



**An Roinn Gnóthaí
Eachtracha agus Trádála**
Department of
Foreign Affairs and Trade

Our Ref: FOI/Req/20/129

Date: 24 July 2020

Dear Mr O'Farrell,

I refer to the request which you have made under the Freedom of Information Act 2014 for access to records held by this Department, as follows:

- **All records and correspondence held by the Department on the issue of including workers from Northern Ireland in the Pandemic Unemployment Payment since March 17th 2020.**

For clarity, please be aware that implementation of the Covid-19 Pandemic Unemployment Payment does not fall within the responsibility of the Department of Foreign Affairs and Trade. The Department of Employment Affairs and Social Protection has responsibility for the scheme.

However, I have identified 32 records that fall within the scope of your request. The records are listed in the schedule attached.

I have made a decision to grant access to 12 of the records and refuse access to 20 of the records.

For those records refused, I have exempted these under Section 33 (1) (c) of the Act, which refers to records which, if released, could be reasonably considered to adversely affect matters relating to Northern Ireland.

The Department of Foreign Affairs and Trade is responsible for managing relations with Northern Ireland. Based on the Department's direct knowledge and expertise, its strongly held position is that the mere granting of access to records could be reasonably considered likely to adversely affect matters relating to Northern Ireland by introducing doubts with regard to the security and confidentiality of our communications. It is important to maintain that mutuality of trust. I have considered the possibility and likelihood that the release of these records could negatively impact this function of the Department's work and I am satisfied that the balance favours refusal rather than release.

For information, the Irish Government put in place the emergency Covid-19 Pandemic Unemployment Payment to support employees and the self-employed, who lost employment

(since 13 March) as a result of the Covid-19 outbreak. It is important that all workers, including frontier (or cross-border) workers, have access to supports at this time.

The scheme, as highlighted above, is administered by the Department of Employment Affairs and Social Protection, and the support is paid at a rate of €350 per week to eligible applicants resident within the State.

A frontier worker living in the South but who had been working in Northern Ireland who becomes wholly unemployed could apply for the Pandemic Unemployment Payment. A frontier worker living in Northern Ireland who had been working in the South who became wholly unemployed was not eligible for the Covid-19 Pandemic Unemployment payment. A person in these circumstances could claim for unemployment benefits in Northern Ireland as usual on the basis of their place of residence in Northern Ireland.

For wholly unemployed frontier workers, the Pandemic Unemployment Payment is consistent with the EU rules for Jobseekers Benefit regarding the competent State. Under the current EU rules, the Member State of residence is competent for the payment of Unemployment Benefits in the case of wholly unemployed frontier workers, whether employed or self-employed. Wholly unemployed frontier workers are entitled to unemployment benefits only from one Member State. These arrangements continue to apply in respect of Northern Ireland.

Separately, the Irish Government introduced the Temporary Covid-19 Wage Subsidy Scheme to enable employers whose businesses have been affected by the pandemic to continue to pay employees, with a view to maintaining staff on their payroll. The scheme is administered by the Revenue Commissioners. An employer can claim the Temporary Wage Subsidy of up to 70% (85% if net weekly pay does not exceed €412) in respect of all PAYE workers on their payroll. The scheme is available to employers to support continued payments to employees whose place of employment is within the State, regardless of their place of residence.

Frontier workers living in Northern Ireland, but working in the South under an Irish contract of employment can benefit from this arrangement. Those who are resident in the South and employed in Northern Ireland cannot benefit from this scheme.

In Northern Ireland, assistance for frontier workers resident there who have become unemployed is available through the Department for Communities. Also, HM Revenue and Customs is implementing a UK-wide Coronavirus Job Retention Scheme which will provide support to employers in Northern Ireland to retain staff on their payroll during the pandemic, including frontier workers who are resident in the South, as long as their employer operates a PAYE system and the person holds a UK bank account.

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt Street, Dublin 2

or by email to foi@dfa.ie. A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082857.

You should make your appeal within 4 weeks (20 working days) from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Yours sincerely

Niamh Clarke
Ireland, UK and Americas Division,
Department of Foreign Affairs and Trade