



Childcare will still be an issue for workers, so there needs to be flexibility for staff who continue working from home

## The dilemma of childcare for both workers and employers

As long as Covid-19 remains an issue, so will childcare – making flexibility key for management



**Derek McKay**

As businesses in Ireland continue to reopen and welcome staff back to their premises, one of the biggest issues facing many will be the availability of childcare.

If schools don't operate in the same way as they did pre-Covid-19 and employees are faced with inadequate childcare options in the months ahead, they may expect employers to extend the option of working from home.

For most companies, remote working was introduced in March as an interim measure in response to the public health crisis. It was not intended as a long-term working arrangement for employees who might otherwise have to arrange childcare.

As life begins to return to some normality and creches around the country reopen, the expectation for many employers is that employees will return to pre-Covid-19 work arrangements.

They may, however, find themselves facing a situation where childcare is an issue that is thrust upon them to help resolve. Many will be wondering about their obligations and what they can, and should, do to support employees in this regard.

There is no shortage of employment legislation protecting employees' rights and their health and safety in the workplace. The Employment Equality Acts, for example, prohibit discrimination, both direct and indirect, within the workplace. The Health, Safety and Welfare at Work Act, meanwhile, details employers' responsibilities to provide a safe place of work.

Given the potential scenarios employers may now face relating to childcare challenges, any response should be made in light of these two pieces of legislation, as well as their employees' terms and conditions of employment.

The statement of terms and conditions of employment details the contractual agreement between the employer to provide work and the employee's obligation to make themselves available to

carry out this work.

If the employee is not in a position to carry out the agreed work in line with their terms and conditions of employment, for childcare or other reasons, employers are encouraged to understand the circumstances preventing them from doing so.

Most employers are reasonable and will try to find a workable solution for the employee as long as they can meet these business needs.

There are a number of options here that could be used to help support employees with childcare – and indeed other caring – responsibilities. These might include flexible start and finish times, shorter working hours, more flexible working arrangements and parental or unpaid leave.

Not all of these options will be manageable for all employers, however. Staff working shifts in manufacturing or hospitality, for example, can't simply avail of remote working or shorter working days.

In these circumstances, the employer will not, for the most part, have the flexibility to offer amended terms and conditions of employment to accommodate childcare issues should they arise.

There is also no obligation on employers to provide financial assistance to employees for childcare. Those employers who can, and do, offer employees flexible working arrangements should also take care to treat all employees fairly.

Discussions about remote and flexible working have certainly been expedited by the pandemic. If they are to be viewed as a long-term aspect of how any business will operate in the future, however, proper planning will be crucial.

The expectations of both the employer and their employees must be aligned to ensure a successful outcome.

Now is the time for employers to begin preparing for any childcare-related issues that may arise, not just in the short term, but also further down the line when the schools begin to reopen in September.

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