



An Roinn Gnóthaí Fostaíochta
agus Coimirce Sóisialaí
Department of Employment Affairs
and Social Protection

Department of Employment Affairs & Social Protection (DEASP):

Wage Subsidy Scheme Guidelines 2018

Disability & Illness Policy Section

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Abbreviations Used in the WSS Guidelines

BP: Blind Pension

BTWFD: Back to Work Family Dividend

CSP: Community Services Programmes

DA: Disability Allowance

DEASP: Department of Employment Affairs and Social Protection

EAO: Employment Assistance Officer

EFT: Electronic Fund Transfer

ERGS: Employee Retention Grant Scheme

ESS: Employment Support Scheme

FIS: Family Income Supplement

FOI: Freedom of Information

HSE: Health Service Executive

ICT: Information & Communications Technology

IP: Invalidity Pension

JA: Jobseekers Allowance

LES: Local Employment Service

OFFP: One-Parent Family Payment

PAYE: Pay As You Earn

PEP: Pilot Programme for the Employment of People with Disabilities

PPS (number): Personal Public Service (number)

PRSI: Pay-related Social Insurance

PTJI: Part-Time Job Incentive

SW: Social Welfare

TCAN: Tax Clearance Access Number (for electronic tax clearance)

WCP: Widow's, Widower's or Surviving Civil Partner's Contributory Pension

WFP: Working Family Payment

WSS: Wage Subsidy Scheme

1. Wage Subsidy Scheme (WSS) Background

The objective of the WSS is to increase the likelihood of people with disabilities obtaining and sustaining employment in the open labour market by providing financial incentives to private sector employers.

The WSS replaced the Pilot Programme for the Employment of People with Disabilities (PEP) and the Employment Support Scheme (ESS), both of which were closed to new applicants from September 2005, when WSS came into operation as a pilot scheme. Clients on PEP were absorbed into WSS, while ESS continued for those already on ESS. WSS was established as a non-statutory scheme in October 2008.

Generally speaking, the WSS guidelines may also be used as a guide for those few clients still on ESS.

Under the Disability Act 2005, the term “disability” in relation to a person, means “a substantial restriction in the capacity of the person to carry on a profession, business, or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment”.

A person with a disability, with the appropriate supports, such as assistive technology, may be perfectly capable of working full-time to the same standard as a person without a disability.

However, sometimes the nature of a disability can restrict an employee’s productivity in comparison with other staff, irrespective of his or her ability to do a job. In situations where this restriction results in a loss of productivity for the employer amounting to 20% or more, the WSS allows the employer to claim a wage subsidy funded by the Department. The subsidy is only payable to employers who employ people with a disability who work 21 hours per week or more, and is payable for a maximum of 39 hours a week.

Where an employer is availing of the subsidy it is important to note that the particular employee (their employee) should be subject to and have the same rights as per the conditions of employment as any of their other employees. These conditions should include, by way of example only, PRSI contributions being paid, tax deductions being made in respect of the employment, annual leave and other leave entitlements, being paid the going rate for the job (which must be at least the statutory minimum wage) with regard to the employee’s level of work experience and training and have their terms and conditions of employment set out in an employment contract.

2. Financial Supports for Employers Availing of the WSS

The financial supports for employers are structured under three separate strands and companies could benefit under one strand or under two or three strands simultaneously, as the case may be, depending on the number of people with a disability employed, as below.

Strand I: Wage Subsidy.

Strand I subsidy is a general subsidy for any perceived productivity shortfall in excess of 20% for a person with a disability, in comparison to a colleague without a disability. An employee must work for a minimum of 21 hours per week up to a maximum of 39 subsidised hours per week. The rate of subsidy is €5.30 per hour and the amount of the subsidy is based on the number of hours worked. The maximum annual subsidy payable is €10,748 per year based on a 39 hour week.

Example

An employer, employee and DEASP agree that there is a perceived productivity shortfall of 20% or more.

- DEASP pay a Strand I Subsidy to the employer based on the number of hours worked, at an hourly rate of €5.30, up to a maximum of €10,748 per year for a 39 hour week.
- For example, if the employee is working 30 hours per week, the **weekly** wage subsidy payable to the employer will equal $30 \times €5.30 = €159.00$.
- The employer pays 100% of the gross wage as advertised to the employee.

Please see the Appendix which gives calculations for the amount of subsidy in relation to hours worked per week. Weekly and yearly rates are shown.

Strand II: Wage Subsidy with Additional Management and Supervisory Costs being Claimable.

Strand II subsidy is intended to cover the additional supervisory, management and other work based costs which may derive from a firm's decision to employ three or more people with a disability. This increase or "top up" is a percentage of the Strand I wage subsidy and is based on the overall number of employees with a disability employed under Strand I.

The Strand II percentage is calculated based on the number of employees with a disability currently employed by that employer at the time the invoice (wage subsidy request) is processed. The Strand II percentage due, if any, will be printed on the invoice (wage subsidy request).

It is important to note that when an employer is availing of Strand II and has businesses in a number of regions, they must notify their local DEASP Intreo Centre to ensure that all of these businesses are registered under the same employer registration number in order for the Strand II subsidy payment to be made correctly. An employer who has different business numbers generated by having businesses in a number of regions, will have / will need to use the same employer registration number for the purposes of claiming the subsidy.

Invoices (wage subsidy requests) are generated for any employees registered as current at the time of invoice generation. DEASP will provide calendar dates for such invoice processing. Payments are made in arrears at the end of every four weeks.

Strand II grants will be paid as follows:

3 to 6 employees with a disability	10% top-up of wage subsidy paid
7 to 11 employees with a disability	20% top-up of wage subsidy paid
12 to 16 employees with a disability	30% top-up of wage subsidy paid
17 to 22 employees with a disability	40% top-up of wage subsidy paid
23 + employees with a disability	50% top-up of wage subsidy paid

Strand III: Wage Subsidy with Employment Assistance Officer funding

Strand III subsidy enables an employer who employs 30 or more employees with a disability and is availing of the WSS based on same to be eligible for a grant as a contribution towards the employment and expenses of an Employment Assistance Officer (EAO). The EAO role can be claimed for where it has been put in place by the employer to support and assist the relevant employees with their needs in employment. The focus of the EAO's work is to be on the personal, social, health or family circumstances of employees (with a disability), which might inhibit them from remaining in employment. The grant for this Strand is €30,000 per year, per EAO employed, based on the employment of 30 people with a disability each month of that year.

The grant is not paid on a pro-rata basis. For example, if a company is being paid WSS where 45 employees with a disability are employed, only one grant of €30,000

for an EAO is paid. When 60 people with a disability are employed and WSS is being availed of by the employer in such circumstances, an additional grant of €30,000 can be applied for to employ a second EAO.

Note: where an EAO post is being claimed for, DEASP (Disability & Illness Policy Section) will issue an invoice (wage subsidy request) to an employer to claim payment of this grant when an application for Strand III is approved. The grant is paid in monthly instalments of €2,500, to a maximum of 12 payments per calendar year. If the number of employees with a disability falls below 30 (or a multiple of 30) at any stage during the 12 month period then payment will cease (or be reduced) until the original quota is reached again.

3. Eligibility Criteria

Employer

The wage subsidy is available to private sector employers only - in the State.

The employment being offered by the employer must provide a minimum of twenty one hours (and up to a maximum of 39 subsidised hours) of employment for the employee per week.

For those individuals who are already in employment / existing employees WSS will only be considered where the individual **is less than 12 months** in that employment and where a productivity shortfall on his or her part is putting that particular employment in jeopardy. The incentive is intended to encourage private sector employers to take on new employees with a disability. Successful applicants are only registered on WSS from the date of application.

When the employee is over 12 months in the job, the DEASP Employee Retention Grant Scheme (ERGS) can be applied for and not WSS.

Further information about ERGS can be found through the following link:
<http://www.welfare.ie/en/Pages/Employee-Retention-Scheme.aspx>.

The WSS should not be used to test an employee's suitability with an employer. The EmployAbility Work Experience Grant is appropriate in those circumstances.

Further information about the EmployAbility Service can be found through the following link: <http://www.welfare.ie/en/Pages/EmployAbility-Service.aspx>.

The WSS is not available to Public Service Employers¹ and / or any Employers or Schemes where salaries are funded by the Department of Employment Affairs and Social Protection (DEASP) or by the State, including EU funding administered by the State. The Public Sector is as defined in Part 1 of the Disability Act 2005.

Where there is uncertainty regarding eligibility of the organisation, DEASP will review the appropriate published company accounts, particularly those for the previous financial year. Final decisions regarding eligibility will be made on a case by case basis.

Employee

Where an Employer wishes to avail of the subsidy, access to such funding is contingent on a potential employee having a disability, which would result in a productivity loss.

1. Where a potential employee is in receipt of the following Disability Payments an employer will be able to avail of the WSS i.e. the person (potential employee) will not have to undertake further Medical Assessment:
 - Disability Allowance
 - Blind Pension
 - Disablement Pension awarded at 20% or more for life (final, not provisional)

¹ **Part 1, Section 2 of the Disability Act 2005 has established that Public Bodies are:** a Department of State, the Office of the President, the Office of the Attorney General, the Office of the Comptroller and Auditor General, the Office of the Houses of the Oireachtas, a local authority, the Health Service Executive, a person, body or organisation (other than the Defence Forces) established -

- (i) by, or under any enactment (other than the Companies Acts 1963 to 2003), or
- (ii) under the Companies Acts 1963 to 2003, in pursuance of powers conferred by or under another enactment, and financed wholly or partly, whether directly or indirectly, by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or shares held by or on behalf of a Minister of the Government.

Notes for information

1. Disability Allowance (DA)/Blind Pension (BP) recipients may avail of the DA/BP Disregard while in employment.. A DA recipient can work while in receipt of DA, but income is assessable as means, with the first €120 of weekly earnings (after deduction of PRSI, pension contributions and union dues) and 50% of earnings between €120 and €350 disregarded in any means test. In order to avail of the DA Disregard, a DA recipient must write to Disability Allowance Section within DEASP to notify them of commencement of employment.

Further details can be sought from DA Section or from the DEASP website at the following link: <http://www.welfare.ie/en/Pages/da.aspx>.

A BP recipient can work while in receipt of BP, but income is assessable as means. The earnings disregard and withdrawal taper are similar to the DA scheme's provisions in this regard.

In order to avail of the BP Disregard, a BP recipient must write to Blind Pension Section within DEASP to notify them of commencement of employment.

Further details can be sought from BP Section or from the DEASP website at the following link: <http://www.welfare.ie/en/Pages/Blind-Pension.aspx>.

2. Where a potential employee is in receipt of the following Disability Payments – such an employment will also qualify under WSS without further Medical Assessment. The potential employee must however come off these payments, for an employer to avail of WSS:
 - Illness Benefit
 - Invalidity Pension
3. Being in receipt of a qualifying disability payment is not a requirement for WSS. Where a potential employee (be they in receipt of any Social Welfare payment, or none) is unemployed and once he/she has a disability an employer can make an application.

In cases where the potential employee is not in receipt of a DEASP Disability Payment, the actual disability, especially if it is an invisible disability (such as mental ill health, epilepsy, autism, or acquired brain injuries (ABI)), should be

confirmed by means of a **recent** Specialist's Report or Doctor's Letter. This provision also applies to applicants who have been awarded a Disablement Pension or Gratuity assessed at less than 20% for life, or who have been awarded Disablement Benefit on the basis of a provisional assessment.

To qualify for the Wage Subsidy Scheme the client's doctor must also complete a confidential Medical Report form to confirm that he/she has a disability and that it is causing or could cause him/her to have a shortfall in productivity, compared to a colleague without a disability.

4. Persons in receipt of the following SW payments can retain their payment while in employment, but this may be subject to means testing:
 - Widow's, Widower's or Surviving Civil Partner's Contributory Pension
 - One Parent Family Payment
 - Disability Allowance
 - Blind Pension
 - Disablement Benefit

5. A person in receipt of Jobseekers Allowance (JA) must cease claiming JA on commencement of the WSS.

The WSS will not be payable until DEASP is satisfied that the employee has closed his/her JA claim and is no longer in receipt of this payment.

6. A person who has just ceased claiming JA and who had at least one qualified child on his/her JA claim may be eligible to claim Back to Work Family Dividend. An employee on the WSS who has at least one dependent child and whose means are not sufficient to meet the needs of his/her family, may also be eligible to claim Working Family Payment (formerly FIS) – see Section 5: In-work Income Supports.
7. A person in receipt of JA who gets part-time work for more than 21 hours and less than 24 hours with an employer who is in receipt of a WSS payment for that person may participate in the Part-Time Job Incentive Scheme (PTJI) – see Section 5: In-work Income Supports.
8. For those individuals who are already in employment, WSS may only be considered where the individual is **less than 12 months** in that employment and where a productivity shortfall on his or her part is putting that particular

employment in jeopardy. This is to avoid the possibility of people with disabilities being let go by their employer in order to qualify them for WSS. The incentive is intended to encourage private sector employers to take on new employees with a disability. Successful applicants are only registered on WSS from the date of application.

When the employee is over 12 months in the job, the DEASP Employee Retention Grant Scheme (ERGS) should be applied for and not WSS.

Further information about ERGS can be found through the following link:
<http://www.welfare.ie/en/Pages/Employee-Retention-Scheme.aspx>.

The WSS should not be used to test an employee's suitability with an employer. The EmployAbility Work Experience Grant is appropriate in those circumstances.

9. A not-for-profit business may employ people under both the Community Services Programmes (CSP) or another Pobal programme funded by DEASP and under the WSS, but not in relation to the same post of employment. The not-for-profit business should generate more of its income from its business activities than from state funding to be regarded as a private sector employer, as required for WSS eligibility.

Pobal gives annual listings of approved programmes on their website at:
www.pobal.ie.

10. Placements under Community Employment Schemes are **not eligible** for WSS, as these programmes are entirely funded by the Department of Employment Affairs and Social Protection.
11. Persons with a disability who are considering self-employment cannot avail of the WSS. This provision also applies to directors of limited companies who work as paid employees in their company.
12. Spouses or prescribed relatives (parent, grandparent, step-parent, child, grandchild, step-children, siblings or half-siblings) can only be considered eligible for participation in the WSS where the employment is deemed insurable under the Social Welfare Acts (Chapter 2 of Part 2 of the Social Welfare Consolidation Act 2005 refers) (at PRSI Class A) and the application is approved by the Department.

13. JobsPlus and WSS cannot be paid together in relation to the same post of employment. An employer should apply for whichever job incentive scheme is appropriate to the circumstances.
14. When a client can no longer continue in the employment for which WSS is payable and he/she:
 - was previously in receipt of DA or Invalidity Pension, and
 - has been in employment for less than 12 months,

his/her DA or Invalidity Pension payment will automatically be restored without the need for him/her to re-apply.

In the case of both of these payments, the client should simply contact the relevant Scheme Section in the Department of Employment Affairs and Social Protection.

15. A potential employee must be at least 18 years old to be eligible for an employer to apply funding under WSS, as this is the minimum age at which he/she may avail of support from DEASP employment services or from the EmployAbility Service.
16. WSS is payable only until an employee reaches the age at which he/she becomes eligible to apply for a State Pension.
17. Employment that is deemed to displace existing employment will be ineligible and DEASP reserves the right to reclaim the payment in the event that an employer engages in any action that displaces existing employees or conspires to create a situation where employees are made redundant in order to seek financial support under the WSS.

4. Secondary Benefits that may be available to employees on WSS

Medical Card

Medical card eligibility is determined by the HSE. If an employee / potential employee requires further information, he/she can contact his/her local office of the Health Service Executive (HSE).

The HSE guidelines are that any new WSS entrant who has a medical card and who has been unemployed for at least 12 months prior to taking up employment on WSS, is automatically entitled to keep his/her medical card for three years from the date of commencement of employment. All such card-holders will then be assessed by means-tested review for subsequent periods of employment on WSS.

Free Travel

Anyone who had Free Travel in conjunction with Blind Pension (BP), Disability Allowance (DA) or Widow's, Widower's or Surviving Civil Partner's Pension (WCP) prior to taking up employment on WSS may still be entitled to Free Travel.

The employee should enquire with the relevant Scheme Section within DEASP .

Household Benefits Package

Anyone who had the Household Benefits Package (allowances towards the cost of electricity, gas and television) in conjunction with BP, DA or WCP prior to taking up employment on WSS may still be entitled to this payment.

The employee should enquire with the relevant Scheme Section within DEASP

Fuel Allowance

Anyone who had a Fuel Allowance in conjunction with BP, DA, WCP or One- Parent Family Payment (OFP) prior to taking up employment may still be entitled to this payment.

The employee should enquire with the relevant Scheme Section within DEASP

Living Alone Allowance

Anyone who had a Living Alone Allowance in conjunction with BP, DA or WCP prior to taking up employment may still be entitled to this payment.

The employee should enquire with the relevant Scheme Section within DEASP

Island Allowance

Anyone who had an Island Allowance in conjunction with BP, DA, WCP or OFP prior to taking up employment may still be entitled to this payment.

The employee should enquire with the relevant Scheme Section within DEASP

Supplementary Welfare Allowance payments

Rent Supplement and Mortgage Interest Supplement recipients with an established entitlement prior to taking up employment may retain entitlement subject to certain qualifying conditions and the relevant means assessment.

Rent Supplement and Mortgage Interest Supplement are not generally payable to those in full-time employment (working more than 29 hours a week). An employee who is working 30 hours or more per week, and who is eligible for the Rental Accommodation Scheme (RAS) with the relevant local authority, may be able to retain his/her Rent Supplement subject to a revised means assessment. Eligibility for RAS can be confirmed by his/her local authority.

The rent and mortgage interest supplement means test provides for a gradual withdrawal of payment as an employee's hours of employment or earnings increase. Income from employment in excess of the standard SWA weekly rate of payment attracts an additional income disregard and is assessed as follows – the first €75 of such additional income together with 25% of any additional income above €75 is disregarded for means assessment purposes.

A potential employee should check with the Designated Person (former Community Welfare Officer) in his/her local DEASP Intreo Centre to see how his/her Rent Supplement or Mortgage Interest Supplement may be affected by his/her participation in employment supported under the Wage Subsidy Scheme.

Note: In the case of all of the above allowances, if the employee neglects to inform the relevant Scheme Section within DEASP, Designated Person or DEASP Intreo Centre that he/she has commenced employment, and in consequence, is paid an allowance to which he/she is no longer entitled, he/she will have to repay any overpayment to DEASP.

Qualified Adult Allowance

Anyone who takes up employment whose spouse/partner is in receipt of a Qualified Adult Allowance for him/her on a Social Welfare claim, should ask his/her

spouse/partner to contact the relevant Scheme area within DEASP to check whether or not this is still payable.

Note: If his/her spouse/partner continues to receive a Qualified Adult Allowance that is not due to her/him, she/he will have to repay any overpayment to DEASP.

5. In-Work Income Supports

Back to Work Family Dividend (BTWFD)

The BTWFD scheme provides financial support to Jobseeker, Jobseeker's Transitional Payment (JST) and One-Parent Family Payment (OFP) recipients with qualified children, who end their social welfare claim (other than Working Family Payment) and who are in or take up employment.

BTWFD recipients get a weekly payment for up to 2 years – of €31.80 per child up to a maximum of 4 qualified children in year 1 and of €15.90 per child up to a maximum of 4 qualified children in year 2.

For further details the employee should enquire at his/her local DEASP Intreo Centre.

Further information about BTWFD can be found through the following link: <http://www.welfare.ie/en/Pages/BTWFD.aspx>

Working Family Payment

Anyone who takes up employment on WSS, who has at least one child under 18 (or aged 18 to 22 in full-time day education) living with him/her or supported by him/her, and whose income from employment is low, may qualify for a Working Family Payment (WFP).

He/she may claim WFP if he/she is in receipt of OFP or WCP, but the OFP or WCP will be assessed as means for WFP. He/she may claim WFP if he/she is in receipt of DA or BP with the DA or BP Disregard, but the DA or BP and any earnings will be assessed as means for WFP.

The employee should enquire with WFP Section: <http://www.welfare.ie/en/Pages/Working-Family-Payment.aspx>

Part-Time Job Incentive (PTJI)

Anyone who takes up employment on WSS, who:

- Is working part-time for more than 21 hours and less than 24 hours a week;
- Was on long-term JA for at least 390 days (15 months) before starting work;

- Was getting a weekly JA payment of at least €125.40 (€122.20 to 20 March 2018) if single or €204.50 (€199.20 to 20 March 2018) if getting an increase for a qualified adult;

may participate in the Part-Time Job Incentive Scheme (PTJI).

A PTJI participant will get a weekly allowance of €125.40 (from 21 March 2018) if single or €204.50 (from 21 March 2018) if getting an increase for a qualified adult. No increases are payable for qualified children.

While in receipt of PTJI, the employee must continue to be available for and seeking full-time work.

PTJI will be reviewed after one year.

For further details the employee should enquire at his/her local DEASP Intreo Centre.

Further information about PTJI can be found through the following link:
<http://www.welfare.ie/en/Pages/Part-Time-Job-Incentive.aspx>

6. Annual Leave, Sick Leave, Maternity, Paternity and Adoptive Leave Policy

Full-time employees are statutorily entitled to payment for all Public Holidays and for a minimum of 20 days annual leave per year (1.66 days per month of employment).

There is no statutory entitlement to sick leave. Whether or not an employer pays an employee while on sick leave is a matter of individual company policy. The company's sick leave policy should be set out in the Contract of Employment.

Female employees are statutorily entitled to 26 weeks maternity leave and may take another 16 weeks unpaid maternity leave. Employers are not obliged to pay women on maternity leave – whether or not they do depends on the terms of the Contract of Employment.

Employees who are new parents (other than the mother of the child) are statutorily entitled to 2 weeks paternity leave within 6 months of the birth or adoption of a child. Employers are not obliged to pay parents on paternity leave – whether or not they do depends on the terms of the Contract of Employment.

Adoptive mothers or males who are the sole adopter of a child are statutorily entitled to 24 weeks adoptive leave from work and may take another 16 weeks unpaid adoptive leave. Employers are not obliged to pay parents on adoptive leave – whether or not they do depends on the terms of the Contract of Employment.

Any enquiries about employment rights should be addressed to the Workplace Relations Commission – see their website for further information: <https://www.workplacerelements.ie/en/> or to the Citizens Information Service – see their website for further information: <http://www.citizensinformation.ie/en/employment/>

When an employee is on annual leave, sick leave, maternity leave, paternity leave or adoptive leave and the employer's company policy is to continue to pay the employee on leave his/her salary for a set period of time, DEASP will continue to pay the agreed subsidy as long as the employer continues to pay the employee, subject to a maximum of seven weeks per year in the case of paid sick leave.

When no salary at all is being paid by the employer, no wage subsidy payment will be made to the employer.

Many employers deduct the amount of any social welfare payment being claimed by an employee from his/her weekly salary when he/she is absent from work (usually because the employee has nominated his/her employer to receive his/her social

welfare payment). In this case, DEASP will pay any shortfall between the two payments as a subsidy to the company.

If the amount of the social welfare payment being claimed by the employee (and paid to the employer) is greater than the amount of the wage subsidy that would usually be paid to the employer, no wage subsidy payment will be made to the employer.

Below are possible examples but individual applicants would need to have eligibility and payments determined by the DEASP Case Officer dealing with the WSS payment:

Sick leave – Example 1

An employee works 39 hours per week – at the rate of €5.30 per hour, the normal weekly Wage Subsidy paid to the employer would be €206.70.

If that employee is on paid sick leave for one week and is also paid Illness Benefit for 5 days of that week the following would apply:

Weekly Wage Subsidy for 39 hours is	€ 206.70
Less DEASP Illness Benefit (5 x €33.00)	€ 165.00
	€ 41.70
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DEASP pays Wage Subsidy in that week	€ 41.70

Note 1: DEASP Illness Benefit is currently based on a daily rate of €33.00 which is calculated as the weekly rate of €198.00² divided by 6 days.

Note 2: Illness Benefit is not usually paid for the first 6 days of any claim (waiting days). If the employer pays sick leave for these 6 days, they should be paid the full Wage Subsidy due.

Maternity Leave – Example 2

Where an employee has a weekly salary of €354.51 and the employer receives a Wage Subsidy allowance of €206.70 (39hrs x €5.30 per hour), the maternity leave payment would affect the WSS payment as follows:

Employee's Gross salary per week	€ 354.51
Less Maternity Benefit paid by DEASP	€240.00
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Balance to be paid by employer	€ 114.51

² From 26 March 2018

As the social welfare payment of €240.00³ exceeds the weekly subsidy of €206.70 (39 hours x €5.30) for this person, no further wage subsidy from DEASP is required.

³ From 26 March 2018

7. How to apply for WSS

Strand I

The following steps should be taken to apply to your local DEASP Intreo Centre for Strand I WSS funding.

A person who wishes to be employed, where WSS funding is to be sought / applied for by an employer, must first meet a DEASP Case Officer and be registered on the DEASP ICT System as a person with a disability, whether or not he/she is in receipt of a DEASP Disability Payment. The client must tell the Case Officer that he/she has a disability. The Case Officer will then select the appropriate option on the ICT system to confirm that the client has a disability and may require supports.

If the client is not in receipt of a qualifying DEASP Disability Payment, he/she should give the Case Officer a confidential WSS Medical Report form completed by his/her doctor. This should be supported by a **recent Specialist's Report or Doctor's Letter**. The WSS Medical Report form can be obtained from a DEASP Intreo Centre or from the Case Officer or it can be downloaded from the DEASP website.

The person with a disability must have successfully obtained an offer of employment for 21 hours per week or more, up to a maximum of 39 subsidised hours per week, and the employer and employee must agree that there is a perceived shortfall in work productivity for the person with a disability in comparison to a colleague without a disability due to his/her impairment.

The person with a disability must be either a new employee for that company, or an employee who has been employed in that company for a period of **no longer than 12 months**. During that time he/she may have acquired a disability that affects his/her productivity or he/she may have had a disability when he/she was employed by the company, but his/her productivity may have disimproved since then.

The nature of the work in the proposed WSS must not have an adverse effect on the health or impact further on the disability of the employee or prospective employee.

The employer can request an **Application for Funding form (WSS1 ER)**, an **Employee Application form (WSS1 EE)** for the job being filled, a **DEASP EFT Bank Mandate (Supplier Set-up Form V05-2017)** and a **Productivity Level Report form (WSS 2)** from their local DEASP Intreo Centre or from a DEASP Case Officer.

All of these forms can also be downloaded from the DEASP website at the following location:

http://www.welfare.ie/en/Pages/Wage-Subsidy-Scheme_holder_3176.aspx.

The employer should complete the WSS1 ER form and the employee should complete the WSS1 EE form. Both the employer and the employee should complete the Productivity Level Report form (WSS 2). If DEASP does not already hold the employer's bank account details, or if the employer's bank account details have changed and are not those currently held by DEASP, the employer should complete a DEASP EFT Bank Mandate (Supplier Set-up Form V05-2017), giving details of the account the WSS should be paid into. If the employer is changing bank account details currently held by DEASP, they must ask their bank to countersign and stamp the form.

The employer should submit these three (or four) forms together with:

- a current **Tax Clearance Certificate** or a **Tax Clearance Access Number (TCAN)** and a **printout of the Tax Clearance Application Result for electronic tax clearance** (this is essential, as WSS cannot be paid without Tax Clearance);
- a **signed Contract of Employment** detailing the **terms and conditions of employment**, including gross wage, job description (and person specification if available), and annual leave, sick leave and maternity/paternity/adoptive leave entitlements. The contract should also state the employee's intended/usual hours of work, which must be for a minimum of 21 hours per week. **The Contract of Employment should be for a minimum of 6 months.**

The employer should forward the WSS application forms, along with all of the supporting documentation, to their local DEASP Intreo Centre, or to the DEASP Case Officer dealing with the case if they know who this is, for consideration.

If the application is complete and in order, the Case Officer will make a recommendation for approval to his/her Manager.

If there are any issues with the application, the employer and employee will be given an appointment to meet a DEASP Case Officer. The Case Officer will check that the employee with a disability is being or will be paid similar wages and employed on similar terms to any other employee starting work or working with that company, who is doing the same work.

After reviewing the application, the Case Officer will make a recommendation for approval to his/her Manager.

If the WSS application is approved, the Case Officer will send a letter of approval to the employer to confirm their WSS business and employer registration numbers and the start and proposed finish dates for the approved employee.

The Case Officer will also send a letter of approval to the employee.

If an employer proposes to make any amendments to the contract of employment/job description they must request approval in writing from the Department of Employment Affairs and Social Protection at least four weeks in advance, prior to implementing any such changes. This includes changes to the working hours of the employee.

If the WSS application is not approved, the Case Officer will write to the Employer outlining the reason(s) for non-approval. However, the Employer may request a review of this decision – see Section 10: General Conditions.

Strand II

The employer does not need to apply for Strand II WSS funding.

If the employer is in receipt of Strand I WSS payments for three or more employees the DEASP ICT system will automatically calculate the Strand II percentage due as long as these employees are all employed in the same location.

However, if the employer has businesses in a number of regions, each business will have a different business number. The employer must notify their local DEASP Intreo Centre or the DEASP Case Officer to ensure that all of these businesses are registered under the same employer registration number, in order for the DEASP ICT system to calculate the number of employees and the Strand II percentage correctly.

Strand III

The following steps should be taken to apply for Strand III WSS funding.

The employer should be in receipt of Strand I WSS payments for at least 30 employees with a disability in order to apply for Strand III WSS funding.

The employer should complete an **Application for Strand III Grant form (WSS 4)**, which they can obtain from a DEASP Case Officer or from Disability & Illness Policy Section, Department of Employment Affairs and Social Protection, Áras Mhic Dhiarmada, Store Street, Dublin 1, or which they can download from the DEASP website.

The application should be supported by:

- A list of the 30+ employees for whom a Strand I WSS subsidy is being paid, giving their names, PPS numbers, dates of commencement of employment, the locations where they are employed, the names of the Case Officers who deal with each employee and the offices where these Case Officers are located;
- Copies of the latest invoices (wage subsidy requests) for Strand I WSS payments to the 30+ employees;
- A job specification for the Employee Assistance Officer post to be filled;

- A CV for the successful applicant for the post, giving details of any qualifications he/she has that would fit him/her for the post.

The completed form and supporting documentation should be sent to their local DEASP Intreo Centre, which will arrange an appointment for the employer and Employee Assistance Officer to meet a DEASP Case Officer.

If the Case Officer decides to recommend payment, he/she will forward the application to Disability & Illness Policy Section for approval.

If Disability & Illness Policy Section approve the Strand III application, they will write to the employer to notify them of this. They will also send the employer a template invoice (wage subsidy request) and provide email addresses to which the invoices (wage subsidy requests) should be sent.

If Disability & Illness Policy Section do not approve the Strand III application, they will write to the employer outlining the reason(s) for non-approval. However, the employer may request a review of this decision – see Section 10: General Conditions.

If an Employee Assistance Officer for whom a Strand III payment is being made leaves his/her employment, and the employer proposes to employ a replacement EAO, the employer must make a new application for Strand III WSS funding in respect of the new EAO.

8. Payment of WSS

Strand I and Strand II

DEASP will send an invoice (wage subsidy request) to the employer every 4 weeks for each WSS participant they employ, using the payroll address supplied by the employer. The employer should inform DEASP if this address changes.

The invoice (wage subsidy request) will specify the calendar dates for which WSS payment is due for the employee.

The employer should fill in the hours worked by the employee each week and calculate the wage subsidy due for each week and add up these figures to get the total Strand I payment due.

Periods of paid leave may be included as hours worked, but the WSS payment may be affected if the employee is in receipt of a Social Welfare payment (see Section 6, Annual Leave, Sick Leave, Maternity, Paternity and Adoptive Leave Policy). Periods of unpaid leave will not be counted towards WSS.

If a Strand II payment is due, the percentage payable will be printed on the invoice. The employer should calculate the Strand II payment due as this percentage of the total Strand I payment due.

The employer should then add these two figures together to get the total amount due, sign the invoice (wage subsidy request) and send it to the DEASP Case Officer dealing with the case.

The Case Officer will check the invoice (wage subsidy request) when he/she receives it. If the form is fully and correctly completed, the Case Officer and his/her manager will authorise it for payment.

If the invoice (wage subsidy request) is incorrect or incomplete the Case Officer will return it to the employer for correction or completion. As this will cause a delay in payment the employer should check that the claim form is correctly completed before they send it to the Case Officer.

Payment is made by electronic fund transfer using the bank account details supplied by the employer. The employer should notify DEASP immediately if there is any change in these details.

Deadline for returning invoices (wage subsidy requests)

Employers must return all invoices (wage subsidy requests) to DEASP within 12 weeks of the date of issue or a wage subsidy may not be paid.

In exceptional circumstances only, if there is an issue that prevents an employer from sending an invoice (wage subsidy request) back on time, the employer must

immediately inform DEASP, in writing, of the matter, setting out the reason for the delay in full.

If an employer receives an invoice (wage subsidy request) for an employee who no longer works for them or who is currently on leave, they should still return the form to DEASP, with the Comments section completed letting DEASP know the date the employment ended or the reason why the form has not been completed.

Strand III

The employer should complete an invoice (wage subsidy request) for each **calendar month** in arrears, using the template supplied when the application was approved. They should supply the following details on the invoice (wage subsidy request):

- Company name;
- Employer Registration Number;
- Tax Clearance Number;
- the subsidy claim period;
- the subsidy claim number;
- the number of employees for whom they are currently in receipt of a WSS Strand I payment;
- the number of Employee Assistance Officers they employ;
- the name(s), address(es) and contact number(s) of the Employee Assistance Officer(s).

The employer should also provide a list of eligible employees in support of the claim for payment, giving:

- their names;
- dates of commencement of employment;
- the locations where they are employed.

The employer should email this documentation to the email addresses supplied when their application was approved.

The invoices (wage subsidy requests) are processed centrally in Disability & Illness Policy Section.

Payment is made by electronic fund transfer.

Wage Subsidy Scheme and Hours Worked

A core objective of the WSS is to incentivise private sector firms to provide at least 21 hours of employment per week to people with disabilities.

To verify that this condition is met, WSS employers are required to complete separate monthly invoices (wage subsidy requests) for each of their WSS

employees. These invoices (wage subsidy requests) detail the employee's wage subsidy rate (€5.30 per hour) and his/her agreed number of working hours per week for each of the four weeks to which the invoice (wage subsidy request) relates.

In recognition of the need to provide a degree of flexibility to some employers and employees, the hours worked condition may be averaged out over a four week period. In doing so, the employer must ensure that at least 84 hours are worked over the four week period and that a minimum of 15 hours is worked in any one week.

While the expectation is that 21 hours will be worked in any one week, any difference between the agreed number of working hours (21 hours being the minimum number set out in the invoice) and the actual hours that were worked (set out in the actual hours worked per week column) should be explained in the space for comments on the invoice (wage subsidy request).

Where the hours worked by the employee do not reach the minimum of 21 hours per week, either in actual hours or on the basis of the averaging approach (i.e. where the number of hours worked is below 84 hours over the four week period), then the employer must set out the reason why this is the case in the space for comments. Where a reasonable explanation is set out, then the wage subsidy for that week, based on the actual hours worked, can be claimed. Reasonable explanations can include the employee being sick, the employee attending a medical appointment, transport difficulties due to disruptions, etc. – this list is not meant to be exhaustive.

However, where it is found that an employee is consistently not attaining the 21 hours worked condition, either in actual hours or on the basis of the averaging approach, then DEASP (a Case Officer) can determine that the conditions of the scheme are not being met and that the subsidy can be terminated.

If, due to unforeseen circumstances, e.g. extreme weather conditions, the employee is prevented from achieving 21 hours, then the DEASP Case Officer can use discretion in determining whether the subsidy claim should be paid.

Cessation/Reduction of payment

The concept of productivity shortfall is not static. As a person with a disability gains experience and becomes more able to do a job, his/her productivity may increase. Also, improved technology may facilitate an increase in productivity.

The 20% productivity shortfall, as agreed at the outset, will be reassessed every 12 months. If, during the annual review, the employer, employee and DEASP Case Officer agree that the employee's productivity over the previous year has improved to the extent that there is no shortfall or less than a 20% productivity shortfall; or if, having reviewed the case, the DEASP Case Officer considers that there is no shortfall or less than a 20% productivity shortfall, the Case Officer may make a decision to stop payment of WSS.

Strand I payment will be stopped if the employee leaves the employment, if the employee is on unpaid leave from work, or if, on review, a DEASP Case Officer decides that the conditions for the WSS are no longer being met.

Strand I payment may be reduced if the hours worked are reduced or if the employee is on paid leave from work and claiming a DEASP payment – see Section 6: Annual Leave, Sick Leave, Maternity, Paternity and Adoptive Leave Policy.

Strand II payment will be stopped if the number of employees for whom a WSS payment is due falls below three for any reason, or if, on review, a DEASP Case Officer decides that the conditions for the WSS are no longer being met in respect of any or all employees of a particular company.

Strand II payment may be reduced if the number of employees for whom a WSS payment is due is reduced, for example, from 7-11 employees (20%) to 3-6 employees (10%).

Strand III payment will be stopped if the number of employees for whom a WSS payment is due falls below 30 for any reason, or if, on review, a DEASP Case Officer decides that the conditions for the WSS are no longer being met in respect of any or all employees of a particular company.

Strand III payment may be reduced if the number of employees for whom a WSS payment is due falls below a multiple of 30 for any reason.

Overpayments

If WSS is overpaid to an employer for any reason, the employer will be required to repay this overpayment to the Department.

9. Wage Subsidy Scheme Reviews

Annual Reviews

An annual review will be conducted in relation to each WSS claim. The 20% productivity shortfall, as agreed at the outset, will be reassessed at this review. The review will be based on the performance of the employee in the previous 12 month period.

Where possible, an annual review will be carried out by means of a DEASP Case Officer interview with the employer and employee. In the case of an in-person annual review, the employer will be notified in advance of arrangements for the review. During the review the Case Officer will complete an Annual Review Form

(WSS 3) and a Productivity Level Report form (WSS 2) in consultation with the employer and employee. All parties will then sign the forms.

If this is not possible, it is acceptable for an annual review to be carried out by means of a desk review. A desk review will be carried out by DEASP sending an Annual Review form (WSS 3) and a Productivity Level Report form (WSS 2) to the employer and employee for completion. When completed, the Declarations on both forms must be signed by both parties, and the employer should stamp both forms. Payment of WSS may be withheld if the employer does not return the completed forms within the specified time.

Monitoring

The Department reserves the right to conduct additional monitoring visits without notice to the employer's premises, when and where required. During a monitoring visit the Case Officer may request tax, PRSI, wage or time and attendance records to check that the terms and conditions of the WSS are being adhered to, or may ask to see the employee at work.

The Case Officer may also contact the employee to check that the terms and conditions of the WSS are being adhered to.

Rights of Access

An employer shall grant officials of DEASP access to records, financial or otherwise, pertaining to the Wage Subsidy Scheme. At the request of DEASP, the employer will provide rights of access and inspection to DEASP, its officers and agents and the Comptroller and Auditor General to all activities, records, persons and information which DEASP may reasonably require to verify compliance by the employer with the terms and conditions agreed in relation to payment of a wage subsidy by DEASP to the employer.

All records, both manual and electronic, relating to funding provided under the Wage Subsidy Scheme must be retained for as long as the wage subsidy is in payment and for six years after, and must be available for inspection.

Payment of WSS may be suspended or stopped if the employer does not agree to any reasonable request from an officer or agent of the DEASP to access any records they hold pertaining to WSS.

Breaches of the Terms and Conditions of the Scheme

If the Department deems that an employer has breached the terms and conditions of the scheme, the employer may be disqualified from current and/or future participation in the WSS, or may be monitored more closely.

10. General Conditions

Legal Governance

An employer must be fully compliant with current workplace Health and Safety legislation (<http://www.hsa.ie/eng/Legislation/Acts/>) and all other legal requirements. The employer's Public/Employers' Liability insurance and Motor insurance, if applicable, should cover any WSS employee on the scheme. The WSS must be in accordance with the Code of Practice on Sexual Harassment and Harassment at Work

(http://www.ihrec.ie/download/pdf/code_of_practice_on_sexual_harassment_and_harassment.pdf)

Garda Vetting and Sectoral Requirements

The employer has the responsibility to ensure that the appropriate process is applied to placements that require Garda Vetting or other Sectoral Requirements. Employees must agree to comply with requests for Garda Vetting or other Sectoral Requirements where necessary, in accordance with the employer's policy.

Taxation

WSS is classified as a grant. It is therefore exempt from corporation tax, as provided for in the following legislation:

- Section 226 of the Taxes Consolidation Act, 1997, (1) (d) & (e) and (2)
<http://www.irishstatutebook.ie/eli/1997/act/39/section/226/enacted/en/html>
- As amended by Section 36 of the Finance Act, 2013, (1) (a) & (b)
<http://www.irishstatutebook.ie/eli/2013/act/8/enacted/en/html?q=Finance&years=2013>

The appropriate deductions in terms of income tax, PRSI and USC should be made from the employee's wages. The employer should also pay the employer's portion of the PRSI contributions in respect of the employee.

Freedom of Information Act, 2014 (FOI)

The DEASP undertakes to use its best endeavours to hold confidential any information provided by companies (correspondence/forms/tenders, etc.), subject to the DEASP's obligations under law, including the Freedom of Information Act, 2014. Should a company wish that any of the information it supplied not be disclosed because of its sensitivity, the company should, when providing the information, identify the same and specify the reasons for its sensitivity. The DEASP will consult with the company's representative about this sensitive information before making a decision on any Freedom of Information request received. Please note, however, that if no information is identified as sensitive, with supporting reasons, then it can potentially be released in response to a FOI request.

Wage Subsidy Scheme Complaints

Dealing effectively with our customers' complaints is one of the Department of Employment Affairs and Social Protection's commitments under the Customer Charter which also sets out the standard it should meet in delivering its services. DEASP must, accordingly, ensure that any complaints are examined carefully and resolved with the same quality approach. DEASP must also try to ensure that errors which give rise to complaints are not repeated. Complaints received by DEASP are recorded and reported on annually. This provides a valuable source of information by which service standards overall can be monitored and reviewed.

For further information, please see the Customer Charter leaflet on the DEASP website at:

http://www.welfare.ie/en/downloads/DEASP_CustomerCharterLeaflet_EN_web.pdf

Right of Review

The Wage Subsidy Scheme is a non-statutory scheme that is not covered under social welfare legislation. It is one of a number of social welfare schemes which are run on an administrative basis. Administrative schemes are not appealable under social welfare legislation. However, if a customer is unhappy with a particular decision they can ask to have their case reviewed by another officer. This review will be carried out by someone not involved in the original decision.

A customer who wishes to have a decision reviewed should write to the DEASP Case Officer within 21 days of the decision, clearly stating the grounds on which he/she wishes the review to be based, and attaching any evidence he/she has that supports his/her case.

11. Promotion of the Wage Subsidy Scheme

The Wage Subsidy Scheme is promoted through the Department's national network of DEASP Intreo Centres, by Local Employment Service (LES) Offices and by EmployAbility Job Coaches, who work directly with employees and employers.

It is advisable that all potential WSS participants should engage with their local EmployAbility Job Coach prior to employment on WSS.

Customers can find out the location of their local DEASP Intreo Centre through the following link: http://www.welfare.ie/en/Pages/Intreo_home.aspx

Customers can find out about the Local Employment Service through the following link:

http://www.welfare.ie/en/Pages/Intreo_home.aspx

Customers can find out about the EmployAbility Service through the following link:

<http://www.welfare.ie/en/Pages/EmployAbility-Service.aspx>

Appendix: WSS STRAND I SUBSIDY PAYMENT

<i>Hours worked</i>	<i>Hourly (€)</i>	<i>Weekly (€)</i>	<i>Per Year (€)</i>
21	5.30	111.30	5,788
22	5.30	116.60	6,063
23	5.30	121.90	6,339
24	5.30	127.20	6,614
25	5.30	132.50	6,890
26	5.30	137.80	7,166
27	5.30	143.10	7,441
28	5.30	148.40	7,717
29	5.30	153.70	7,992
30	5.30	159.00	8,268
31	5.30	164.30	8,544
32	5.30	169.60	8,819
33	5.30	174.90	9,095
34	5.30	180.20	9,370
35	5.30	185.50	9,646
36	5.30	190.80	9,922
37	5.30	196.10	10,197
38	5.30	201.40	10,473
39	5.30	206.70	10,748

Maximum Wage Subsidy per year is €10,748.