



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Ireland
Title:	COVID-19 and matters of gender equality
Date:	08 July 2020
Expert:	Frances Meenan
Issue at stake:	COVID-19 and gender
Grounds of discrimination:	Gender
Field of application:	Pregnancy and maternity, Violence against women
Source:	National legislation
Applicable law:	Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 and the Emergency Measures in the Public Interest (COVID-19) Act, 2020

Content

Policy development: In March 2020, the Government passed the Health (Preservation and Protection and Other Emergency Measures in the public Interest) Act 2020 and the Emergency Measures in the Public Interest (COVID-19) Act, 2020 and regulations made thereunder to provide for certain provisions in relation to the public health emergency arising from the pandemic.

The impact of the pandemic cannot be underestimated. As of April 2020 there was 28.2 percent unemployment, up from 15.5 % unemployment in March 2020. In addition this does not include the 427,000 workers who are on the Wage Subsidy Scheme. By comparison the unemployment rate as of April 2019 was 5.2 percent which is virtually full employment.

As an emergency measure the Government introduced the COVID-19 unemployment payment in the sum of EUR 350 gross per week for employees and self-employed persons who had lost all their employment due to the COVID-19 public health emergency. This payment was effective from the end of March and is now extended to 10 August 2020. The rate of payment will change for persons who were earning less than EUR 200 per week effective from the end of June. In order to receive the pandemic unemployment payment the persons must be aged between 18 and 66 years, live in the Republic of Ireland, have been in employment or self-employment before 13 March 2020 and if a person was in atypical employment in employment after 6 March 2020.

However, a problem arose when a person had completed maternity leave, adoptive leave and any related leave. They initially were told that they were not entitled to the COVID-19 Pandemic unemployment payment as they were not in employment in the weeks leading up to the state of emergency as they were on maternity leave or adoptive leave. However, urgent changes were made so "the date last worked" for the COVID-19 unemployment payment is the date that they were due to return to work. This payment applies when their

employer has no work due to the pandemic and this payment is higher than the payment for jobseekers.

If a person was pregnant and there was no work available due to COVID-19, a person was and is entitled to the COVID-19 unemployment payment and should submit their forms for maternity leave in the normal way.

The Government also brought in a number of subsidies for employers so that they could retain staff. One such subsidy was the Temporary Wage Subsidy Scheme. This scheme was available to employers severely affected by the pandemic. The employee then received payments through their employer effective from 26 March 2020 rather than through the social protection system so that there was still a link between employer and employee. Again due to an anomaly, changes were made to facilitate employees who were not on the employer's payroll on 29 February 2020 following a period of maternity, adoptive leave or related unpaid leave or paternity, parental or related unpaid leave or having been in receipt of health and safety benefit from the Department of Employment Affairs and Social Protection or having been in receipt of illness benefit. There were amendments again made to this anomaly so that persons could receive payment of up to EUR 410 per week.

All public sector staff remained on full pay.

The economy was effectively closed down from mid-March 2020 and started reopening at the end of May and into June with limited travel until the end of June. As of mid-June there are many employments which are still closed, more particularly in the services and hospitality sectors.

One major issue arose out of the closing of schools on 12 March 2020 and along with crèches and various childcare arrangements. As of 15 June 2020, there is still a major problem over the reopening of childcare arrangements due to social distancing (notwithstanding State subsidies). Many crèches may close down and primary schools will not reopen until the end of August. This matter is not resolved. Many employees cannot return to work due to the lack of childcare arrangements. However, persons who left work because they did not have proper childcare arrangements due to the closing of crèches and schools were and are entitled to the COVID-19 pandemic unemployment payment. As of 29 June 2020 certain childcare arrangements will reopen for certain essential workers and certain other children. It should be noted that there is an additional scheme entitled The Department of Children and Youth Affairs Temporary COVID-19 Wage Subsidy Childcare Scheme.

As regards domestic violence there has been a significant publicity campaigns and recently special arrangements for immediate rent payments to victims of domestic abuse.

Key points of analysis: The Irish Government handled the pandemic well with a clear strategy. Significant and generous social welfare payments were made to people due to the closedown. The issue over persons who were due to go back to work following maternity or adoptive leave was an anomaly which was corrected as soon as the issue came to light. It should be noted that the legislation was emergency legislation that had to be passed through parliament as a matter of urgency not only due to the pandemic but that following a general election the Seanad (upper house) was due to dissolve at the end of March (with the election for the Seanad at the end of March and that there would not be a full Seanad until a new government was formed (which at the time of writing is envisaged at the end of June 2020).

Internet link source:

<https://data.oireachtas.ie/ie/oireachtas/act/2020/2/eng/enacted/a0220.pdf>.
<https://data.oireachtas.ie/ie/oireachtas/act/2020/1/eng/enacted/a0120.pdf>.
<https://www.stillhere.ie>.