

COVID-19 Temporary Wage Subsidy Scheme - Employer Eligibility Update

Context

Revenue's priority in administering the Temporary Wage Subsidy Scheme (TWSS) is to ensure that all employers experiencing significant negative economic disruption from COVID-19 can register for and start to receive payment as quickly as possible. The overarching ambition of the Scheme is to ensure the key relationship between employers and employees is maintained to the greatest extent possible so that businesses can restart operations quickly once the crisis has passed.

Regarding retention of employees, the scheme is confined to employees who were on the employer's payroll at 29 February 2020, and for whom a payroll submission has already been made with a pay date in the month of February, in the period from 1 February 2020 to 15 March 2020. Employees who were laid off after 29 February 2020 may be taken back onto the payroll for the purposes of this scheme.

These dates tie in with the reporting requirements set out for PAYE/PRSI but most importantly pre-date the announcement of the possibility of a wage subsidy scheme. This is important because any scheme such as this is vulnerable to abuse, manipulation and fraud. By using these dates, the opportunities for abuse are significantly reduced and has allowed Revenue start issuing refunds from day 1 of the scheme.

Representations have been received from and on behalf of employers that have not met the reporting conditions. Many of the representations have indicated that employers had genuine reasons for missing the 15 March deadline, that they are generally compliant and that they are anxious to keep the link with their employees. Some have confirmed that they can produce records, bank statements, wage slips to show that they had the employees on payroll at 29 February and had paid them the appropriate wages.

Eligibility Review

From reviewing cases since TWSS started it has become apparent that a number of employers have been rejected for the scheme because they failed the 15 March rule but qualified under all other rules and are otherwise tax compliant. Revenue will, under its care and management provisions, allow such employers access the scheme provided:

- *The employees in question were included on the employer's payroll on 29 February 2020,*
- *The February 2020 payroll submission was submitted to Revenue before 1 April 2020,*
- *Payroll submissions for all previous months were submitted to Revenue before 15 March 2020.*

Any employers that were previously unable to access the TWSS and who meet the revised criteria are now included in the Scheme. Where they wish to avail of TWSS payments they **should ensure eligible employees are set to J9 PRSI class on future payroll submissions.**

Where employees are receiving COVID-19 related Pandemic Unemployment Payments (PUP) from the Department of Employment and Social Protection (DEASP) and are subsequently 'rehired' by the employer to avail of the TWSS payment, it is important that the PUP is ceased. Revenue and DEASP are sharing information to identify duplicate payments across both Schemes.

Where an employer receives funds under the TWSS and does not pay the amounts to the specified employees or was not entitled to receive the subsidy as the qualifying criteria was not met, the employer is legally obliged to refund the money to Revenue.

Where a business fails to meet the qualifying criteria for TWSS under the above process but wishes to further engage with Revenue on the matter, it must provide supporting evidence setting out the rationale for why it should be included in the Scheme. This supporting documentation should be provided via Revenue's [myEnquiries](#) system.