

## Safe Return to the Workplace – importance of compliance & training July 9, 2021

As employees across the country begin to return to the workplace, there remains a number of challenges for employers. The Government's recently updated Work Safely Protocols contains plenty of helpful information but there are cost and practical implications for employers. Most importantly employers cannot lose sight of their responsibilities under the **Safety, Health and Welfare at Work Act 2005** to ensure they remain compliant. Under the Act, employers have a responsibility to ensure a safe working environment. While the efforts over the past 18 months were focused on remote working, employers now have to turn their attention to offices and other workplaces.

### **Work Safely Protocols**

The Protocol document aims to help 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; this is particularly important for those in the not-for-profit sector who work amongst the community.

**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.

The Plan needs to 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 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.

**Vaccination:** Vaccination remains voluntary and therefore, employers cannot mandate employees to get vaccinated and must remain mindful and respectful of an individual's right not to get vaccinated. Again, this does present a challenge if employees are providing community support services, so it is important employers within the non-profit communities communicate with employees in terms of the importance of the vaccine.

**Antigen Testing:** Rapid Antigen Diagnostic Tests (RADT) detect the presence or absence of specific antigens or proteins on the surface of the virus. The aim of RADTs is to aid in the identification of 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. 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.

**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. This is in addition to the standing responsibilities in the Act, which we outline below.

**Existing responsibilities:** Until such time as the return to the workplace occurs employers must be mindful to remain compliant particularly for those employees who are remote working. Under the Act employers are obliged to:

- Carry out an analysis or risk assessment of employee workstations; this applies to the remote workplace or anywhere that the employee happens to be working from.
- Provide information to employees in relation to measures which have been implemented, particularly if there have been changes since they moved to remote working, such as testing as outlined above.
- Provide training to employees in the use of workstations before commencing work with display screen equipment and whenever the organisation of the workstation is modified.
- Perform a further analysis or risk assessment where an employee transfers to a new workstation or significant new work equipment, change of equipment or new technology is introduced at an individual's workstation. Our experience is that many organisations are looking at implementing a hybrid model that involves hot-desking so this is important to note.
- Ensure that the provision of an appropriate eye and eyesight test is made available to every employee.

With the majority of Wheel members and the wider non-profit community continuing to work from home for the moment it is essential that organisations review their health and safety compliance to ensure ergonomically safe working environments remain in place.

With the generous support of Medtronic, Members of The Wheel can now avail of a 50% reduction in the cost of remote ergonomic assessments and Display Screen Equipment (DSE) training. For a limited time only, Ergonomic Assessments and DSE Training, will cost €30 per person instead of €60. Assessments and Training will be carried out virtually in line with the COVID-19 restrictions. Delivered by Adare Human Resource Management, Wheel members who wish to avail of this offer can get more information at <https://www.wheel.ie/covid-19-info-hub/ergonomic-assessment>.