

## **Returning Safely to the Workplace from 20 September Guidance Note from the LEEF Consultative Group<sup>1</sup> on the Work Safely Protocol 7 September 2021**

### **Introduction**

Since the onset of the pandemic in March 2020, necessary public health measures have been in place requiring many workers to work from home.

Thanks to the considerable flexibility and effort on the part of employers and workers, this obligatory and sudden move to mass home working has worked well, in most cases.

Working from home has contributed greatly to keeping people safe and has played an enormous part in reducing transmission of COVID-19.

However, it must also be acknowledged, the requirement to work from home has been a considerable challenge for many workers and for many businesses.

As we move beyond COVID-19, our experiences during the pandemic, and how businesses and workers have adapted, will inform the future of work in Ireland, a future in which new ways of working, including remote working, will play a more significant role.

### **From Now Until 20 September 2021**

The current public health guidance remains that workers should work from home unless necessary to attend in person. Employers and workers should continue to follow this guidance.

On 31 August 2021, the Government, in *Reframing the Challenge: Continuing our Recovery and Reconnecting*, as part of a gradual and careful re-opening process, issued updated guidance to take effect from **20 September 2021**.

From that date, attendance at the workplace for specific business requirements, for those still working from home, may commence on a phased and staggered basis. Employers, together with their workers, should now start planning and preparing for a staggered and phased return to the workplace as of 20 September. The Government is also calling on employers, in consultation with their workers, to start to develop longer-term arrangements for blended or remote working having regard to their operational requirements.

The Government also committed to work closely with employers and trade unions to ensure guidance is in place for this next phase of reopening. This engagement builds on strong and effective cooperation to date, in particular around the *Work Safely Protocol*, developed by Government with employers and trade unions through the Labour Employer Economic

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<sup>1</sup> The consultative stakeholder forum, under the aegis of Labour Employer Economic Forum, was established to oversee implementation of the Work Safely Protocol. Members of the Stakeholder Forum are Ibec, CIF, ICTU, SIPTU, the HSA, the HSE, the Department of Health, Department of Enterprise, Trade and Employment, the Department of Agriculture, Food and Marine, Department of Health, and the Department of Taoiseach.

Forum (LEEF), which has provided clear guidance for all businesses and workplaces on how to keep their employees, customers, and visitors safe during the pandemic.

The successful roll out of the vaccination programme has allowed the advice on the need to work from home to be revised from 20 September. However, vigilance will still be required as the risks posed by COVID-19 remain.

We continue to see a high level of COVID-19 in the community. This must be taken into account as individual businesses and their workers progress their plans for the return to the workplace in the months ahead.

Ahead of 20 September, employers are now called upon to actively engage with their workers to carefully consider how a return to in person attendance in the workplace can safely take place.

The *Work Safety Protocol*, reflecting the prevailing Public Health guidance, will continue to offer advice and guidance for employers and workers on the infection prevention and control and other measures that should be in place to prevent the spread of COVID-19 in the workplace, including in relation to ventilation. The Protocol covers the measures needed to ensure the safe re-opening of workplaces following closure.

To support the preparation for returning to the workplace,, the Health and Safety Authority (HSA) has produced an additional series of checklists and templates, available at [www.hsa.ie](http://www.hsa.ie), covering ventilation, rapid antigen testing and returning to the office to help employers, business owners and managers get their business up and running again and to inform workers about what they need to do to prevent the spread of COVID-19 in the workplace.

The specific checklist on Returning to the Office<sup>2</sup>, should be the basis for discussions between employers and workers. This checklist has been drafted based on the *Work Safety Protocol* and should be read in conjunction with it. Employers, in conjunction with the Lead Worker Representative and workers should now work together to ensure that on return, all necessary and practicable steps are in place in the workplace to prevent the spread of COVID-19. This checklist will help facilitate these ongoing engagements.

### **From 20 September to 22 October 2021**

As outlined in *Reframing the Challenge: Continuing our Recovery and Reconnecting*, important and necessary public health guidance will remain in place after the 20 September. This includes the requirement for physical distancing, the wearing of masks and appropriate ventilation. These requirements remain as a core component of our response to prevent the spread of COVID-19, along with the continued requirement for self-isolation / restricted movements for those with symptoms (who should immediately seek a test); those with positive test results; and close contacts of confirmed cases, unless fully vaccinated with no symptoms.

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<sup>2</sup> [https://www.hsa.ie/eng/topics/covid-19\\_coronavirus\\_information\\_and\\_resources/covid-19\\_business\\_supports/business\\_supports/work\\_safety\\_templates\\_checklists\\_and\\_posters/employers-checklist-no-9--returning-to-the-office-12-aug-2021.pdf](https://www.hsa.ie/eng/topics/covid-19_coronavirus_information_and_resources/covid-19_business_supports/business_supports/work_safety_templates_checklists_and_posters/employers-checklist-no-9--returning-to-the-office-12-aug-2021.pdf)

From 20 September, businesses can however begin a phased and staggered return to workplaces for specific business requirements.

The interpretation of this guidance will depend on the specific circumstances of each workplace, and should be informed by consultations with workers. This means that the return to workplaces must take place in a cautious and careful manner, taking into account,

- appropriate attendance levels, cognisant of public health guidance as reflected in the *Work Safely Protocol* and associated checklist(s);
- the use of staggered arrangements, such as non-fulltime attendance and flexible working hours, and
- that attendance initially is for specific business requirements.

As has been the case throughout the pandemic, the key to preventing the spread of COVID-19 in the workplace, is strong communication and a shared collaborative approach between employers and workers.

### **Lead Worker Representative**

As outlined in the *Work Safely Protocol*, each workplace is required to have a Lead Worker Representative (LWR) to work with the employer to prevent the spread of COVID-19 in the workplace. The LWR should work together with the employer and workers to assist in the implementation of and monitor adherence to the measures in the Protocol. The number of representatives appointed will ideally be proportionate to the number of workers.

As workers return to workplaces, the role of the Lead Worker Representative is particularly important.

It is recognised that for many, the return to the workplace will bring with it legitimate concerns regarding the risks from COVID-19. Collaborative and open engagement between employers and workers, based on the *Work Safely Protocol*, can however ensure that workplaces re-open and operate in a manner which prevents the spread of COVID-19.

If concerns arise in the workplace, workers should engage with the employer through the Lead Worker or other representative. If concerns continue about the implementation of the Work Safely Protocol, these may be raised with the Workplace Contact Unit of the Health and Safety Authority ([www.hsa.ie](http://www.hsa.ie)). The HSA will review all contacts received by the WCU in relation to the Work Safely Protocol and will follow-up as appropriate.

Further guidance on other resources and contact points can be found in the Protocol and at [Gov.ie/covid](http://Gov.ie/covid). Employer and trade union representative groups will also be able to provide advice and guidance.

Government inspectorates including the Health and Safety Authority, Environmental Health Service of the HSE, the Department of Agriculture, Tusla, the Sea Fisheries Protection Authority and the Workplace Relation Commission, will continue to carry out inspections in workplaces for compliance with the Work Safely Protocol. These inspections will routinely engage both with management and workers (role of the LWR outlined above). To date over 41,000 inspections have been carried out.

## **After 22 October 2021**

As outlined in *Reframing the Challenge: Continuing our Recovery and Reconnecting*, based on the criteria of at or close to 90% of people aged 16 or over being vaccinated in the coming weeks, and having regard to the incidence and behaviour of the disease at the time, the Government will remove further statutory restrictions from 22 October.

This will mark an important point in how Ireland has managed the COVID-19 pandemic and its impact on employers and workers.

The requirement to work from home will be removed, allowing a return to physical attendance in workplaces on a phased and cautious basis appropriate to each sector. The statutory regime in place to support the protection of public health will also be wound down in line with agreed removal of restrictions.

Ahead of this, further engagement will take place between Government, trade unions and employer representatives, under the auspices of the LEEF, in relation to guidance required for employers and workers following this date, taking account of latest public health guidance and decisions above.

The Government will also continue to implement *Making Remote Work*, Ireland's National Remote Work Strategy which will support employers and employees in ensuring that, following the pandemic, remote working is a more prominent permanent feature in the Irish workplace in a way that maximises economic, social and environmental benefits.