PRSI

Rate of payment in 2020

Paternity Benefit	Weekly rate
Standard payment	€245

Parental Leave



Parental Leave

- Employees can take parental leave in relation to certain children, including those who are acting in loco parentis to eligible children
- Leave can be taken for children up to 8 years old OR for a child up to 16 years if they have a long term illness or a disability
- If a child was adopted between 6 and 8 years old, leave can be taken up to 2 years after the adoption order
- 18 weeks leave can be taken per child - Parents of twins or triplets can take more than 18 weeks in a 12 month period

Parental Leave

- Where a parent has more than one child, a maximum of 18 weeks can be taken in any 12 month period, unless the employer agrees otherwise
- The 18 weeks may be taken in one continuous period or in 2 separate blocks of a minimum of 6 weeks, with a gap between the leave of at least 10 weeks
- Employees may request leave to be broken down into days or hours, however it is up to the employer whether they agree to this or not
- If both parents work for the same employer and the employer agrees then, 14 weeks of entitlement can be transferred from one parent to the other

Parental Leave

- An employee should have 12 months service with the employer to get the full parental leave
- Employees should notify you of any parental leave taken in previous employment
- Employee can postpone the leave for up to 6 months if there are valid operational reasons, such as lack of cover or seasonal variations in work
- Only 1 postponement allowed - any further postponements require written agreement
- Leave should only be taken to care for the child concerned
- If the employee has been employed for more than 3 months but less than 12 months they are entitled to pro-rated leave of 1 week for every month of employment

Carer's Leave



Carer's Leave

- The Carer's Leave Act allows employees to temporarily leave their employment to provide full time care for a minimum of 13 weeks up to a maximum of 104 weeks
- The person in need of care does not need to be a family member
- The employer can refuse a request to take less than 13 weeks Carer's Leave - this must be done in writing and specify the reason for the refusal
- Although carer's leave is unpaid, employment rights are protected during the leave, meaning the employee's job must be kept open during the leave period
- To qualify employees must have worked for you for a minimum of 12 months
- The person in need of care must have been declared as such by a deciding officer of the Department of Social Protection (DSP)
- Employees must give you at least 6 weeks notice of their intention to take carer's leave

Carer's Leave

- Employees may work up to 15 hrs a week during carer's leave
- The leave agreement is flexible so long as the employer agrees
- Employees must give 4 weeks notice that they intend to return to work
- Only the first 13 weeks of leave accrue holiday entitlement

Carer's Leave Benefits

Carer's Allowance rates 2020

Carer	Maximum weekly rate	Increase for a child dependant From 9 January 2020
Aged under 66, caring for 1 person	€219	Child under 12 years of age €36.00 (full-rate) €18.00 (half-rate) Child aged 12 and over €40.00 (full-rate) €20.00 (half-rate)
Aged under 66, caring for 2 or more	€328.50	
Aged 66 or over and caring for 1 person	€257	
Aged 66+, caring for 2 people	€385.50	

Additional Leave



Additional Leaves

Force Majeure

- Employees are entitled to a maximum of 3 days in 12 months, or 5 days in 36 months and part days count as whole days of leave for caring for:
 - Child or adoptive child
 - Spouse or someone living as husband and wife
 - Someone who the employee is acting as in loco parentis
 - Sibling
 - Parent or grandparent
 - Someone living with the employee who relies on them for care

Employees are only entitled to this leave if their presence is indispensable to the person who is sick or injured

Employees keep all of their employment rights during this leave, including pay

Additional Leaves

Compassionate Leave

- There is no statutory entitlement to leave if a close family member dies
- Force Majeure cannot be used for this purpose
- It is an accepted practice in Ireland to give employees compassionate leave
- The amount of leave is entirely dependant on the details laid out in the terms and conditions of employment
- It is usual to give at least the day of the death and a day for the funeral, although some employers give more days, especially if the employee is the next of kin and responsible for organising the funeral and other affairs

Additional Leaves

Jury Service

- Employees who are called for jury service are obliged to attend
- Employees must be given time off to attend
- Employees should not lose pay or any other employment rights whilst on jury service
- Annual leave should accrue during jury service

Record Keeping & Data Protection

Data Protection



Data Protection

- The Data Protection Commission (DPC) is the regulatory body in Ireland
Employer registration number with the Revenue Commissioners
- Uphold the rights of GDPR
- Irish ePrivacy regulations also overseen by DPC

Record Keeping

- In compliance with Employment Legislation, and in order to demonstrate that employees are receiving their proper entitlements, an employer is obliged to maintain certain statutory records. The list below sets out the main records required.
- Employer registration number with the Revenue Commissioners
- Full Name, Address and PPS Number for each employee (full-time and part-time)
- Terms of Employment for each employee
- Payroll details – i.e. Gross to Net, Rate per hour, Overtime, Deductions, Shift and other Premiums and Allowances, Commissions and Bonuses, Service Charges, etc.
- Copies of Payslips
- Employees' Job Classifications

Record Keeping

- Irelands Revenue requires records to be kept for a period of six years unless the Inspector of Taxes advises the business otherwise.
- A Revenue audit is a cross-check of the information and figures shown by the employer in their tax returns against those shown in the business records.
- The returns submitted in respect of PAYE

Covid-19

- Following the outbreak of the Covid-19 pandemic, most countries have made significant changes to regulations as they manage their countries economic stability and citizens
- These changes are being announced regularly, and related laws are being constantly updated
- Ensure you are acting on the most recent information

- Lock down commenced 13 March extended to 5 May
- Taoiseach – Leo Varadkar returned to work as medical Doctor
- Wage subsidy scheme to cover employee wages

What schemes are available to support payroll costs?	What current or expected government subsidies are there specifically for employees?	New laws introduced in relation to dismissing employees?	Useful links
<ul style="list-style-type: none"> • Access the new Irish Government COVID-19 Pandemic Unemployment Payment (employees get “flat” rate of €350 per week for the duration of the pandemic emergency). • Access the new Irish Government Short Time Work Support (employees get payment by reference to the employee’s average weekly earnings in the governing contribution year and the change in work pattern). • Redundancies. • Use of any contractual lay-off or short-term working clauses. • Agreed contract variation – reduced pay, reduced hours, unpaid leave, job share. • Statutory “force majeure” paid leave if emergency or parental leave (at behest of employee). • Hiring freeze, deferring new joiners, ending of any overtime or discretionary benefits. 	<ul style="list-style-type: none"> • The new Irish Government COVID-19 Temporary Wage Subsidy (initially, in “Phase 1”, providing a maximum of €410 in respect of eligible employees for employers who operate the Subsidy Scheme regardless of whether the employer makes an additional payment to the employee’s earnings or not. In Phase 2, by no later than 20 April 2020, the operation of the scheme will ensure that the Subsidy paid to employers will be based on each individual employee’s Average Net Weekly Pay, subject to the maximum weekly tax-free amounts. Further information on how these arrangements will work will be issued by the Irish Government shortly. 	<ul style="list-style-type: none"> • There are none at present and none are expected. 	



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alison@globalpayrollassociation.com