

Work Safely Protocols – what employers need to know May 21, 2021

As organisations across the country begin to re-open, the Government has issued its latest advice and guidance for employers contained within the Work Safely Protocols, which is updated from the most recent version published in November 2020.

The document is aimed at helping employers re-open safely and contains the latest public health information and advice on antigen testing, vaccinations and ventilation along with other guidance on how to prevent the spread of Covid-19 in workplaces and in the wider community. Given some of the detail included in the Protocol, there are some onerous and costly responsibilities on employers as well as an assumed level of trust that employees will comply with the guidance.

Along with the Protocols, there are a couple of practical key tools to help maintain safe workplaces; Communication and Collaboration - employers and employees have a role in preventing the spread of Covid-19.

Covid-19 Response Plan

Employers should continue to keep their Covid-19 Response Plans updated in consultation with employees. Occupational health and safety risk assessments and safety statements should be reviewed and updated. All risks should be addressed, including individual employee risk factors, such as age or medical history.

The Response Plan should also clearly outline measures to deal with suspected Covid-19 cases and include contingency plans in the event of increased employee absentee rates due to Covid-19.

At least one Lead Worker Representative (LWR) should be appointed, and their role is to work together with the employer to assist in the implementation of and monitor adherence to the measures set out in the Protocol. The identity of the LWR should be clearly communicated within the workplace.

Employers must keep a log to help facilitate contact tracing if required and they must also ensure they maintain up to date contact information for employees. They must also ensure they communicate all necessary public health messaging, including symptoms of Covid-19 and how employees can apply for illness benefit if needed.

Vaccination

Government confirmed that vaccination will remain voluntary and therefore, employers cannot mandate employees get vaccinated. So, it is important employers communicate with employees in terms of the importance of the vaccines while remaining mindful and respectful of an individual's right not to get vaccinated. Integral to this is to plan accordingly by offering other working arrangements where appropriate.

Existing advice remains

Advice and guidance around correct hygiene, social distancing and wearing masks all still remains in place. Also, where possible, employees should continue to work remotely.

Before employers begin returning employees to the workplace, there are a number of steps that they must follow. These include establishing and issuing a Pre-Return-to-Work form that must be completed by employees, the provision of induction training for staff, implement temperature testing and implement Covid-19 testing if required.

Antigen Testing

Rapid Antigen Diagnostic Tests (RADT) detect the presence or absence of specific antigens or proteins on the surface of the virus. There was a considerable amount of media coverage recently when one of the supermarkets decided to sell antigen tests to customers.

The aim of RADTs is to aid the identification cases of Covid-19 and if an employer decides to use these tests, they should also ensure all other public safety measures are implemented.

An employer should seek agreement from their employees before implementing any antigen testing programme in the workplace and any decision for a voluntary roll-out should be done through engagement and consultation with employees.

It is important that any information collected as part of a testing programme is in line with GDPR requirements. It should also be pointed out that an employee can refuse to take part in the programme and not be impacted or discriminated against in any way as a result.

Next steps

The full Work Safely Protocols can be downloaded [here](#). It is very important for employers to familiarise themselves with the protocols and act with caution when managing employees to ensure they are not treated unfairly or discriminated against, while also managing the interests of the organisation.

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