

## Living with Covid Plan – Employer Implications

The Government's 'Living with Covid' plan, announced earlier this week, gave little hope to organisations and businesses across the country that the current restrictions are likely to be eased. It confirmed that the current Level 5 restrictions are extended nationally until April 5<sup>th</sup> at the earliest and a cautious approach to reopening the economy is being taken. Employers and organisations were reminded of the role they play in preventing further spread, and while fatigue might be setting in, the primary objective is to remain vigilant and to continue implementing remote working practices.

To help support organisations, the Government extended both the Employment Wage Support Scheme (EWSS) and the Pandemic Unemployment Payment (PUP) until the end of June. While this is welcome news, unfortunately for the not-for-profit sector, it does little to help it get back to fundraising for the services it provides.

### **Government plans**

In its 'Covid-19 Resilience and Recovery 2021: The Path Ahead', the Government outlines its approach to reopening certain parts of society, with a particular focus on childcare and education. There is a strong emphasis on the plans to roll-out vaccinations over the coming months so that consideration can be given to reopening the economy.

As part of the plan, the Government states that if levels of Covid-19 reach "acceptable levels", along with the progress of the vaccination programme, it will look at easing some outdoor restrictions, extending the 5km limit and look at a staggered easing of other restrictions, such as outdoor sports and construction.

The requirement to continue to work from home is still in place and this is unlikely to change in any significant way for months. However, with schools and childcare facilities reopening, it should help take some of the additional pressures and stresses off those working from home and help return to some normality in terms of their 'working day'.

Given the anticipated timeline for the vaccines, employers and employees can start thinking about a return to the workplace in the second half of the year. Organisations should be using this time to ensure robust plans are in place to deal with issues resulting from Covid-19 that they never would have had to deal with previously, such as ongoing risk assessments of remote working, requests to continue to work remotely, and managing employees' return to work.

### **Health & safety obligations – as important now**

Employers still have the same responsibilities under the Safety, Health and Welfare at Work Act, 2005, to provide a safe workspace including equipment for their employees, sufficient training to use this equipment and to do their jobs correctly and safely and to carry out appropriate assessments of any potential risks.

Remote DSE training and Ergonomics assessments have highlighted some risks that have practical and simple solutions. The top three risks<sup>1</sup> identified include overloading multi-socket adaptors, issues with chairs or seating and using laptops without additional equipment.

It is crucially important that employers don't neglect their responsibilities, particularly with the distraction of reopening; this could lead some serious personal injury claims later in the year and into 2022, the financial burden of which could be detrimental to organisations in the Community, Voluntary, Charity and Not-for-Profit sectors.

### **Vaccines and managing employees' return to work**

With the publication of the newest 'Living with Covid-19 Plan' it is a timely reminder to employers to understand the legalities or otherwise when it comes to vaccines and in particular that they cannot mandate employees to take the vaccine. While one would expect employees working in specific sectors, such as healthcare, education and those working with vulnerable individuals, would get vaccinated, it still is a decision for the employee themselves. But employers can take certain measures ahead of any return to the workplace, and now is the opportune time to do so.

Employers should carry out a risk assessment of the workplace and any potential risks that have been identified must be addressed. Correct safety procedures and protocols should be put in place and followed by all employees, whether they have been vaccinated or not. It must also be made clear to employees that they have responsibilities under health and safety legislation as well. Other vaccination considerations for employers relate to that of Data Protection and the avoidance of potential discrimination, which must be considered while respecting individual employee decisions.

### **Request to work remotely**

The Government has given its clear support for employees' right to have more flexible working arrangements and employers from various sectors should be planning for an influx of requests. Now is the time to review work practice policies and procedures and decide if remote working will continue to support the organisational objectives.

Developing a remote working policy will help clarify the criteria by which requests will be assessed, the reasons for accepting or declining requests, trial periods, performance management, rules around IT and expectations of the employees themselves.

So, when employers are considering the Living with Covid Plan and the implications for their own organisation the primary focus should be remaining compliant with current, and expected employment legislation.

While the lockdown continues to impact all sectors of business, particularly the not-for-profit, employers should use the coming months wisely to plan ahead. When the economy does reopen, it is unlikely that it will be the same as it was before.

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<sup>1</sup> Top three risks identified by Adare Human Resource Management in the delivery of remote DSE Training and Ergonomic Assessments.

# Medtronic



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