

WRC Inspections Hike A Warning To Employers Over Compliance

The Workplace Relation Commission's revelation that it carried out more than 5,000 unannounced inspections last year should serve as a warning to employers on compliance, a leading employment law adviser has said.



In 2020, the WRC Inspectorate carried out a total of 7,687 inspections, of which 5,202 were unannounced.

Martina McAuley, Director at HR Team, said the significant increase in completed inspections (4,804 overall in 2019, with 2,896 unannounced) "sends a strong message to employers to ensure they are compliant".

According to the WRC's annual report, it detected 1,760 employers who were in breach of employment law, and recovered unpaid wages amounting to €1.66m. A total 147 inspections were carried out jointly with An Garda Síochána and other regulatory bodies, leading to 81 successful prosecutions

(representing a 90% success rate for the WRC).

Ms McAuley said employers would be best advised to heed the WRC report, with particular regard to the high number of unannounced inspections.

"The latest report from the WRC highlights how essential it is for employers to have the necessary policies and procedures in place to ensure they are compliant with employment legislation. Remember, ignorance is not an excuse when it comes to non-compliance - if you employ staff you must adhere to the law. We would urge any employers who are unsure of their obligations to seek professional assistance in order to

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Ms McAuley added: "One area of non-compliance detected by the WRC last year involved workers who did not have the right to work in Ireland. It is important that employers are aware they are required to hold a valid permit on file for any employee requiring a permit to work in Ireland. It is essential that employers keep records of when work permits are due to expire and ensure that employees have received renewed permits when necessary.

"An important tip for employers would be to ensure they are not only complying with employment legislation, but also keeping records to prove that they are."



IS YOUR WORKPLACE READY?

Covid-19 'Return To Work' Package Protects Employers And Teams

Employers are being urged to mitigate the Covid-19 risks of the planned return to work to avoid further spread of the virus, operational downtime and stress for employees.

Safe Team (a division of HR Team) lead consultant, Paul McLaughlin, has warned that the reintroduction to working life following lockdown "needs to be risk assessed, and adequate controls need to be implemented to mitigate the risk of Covid-19 before employees return to work".

The provision of a safe working environment is a legal obligation for all employers. Mr McLaughlin added: "It is critical that organisations have relevant control measures in place regarding infection control, to safeguard people, and reduce the anxiety and fears of staff"

"Organisations that fail to properly plan for the safe return to work, risk contributing to a further outbreak and further delay

back to normal operations. There are steps that can easily be taken to maximise the safety of people and promote healthy operations in businesses, as they return from the lockdown."

93% of employees, recently surveyed by Personnel Today, said it was important that their company took steps to address the health risks posed by Covid-19. Half of employees expect employers to be responsible for keeping the workplace safe.

"Employers have a general duty to ensure, so far as is reasonably practicable, the health and safety of all employees, and to provide a safe working environment. Every workplace should carry out a Covid-19 risk assessment before staff return," Mr McLaughlin said.

Workplaces pose a great risk to employees during the Covid-19 pandemic. Regardless of the size of the workplace, working alongside co-workers typically means coming into close contact with others for more than 15 minutes –

increasing the chances of catching virus.

Mr McLaughlin advised: "Employers must designate a Covid-19 responsible person and understand the emergency response procedure if an employee becomes ill with Covid-19. A risk assessment on the premises must be completed, employers should train their staff, update control measures and safety statements in relation to Covid-19".

To assist with this, Safe Team has created a Covid-19 response package. The health and safety return to work package includes:

1. **Risk assessment.**
2. **Safety Statement update with Covid-19 information.**
3. **Covid-19 policy.**
4. **One-to-one health and safety bespoke consultation at a time of your choosing.**
5. **Employee training.**

EMPLOYMENT LAW ADVICE AND CONSULTANCY

- WHAT IS THE BEST OPTION FOR YOU?

Employment law regulates the relationship between employers and employees. It governs what employers can expect from employees, what employers can ask employees to do, and employees' rights at work.

Employment law is a minefield with continuous changes in government guidance. It can be challenging to keep on top of the ever-changing legislation. Particularly given the uncertainty of Brexit and Covid-19, employers must act with great caution to remain legally compliant.

There are multiple options available; an employer could hire an in-house HR consultant or team, acquire an employment law advisor or solicitor, or pay for outsourced HR and employment law consultancy services.

What is the difference between a HR Consultant and an Employment Law Solicitor?

Cost is the primary difference as an employment law solicitor is typically more expensive than a HR Consultant. A HR Consultant is likely to have spent many years dealing first hand with employee challenges within organisations and managing people on a day to day basis.

Human resource consultants will likely have a proactive and commercial approach to managing your workforce, translating theory into practice, and allowing you to respond reactively to issues that may arise.

HR Team consultants undertake continuous professional development to keep up with ever-changing employment law legislation. We will advise on your risk exposure and how best to reduce your exposure, with preliminary advice to avoid any litigation issues that may arise.

There are areas where HR consultants and employment solicitors can cross over. For example, you'll find both may prepare employment contracts, both may advise on disciplinary matters. But which one is the better choice for your business?

4 Reasons Why Outsourced HR Is A Better Solution Than Solicitors

1. Skills and Knowledge

By hiring specialists in a particular field, companies can benefit from the combined knowledge and skills of an experienced range of professionals to whom they may not otherwise have access.

Providing employers and employees with advice on dismissals, redundancies and other issues, helps employers navigate the complexities of employment law with extensive knowledge in this area of law to mitigate the risk of costly tribunals.

2. Increased Legislative Compliance And Reduced Risk

As HR outsourcing companies focus solely on HR processes (such as performance management, sickness absence, recruitment), they generally have a greater awareness of the surrounding legislation, ensuring legal compliance.

3. Efficient And Improved Time Management

By hiring HR professionals, organisations can focus on their core business processes. This increased focus allows companies to do more of what they do best, and to grow and thrive.

4. Reduced Cost

The cost of a company managing HR for itself can be staggering – approximately €51,459 annually in Ireland. The expenditure of time management of dealing with issues such as a troublesome employee is disproportionate in most cases. The costs of poor people management can also be substantial.

Should a company fail to comply with legal requirements; they could be faced with a significant claim at an employment tribunal, an award for compensation and an additional bill for legal costs.

Not only does outsourcing HR avoid the need to pay an in-house HR team salary, but working with experts will reduce the risk of employee claims if all the processes and procedures are correct in the first instance.

Ultimately, it's your choice which professional to hire. We believe that one of HR Team's professional advisors will provide you with a cost-effective solution while maximising mitigation of risk and ensuring due diligence.



HR Q&A

WHAT IS THE 'RIGHT TO DISCONNECT' LEGISLATION?



The Right to Disconnect gives employees a right to disengage from work by not responding to telephone calls, emails, or other messages outside normal working hours. This came in to effect on April 1.

The three key rights in the Code are:

- The right of an employee to not have to routinely perform work outside their working hours.
- The right not to be penalised for refusing to attend to work matters outside of working hours.
- The duty to respect another person's right to disconnect.

What Has Changed For Additional Parent's Leave?



Since April 1, the following changes have been made to parent's leave and adoptive leave:

- Parent's leave has been extended to five weeks for each parent, which is to be taken in the first two years after the birth or adoptive placement of a child.
- Couples who adopt can choose which parent may take the adoptive leave.
- A parent who is not taking adoptive leave can now take paternity leave.

The key change that will impact a large number of business owners is the widening of the parent's leave entitlement.

HR TEAM'S UPCOMING WEBINAR

MANAGING SICKNESS ABSENCE



What will you learn from the webinar?

- How to implement robust sickness policy and procedures
- How to manage short term absence
- How to manage long term absence
- How to conduct an effective 'return to work' interview
- Why absence review meetings are essential
- How to obtain a doctor's report
- How termination of employment due to ill-health works

Who should participate?

Line managers, supervisors/team leaders, middle/senior managers, HR personnel and business owners.

About HR Team

HR Team is a leading consultancy firm which provides HR, employment law, and health and safety services to employers in Ireland and the UK.

The firm provides employment law and strategic human resource services to business start-ups, SMEs and large multi-national organisations. HR Team has offices in Dublin, Derry and Belfast.

When is the webinar?

Date: Thursday, April 29, 2021

Time: 10.00am – 11.00am

Cost: Complimentary

Please click the link below to join the webinar:

<https://bit.ly/3nV28YM>

FORTHCOMING HR AND EMPLOYMENT LAW WEBINARS IN 2021

HR Team has a number of free employment law and HR webinars planned throughout 2021.

Whether you have a specific HR question related to Covid-19 or you want to keep up with the ever-evolving developments, we invite you to join our experts as they discuss the key areas that are affecting employers right now.

Registration is free, and the list of upcoming webinars, along with a link to this month's webinar is below.

Thursday, May 27

The Disciplinary Process

Join the webinar [here](#).

Friday, June 25

The Grievance Process

Join the webinar [here](#).

Thursday, September 23

Recruitment and Selection

Join the webinar [here](#).

Thursday, October 28

Managing Social Media in the Workplace

Join the webinar [here](#).

Thursday, November 25

Managing the Probationary Period

Join the webinar [here](#).

Thursday, December 16

Setting Employee Targets for the Year Ahead

Join the webinar [here](#).

Cost of Webinars: Complimentary

Who should participate?

Line managers, supervisors/team leaders, middle/senior managers, HR personnel and business owners.

Do you have an employment law question?

We help business start-ups, SMEs and large multinational organisations. Call to speak to us today on any aspect of employment law or strategic human resource services.

Tel: **01 695 0749** or for UK/NI: **028 71 271 882**. Alternatively, contact us via email: Hello@hrteamgroup.com



If you require further information, please do not hesitate to contact HR Team.

Republic of Ireland

Level 1,
The Chase,
Sandyford,
Dublin,
D18 Y3X2

Northern Ireland

Hr Team Limited
Catalyst Inc,
Bay Road,
Derry ~ Londonderry
BT48 7TG

www.hrteamservices.com

Tel 01 695 0749
NI/GB +44 (0) 28 71 271 882

hello@hrteamgroup.com