



Workers in Ireland are obliged to honour their contracts if their employer requires them to return to the office, says Tánaiste, Leo Varadkar.

A 'staggered and phased' return to the workplace began on September 20, under the reopening roadmap launched by the government.

In this article, leading HR and employment law consultant, Breda Cullen, offers her expert advice on the roadmap, and the impact that this will have on employers and workplaces in the coming months.

Ms Cullen says: "Many employers and employees will have been working at home since March 2020. The return to the workplace may pose a lot of challenges for employers, particularly if employees would prefer to work remotely. "It is essential for employers to continually communicate, consult and engage with staff. It is important to deal with employees concerns and manage this on a case by case basis. Employees may have different sets of circumstances, so it's crucial to speak with them about their concerns and barriers, and evaluate how the situation can be managed in the fairest and most reasonable way possible."

The easing of restrictions should not be seen as an indication to hurry back to the workplace, but, as we slowly return to normality, employers should begin to prepare and establish the best course of action for their workforce.

CAN EMPLOYEES LEGALLY REQUEST TO KEEP WORKING REMOTELY?

There is currently no legal requirement for employers to allow the continuation of home working or hybrid working. The legality surrounding the employees' rights depends on what is written in the contract of employment under the location of work.

However, there will be legislation coming into effect later in the year where employees will have a legal right to be able to request to work remotely, but employers are not obliged to grant this.

Ms Cullen explains: "It's important to plan ahead for all of the scenarios now and have a structured policy in place for leave and pay. It is advisable to be flexible in your approach, to be very fair and reasonable, and to take into account any protected characteristic such as an underlying medical condition, an employee that may be pregnant, challenges with childcare or people who are continuing to isolate.

"Lastly, ensure that your communication is regular. As circumstances continue to change, it is recommended you communicate clearly with employees to make sure you take into account any concerns they have. If home working or hybrid working works well for your organisation and employees are open to this, there are no issues with continuing with this structure.

"If neither arrangement is an option for your business and you require employees back in the workplace, you may want to consider a staggered and gradual approach to that, ensuring that all your safety control measures continue to be in place."

HR TEAM LAUNCHES RECRUITMENT DRIVE AMID RAPID BUSINESS GROWTH



Leading employment law advice and human resources company HR Team has launched a recruitment campaign following rapid business growth.

Led by directors, Chartered FCIPD Breda Cullen and operational HR specialist Martina McAuley, HR Team is the fastest growing HR consultancy service for employers operating across Ireland and the UK. With headquarters in Derry-Londonderry, the company plans to add up to ten new team members over the next 12 months. The drive includes an exciting expansion in operations, as the business ventures into HR software services to meet market demands and continues to service an ever-expanding client base.

HR Team co-director, Breda Cullen, said: "HR Team has experienced rapid growth in the last number of years and now as we spring into our tenth year in business in 2022, the team is looking forward to further expansion. We are immediately hiring for a number of new

posts in the areas of HR Consultancy, HR administration and client account management.

"HR Team is now responding to its client's demands by widening its product scope. We have spent the last two years working extremely hard with our committed technology partner, Grofuse, developing two exciting new HR software products. We have invested heavily in the state-of-the-art systems which will enable employers to access HR documentation at the click of a button, and to manage all types of employee leave efficiently and compliantly."

The company's expertise in the differing employment law requirements of ROI, NI and Great Britain have made it a trusted partner for many clients with cross-border interests. The latest expansion

results from dedication to retained clients, effective marketing strategies, strengthened brand awareness and the development of two new HR software product offerings.

Ms Cullen continued: "As a company that began with just two employees, we are delighted to be in a position to create more jobs during an economic downturn while surpassing our business goals and milestones.

"Our unwavering commitment to our client's success has enabled us to grow rapidly, yet sustainably. In light of this continued growth, HR Team is looking for talented individuals to join our already fantastic team."

Potential job applicants can apply [here](#). Or to learn more about bespoke HR solutions and HR software, visit our website: <https://hrteamservices.com/>

HOW TO MANAGE YOUR ANNUAL LEAVE BACKLOG

Due to travel restrictions and the encouragement of 'staycations', many employers have seen an uptick in the backlog of annual leave. Regardless of the employee's length of employment or status, everyone is entitled to paid time off, whether they are part-time, full-time, temporary, or casual workers.

HOW CAN YOU MANAGE YOUR EMPLOYEE'S ANNUAL LEAVE?

The spread of coronavirus has had many impacts on businesses. One of these impacts being the accumulated amount of annual leave for employees. An employee accrues annual leave for any hours worked. If an employee has been laid off, they do not accumulate it during this period.

Please note, employees accrue public holiday entitlements for the first 13 weeks on layoff. A part-time employee will only qualify for a public holiday benefit if they have worked 40 hours in the five weeks preceding the public holiday.

The majority of employees will have annual leave entitlements remaining for 2021. This will not be easy for many businesses and employers may be unsure of how to approach this situation. To manage this successfully, HR Team recommend the following:

ANNUAL LEAVE POLICY

Communicate the details of this policy to your employees. This policy sets out an employees' entitlement to paid leave, identifies the relevant leave year period and accurately details the approach to carrying over untaken leave. Statutory leave needs to be taken and should not be paid to the employee instead. Any annual leave over the statutory entitlement can be paid.

COMMUNICATION

Inform your employees that everyone still has annual leave to take in a limited amount of time. Remind them, that it needs to be approved by management before they book any time off.

ENCOURAGEMENT

Actively encourage staff to take annual leave. It may be advisable for you to meet with individual employees who have a substantial number of days remaining. A record of these conversations should be kept on their file.

REMINDERS

Keep track of an employee's annual leave entitlement using a tracker. Where an employee still has annual leave remaining, you can issue them with reminders, primarily as the relevant leave year draws to a close. Employers are not required to force employees to take annual leave, but they must be able to show they have attempted to encourage their employee to take it. This means that employees must be:

- Fully informed of their entitlements.
- Actively encouraged to take their annual leave.
- Advised that the company will require them to take their holiday at a specific time.

For further advice on this topic, watch HR Team's complimentary webinar [here](#).



Can I refuse annual leave requests from employees travelling abroad?

If an employee is travelling outside of the country employers cannot refuse an annual leave request based on this. The employer can encourage compliance with government guidelines and public health advice in relation to travelling outside of the country.

What will happen if I mandate the Covid-19 vaccine?

Insisting employees receive the Covid-19 vaccine could make your business susceptible to indirect discrimination claims. The protected characteristics you need to be mindful of are gender, civil status, sexual orientation, religion, age, disability, race and membership of the traveller community.

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 are below.

Wednesday, October 13

Health and Safety Obligations for Employers

Join the webinar [here](#).

Thursday, October 28

Managing Social Media in the Workplace

Join the webinar [here](#).

Wednesday, November 17

Health and Safety Obligations for Employers with Home Workers

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



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