



Minister Paschal Donohoe
Department of Finance
Government Buildings,
Merrion Street Upper,
Dublin 2

By email

23rd April 2020

Dear Minister Donohoe

We are writing to you to highlight a concerning irregularity in the administration of the Temporary Wage Subsidy Scheme (TWSS) as it relates to women returning from maternity leave.

It appears that women returning from maternity leave are excluded from the benefits of the TWSS as, though the person was an employee, they did not receive normal pay during January and February 2020.

Revenue's guidance on the matter states that the employers of the workers concerned, can operate the scheme based on Average Revenue Net Weekly Pay, or pay the employee the appropriate wages without receiving a subsidy refund. The reference period for the calculation of average pay is Jan/Feb 2020 when those on maternity leave would have been receiving Maternity Benefit.

Therefore, workers now find themselves in a position whereby their employers' options are to pay them without receiving the assistance that the TWSS offers or lay them off so that they can access the Pandemic Unemployment Payment (PUP).

This discrepancy impacts most acutely on low paid women workers whose employers do not top up Maternity Benefit, and who have been reliant on statutory Maternity Benefit for the duration of their maternity leave, expecting to return to work on full pay.

Employees returning from maternity leave are protected under the Maternity Protection Acts 1994–2004 and Employment Equality Acts 1998–2015. This anomaly in the administration of the TWSS has the potential to be discriminatory since workers returning from maternity leave are returning under different pay/conditions from their colleagues.

Your Department has acted quickly to implement vital schemes to support workers affected during the crisis. Given the speed at which the scheme was put in place, it is understandable that there would be some anomalies in its interaction with other schemes, like Maternity

Benefit. As it currently stands, the exclusion of women returning from maternity leave from the TWSS is both discriminatory and deeply unjust.

As organisations working to support women and workers, it is concerning to us that women are, in effect, being penalised for taking maternity leave at the onset of the COVID 19 pandemic. It is particularly concerning to us that it is women who have been working in sectors that are low paid that will bear the brunt of this. We urge you to resolve this issue as soon as possible so that women returning to work after their maternity leave have their jobs and income protected.

Sincerely,

Orla O'Connor, National Women's Council of Ireland
Patricia King, Congress/Irish Congress of Trade Unions
Darragh O'Connor, Big Start/SIPTU