Department of Employment Affairs & Social Protection (DEASp):

Wage Subsidy Scheme Guidelines 2019

Illness, Disability & Carers Policy

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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
FOI: Freedom of Information
HSE: Health Service Executive
ICT: Information & Communications Technology
IP: Invalidity Pension
JA: Jobseekers Allowance
LES: Local Employment Service
OFP: 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
WSR: Wage Subsidy Request (invoice)
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 their 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, but are not limited to, Class A PRSI contributions being paid, tax deductions being made in respect of the employment, annual leave and other leave entitlements being given, 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 having 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 x €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.

**Note:** Strand I Wage Subsidy Requests (WSRs)(invoices) are generated at the end of every 4 week cycle for any employees who are active at the time of WSR generation. Payment is made on receipt of completed WSRs, provided that all is in order.

An active employee is an employee who has worked or been on paid leave at any time in the 4 week payment cycle, and for whom a Strand I wage subsidy is payable. Any employee who has been on unpaid leave for the entire 4 week cycle is regarded as inactive. No wage subsidy (Strand I, II or III) is payable for an inactive employee.
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 active employees with a disability employed under Strand I.

The Strand II percentage is calculated automatically, based on the number of active employees with a disability currently employed by that employer at the time that all of the WSRs (invoices) for that payment cycle are approved for payment.

**Strand II grants will be paid as follows:**

<table>
<thead>
<tr>
<th>Number of Employees</th>
<th>Top-up Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 to 6</td>
<td>10%</td>
</tr>
<tr>
<td>7 to 11</td>
<td>20%</td>
</tr>
<tr>
<td>12 to 16</td>
<td>30%</td>
</tr>
<tr>
<td>17 to 22</td>
<td>40%</td>
</tr>
<tr>
<td>23 +</td>
<td>50%</td>
</tr>
</tbody>
</table>

Strand III: Wage Subsidy with Employment Assistance Officer funding

Strand III subsidy enables an employer who employs 30 or more active 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 in each payment cycle 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.
The grant is calculated automatically by the system, provided that the employer has 30 or more active employees and an approved EAO. The grant is paid in 4-weekly instalments of €2,307.70, to a maximum of 13 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 year 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 WSS is not available to Public Service Employers\(^1\) 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.

The employment being offered by the employer must provide a minimum of 21 hours (and up to a maximum of 39 subsidised hours) of employment for the employee per week.

For 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. Applicants will only be approved for payment of a wage subsidy from the date that the application is received in DEASP.

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](http://www.welfare.ie/en/Pages/Employee-Retention-Scheme.aspx).

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\(^1\) 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.
The WSS should not be used to test an employee’s suitability with an employer. The EmployAbility Service may be able to advise 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.

An employee can only be employed under one WSS subsidised employment at any given time. DEASP will not pay more than one subsidy in respect of any one employee.

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)

Notes for information:

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
- Partial Capacity Benefit

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 they have 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 they have a disability and that it is causing or could cause them 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 their 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 their 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 their family, may also be eligible to claim Working Family Payment (formerly FIS) – see Section 9: 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 9: 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. Applicants will only be approved for payment of a wage subsidy from the date that the application is received in DEASP.

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 Service may advise 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.

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 they:
   
   - were previously in receipt of DA or Invalidity Pension, and
   
   - have been in employment for **less than 12 months**,

DA or Invalidity Pension payment will automatically be restored without the need 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 they 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 they become 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.

An employer who is deemed to have engaged in any action that displaces an existing employee in order to seek financial support under the WSS may be disqualified from making any new application for the WSS for 12 months from the date of displacement.

18. An employee can only be employed under one WSS subsidised employment at any given time.
4. **How to apply for WSS**

**Strand I**

In the first instance, the employer should contact their local DEASP Intreo Centre about WSS.

The employer can request an **Employer Application form (WSS1ER)**, an **Employee Application form (WSS1EE)** for the job being filled, a **DEASP EFT Bank Mandate (Supplier Set-up Form V05-2018)** and a **Productivity Level Report form (WSS 2)** from their local DEASP Intreo Centre or from a DEASP Case Officer (more details on these forms on page 15).

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

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 they are in receipt of a DEASP Disability Payment. The client must tell the Case Officer that they have 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, they should give the Case Officer a confidential WSS Medical Report form completed by their 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 their 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 they may have acquired a disability that affects their productivity or they may have had a disability when they were employed by the company, but their 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.

**Notes for completion of forms:**

1. The employer should complete the WSS1ER form.
2. The employee should complete the WSS1EE form.
3. Both the employer and the employee should complete the Productivity Level Report form (WSS 2).
4. 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 V05-2018), 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 must submit these three (or four) forms together with a signed **Contract of Employment** detailing the **terms and conditions of employment**, including:

- the gross wage for the employment,
- job description (and person specification if available),
- 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.**

**Please note:** WSS cannot be paid when an employer is not tax compliant. By applying for the WSS, employers agree that DEASP have permission to check their status with the Revenue Commissioners. **Employers must supply a current Tax Clearance Certificate or a Tax Clearance Access Number (TCAN) at the time of application.** Before a payment is made an employer is automatically checked for tax compliance and where it cannot be validated payment will not issue.

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 their 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 their Manager.

If the WSS application is approved, the Case Officer will send a letter of approval to the employer to confirm their WSS employer registration number, the start date (and, if relevant, proposed finish date) and agreed contracted hours per week 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 active employees the DEASP ICT system will automatically calculate the Strand II percentage due.

If the employer has multiple workplaces, they must ensure that all active employees at those workplaces are registered under the same Employer Registered Number (PAYE number), in order for the correct Strand II payment to be made.

**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 active employees with a disability in order to apply for Strand III WSS funding.

The employer should complete an Application for Strand III form (WSS 4), which they can obtain from a DEASP Case Officer or which they can download from the DEASP website.
The application should be supported by:

- Proof of advertisement for the Employee Assistance Officer role;
- A job specification for the EAO role;
- A CV for the successful applicant for the post, including details of the relevant qualifications they have that would fit them for the post.
- A copy of the EAO contract of employment.

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 Strand III application is approved, the Case Officer will write to the employer to notify them of this.

If the Strand III 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.

If an Employee Assistance Officer for whom a Strand III payment is being made leaves their 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.

**Change of Employer Status**

*Note: Where there is a change in a company through take-over, acquisition, restructuring, rationalisation etc. the existing payment of WSS will cease and the new organisation must apply for WSS in respect of its eligible employees.*
5. Payment of WSS

Strand I

DEASP will send a wage subsidy request (invoice) for each workplace to the employer every 4 weeks listing all WSS participants employed at each workplace, using the workplace email contact(s) supplied by the employer. The employer should inform DEASP if this address changes.

The WSR (invoice) will specify the calendar dates for which WSS payment is due for the employee(s).

The employer should fill in the hours worked by the employee(s) each week and the gross wage paid for the 4 week period.

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. Leave should be explained in the Comments area of the WSR (invoice). If zero hours have been worked, a nil return should be made.

The employer should sign the WSR (invoice) and send it to Wage Subsidy Payments Section, Government Offices, Shannon Lodge, Dublin Road, Carrick-on-Shannon, Co Leitrim.

If the WSR (invoice) is fully and correctly completed, Wage Subsidy Payments Section will authorise it for payment.

If the WSR (invoice) is incorrect or incomplete Wage Subsidy Payments Section will return it to the employer for correction or completion. As this will cause a delay in payment the employer should check that the WSR (invoice) is correctly completed before they send it to Wage Subsidy Payments Section.

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 wage subsidy requests (invoices)

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

If there is an issue that prevents an employer from sending a WSR (invoice) back on time, the employer must immediately inform a DEASP Case Officer, in writing, of the matter, setting out the reason for the delay in full.
If an employer receives a WSR (invoice) listing 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 II and Strand III**

WSS Strand II and III will automatically be calculated by the DEASP ICT system when all WSRs (invoices) issued for a 4 week cycle have been approved for payment.

In addition, for Strand III, an EAO must be approved for payment on the system. Payment is made by electronic fund transfer.

A remittance will issue to the employer’s contact email address, giving a breakdown of each payment.

**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 4-weekly wage subsidy requests (invoices) for all of their WSS employees. These WSRs (invoices) detail each employee’s wage subsidy rate (€5.30 per hour) and their agreed number of working hours per week for each of the four weeks to which the WSR (invoice) relates.

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 WSR (invoice).

**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, their 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.

**Tax Clearance**

An employer must be tax compliant. By applying for the WSS, employers agree that DEASP have permission to check their status with the Revenue Commissioners. Employers must supply a current Tax Clearance Access number (TCAN) at the time of application. Before a payment is made an employer is automatically checked for tax compliance and where it cannot be validated payment will not issue.

**Overpayments**

If WSS is overpaid to an employer for any reason, the employer will be required to repay this overpayment to the Department.
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.workplacerelations.ie/en/](https://www.workplacerelations.ie/en/) or to the Citizens Information Service – see their website for further information: [http://www.citizensinformation.ie/en/employment/](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 their 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.

An employee’s absence from work should be explained by the employer in the Comments area of the WSR (invoice) when making a return. If zero hours have been worked, a nil return should be made.

**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 their weekly salary when they are absent from work (usually because the employee has nominated their employer to receive their 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.
7. 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 at the workplace. In the case of an onsite annual review, the employer will be notified in advance of arrangements for the review. During the review the Case Officer will complete a 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. During the review, 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.

If this is not possible, it is acceptable for an annual review to be carried out by means of a desktop review. A desktop review will be carried out by DEASP sending a 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.
8. **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, they can contact their 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 their 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 recipients are advised to consult with their local DEASP Intreo Centre to establish whether and how much of their Rent Supplement entitlement will be affected by their participation in the Wage Subsidy Scheme. In general, Rent Supplement is not payable to those who secure full-time employment that is, working more than 29 hours a week. It is possible to retain entitlement to Rent Supplement where a person is working full-time if the local authority has deemed the person concerned to be eligible for the Rental Accommodation Scheme (RAS). Eligibility for RAS can be confirmed by the recipient’s respective local authority. Continued eligibility to Rent Supplement will be subject to the customer satisfying all other conditions of the scheme also.

Due to taking up employment (part-time or full-time) the person’s overall means will have changed and will be reassessed for rent support. The Rent Supplement means assessment criteria provides for a gradual withdrawal of support as an employee’s hours of employment / 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.

The majority of new applicants seeking State support towards their rent are now being supported by the Local Authorities under the Housing Assistance Payment Scheme (HAP). Under HAP, a person can work full-time, no restriction in hours worked, and retain entitlement to HAP. A HAP tenant who engages with the Wage Subsidy Scheme will have their rent readjusted by their local authority due to the additional income earned by the customer through employment. The customer’s rent will be set based on their local authority’s differential rent structure and the customer’s new weekly income. Customers are advised to engage with their local authority to ensure alterations to their differential rent is completed as soon as possible.

Those receiving support for their mortgage commitments under the now closed Mortgage Interest Supplement Scheme (closed 1st January 2014) are also advised to consult with their local Intreo office on taking up employment. In general, entitlement to mortgage interest support will be discontinued once the person concerned has secured full-time employment (> 29 hours); however, it may be possible to retain support in part and on a tapering basis over a four year period.

**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 they have commenced employment, and in consequence, are paid an allowance to which they are no longer entitled, they 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 them on a Social Welfare claim, should ask their spouse/partner to contact the relevant Scheme area within DEASP to check whether or not this is still payable.

**Note:** If their spouse/partner continues to receive a Qualified Adult Allowance that is not due to them, they will have to repay any overpayment to DEASP.

9. **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 – equivalent to the full child dependant rate per child up to a maximum of 4 qualified children in year 1 and equivalent to half the child dependant rate per child up to a maximum of 4 qualified children in year 2. For further details the employee should enquire at their local DEASP Intreo Centre.

Further information about BTWFD can be found through the following link: [http://www.welfare.ie/en/Pages/BTWFD.aspx](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 them or supported by them, and whose income from employment is low, may qualify for a Working Family Payment (WFP).

They may claim WFP if they are in receipt of OFP or WCP, but the OFP or WCP will be assessed as means for WFP. They may claim WFP if they are 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](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 €128.60 (from 20 March 2019) if single or €209.70 (from 20 March 2019) 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 €128.60 (from 20 March 2019) if single or €209.70 (from 20 March 2019) 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 their 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
10. **General Conditions**

**Legal Governance**


**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:


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

**Data Protection**

The Department of Employment Affairs and Social Protection administers Ireland’s social protection system. The Department requires customers to provide certain personal data in order to determine eligibility for relevant payments and/or benefits. A customer’s personal data may be exchanged with other Government Departments in certain circumstances where this is provided for by law. Full details of the Department’s data protection policy setting out how we will use a customer’s personal data as well as information regarding their rights as a data subject are available at [www.welfare.ie/dataprotection](http://www.welfare.ie/dataprotection). Details of this policy are also available in hard copy upon request.
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:

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 they wish the review to be based, and attaching any evidence they have that supports their 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](http://www.welfare.ie/en/Pages/Intreo_home.aspx)

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

Customers can find out about the EmployAbility Service through the following link:  
Appendix: WSS STRAND I SUBSIDY PAYMENT

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Maximum Wage Subsidy per year is €10,748.