

Work Safely Protocol – Updated Guidance

From December 1, 2020 Ireland will move from Level 5 to Level 3 of restrictions with some exceptions. As a number of sectors will re-open in this stage employers must ensure they have reviewed the revised and updated protocol, termed 'Work Safely Protocol'.

The Work Safely Protocol provides clear guidelines and measures to employers and workers which reflect the evolving public health guidelines and has been developed in consultation with employers and trade unions through the Labour Employer Economic Forum (LEEF) and in collaboration with the Health and Safety Authority, the Health Services Executive and the Department of Health.

The revised Protocol sets out the minimum measures required in every place of work to prevent the spread of Covid-19 and to facilitate the re-opening of workplaces following temporary closures as well as the ongoing safe operation of those workplaces. The focus of the Protocol relates to the support required for employers and workers in putting infection prevention and control (IPC) and other measures in place, to prevent the spread of the virus in the workplace.

The Protocol goes further in outlining sector specific guidance, which is available through the Health Protection Surveillance Centre, and which relates to a non-exhaustive list of sectors all of which are subject to change including; healthcare, social care, retail, meat and food processing, construction, childcare, education and bars and restaurants.

Management and Control of Outbreaks

The Protocol now provides information on management of outbreaks by the local Departments of Public Health citing the requirement of close engagement and cooperation between the employer, Lead Worker Representative, staff, representatives with the worker(s) affected as well as HR's role in liaising with all parties. It also highlights the importance of translating all communications and advices to those whose first language is not English [or command of English language not sufficient to fully understand / comprehend communications].

Additional information has been provided on addressing specific risks and ensuring revised work practices are assessed to avoid inadvertent exposure in the workplace. Other guidance provided under the Protocol relates to the use of face coverings, use of identified teams or pods as well as advice to employers on encouraging employees to use the HSE Covid-19 tracker app.

Reducing the Risk of Exposure to Covid-19 in the Workplace

The revised Protocol outlines steps for employers and workers to take which complement the government's 'Resilience and Recovery 2020-2021: Plan for Living with Covid-19'.

In this regard, employers, in consultation with the Lead Worker Representatives, must take the following steps either for the first time or as part of a need to keep their response to Covid-19 up to date:

- Review and keep their Covid-19 Response Plan up to date.
- Review and update their occupational health and safety (OSH) risk assessments and safety statement.
- Implement and maintain policies and procedures for prompt identification and isolation of workers who may have symptoms of Covid-19.
- Develop, update, consult, communicate and implement workplace changes or policies.
- Implement the Covid-19 Infection Prevention and Control (IPC) measures as they relate to:
 - hand and respiratory hygiene
 - physical distancing
 - pre-return to work measures
 - dealing with a suspected case
 - at risk workers
 - working from home
 - business travel
 - contractors and visitors
 - cleaning and use of PP
 - customer facing roles

Pre-Return to Work Measures

Before returning to work for the first time after a workplace closure, the following steps should be put in place and completed by both employers and workers.

Employers must:

- establish and issue a pre-return to work form for workers to complete in advance of returning to work. This form must now take account of the new EU “traffic lights” approach to travel.
- provide an induction training for all workers on their return to work.
- put in place the necessary controls identified in the risk assessment to prevent the spread of COVID-19 in the workplace.
- implement temperature testing **as and if** advised by Public Health.

Workplace and Community Settings

Contained within the Protocol is guidance for workers to follow the public health advice and as it relates to workplace. Further guidance has also been provided for the interactions of workers in community settings which relate in the main to travel arrangements, whether by car or on public transport, and the practice of IPC measures in these settings.

Occupational Health and Safety Measures and Recommendations

All existing occupational health and safety provisions continue to apply to all workplaces and where the IPC measures implemented require changes to work activities, the employer is required to review and update their occupational health and safety risk assessments and safety statement.

The employer can also use a competent person responsible for managing health and safety (internally or externally) as required to ensure the effective implementation of changes to work activities and the implementation of IPC measures in the workplace.

Mental Health and Wellbeing

The continued focus on mental health and wellbeing supports relates to the provision of support for workers such as:

- Information on publicly available sources of support and advice
- Information about the prevention and control measures taken in the workplace to reduce the risk of infection.
- Access to any business provided Employee Assistance Programmes or Occupational Health service.

Reporting Requirements if a worker contracts Covid- 19

While there is no requirement for an employer to notify the HSA, Covid-19 is reportable under the Infectious Diseases (Amendment) Regulations 2020 by a medical practitioner who becomes aware of or suspects an instance of such disease.

The Protocol now highlights that the Biological Agents Regulations (S.I. No. 572 of 2013) and associated Code of Practice are being updated to take account of the addition of the virus. This Regulation lays down the minimum requirements for protection of workers from risks related to exposure to biological agents at work.

Employers in the Community and Voluntary Sector must ensure compliance with the revised Protocol and should review the document in its entirety for this purpose. The Health and Safety Authority will remain the lead Agency in relation to co-ordinating compliance with the Work Safely Protocol. It will continue to be supported in this role by inspectors from a range of other government departments and State bodies, who have to date conducted approximately 20,000 Covid-19 inspections around compliance.

Disclaimer – The information in this section is provided for reference purposes only to assist Employers with the government protocols and guidance from relevant statutory bodies and must be read in that context and should not be used for or interpreted as a legal definition of any of the information provided. Some of the information provided is per information published on the websites at www.gov.ie, www.hsa.ie, www.dbei.ie. Professional advice should always be sought before making any such decisions.

