



Circular Letter 0024/2020

To: The Higher Education Authority for dissemination to all Institutes of Technology, Technological University Dublin, the National University of Ireland, the Royal Irish Academy, Mary Immaculate College of Education, the National College of Art and Design and St. Angela's College

COVID-19 (Coronavirus)

The following arrangements apply to all Public Service employees.

The Minister for Education and Skills directs you to implement the regulations and procedures regarding the special arrangements to cater for COVID-19 for staff employed in approved posts funded by monies provided by the Oireachtas.

Ireland has now moved from containment to delay phase of COVID-19.

These procedures are to be implemented by each employer with immediate effect and all staff must adhere to the special arrangements.

The Department reserves the right to change these arrangements at any time to reflect updated public health advice from the HSE.

Please ensure that copies of this Circular are provided to all members of your organisation and its contents are brought to the attention of all staff in your employment including those on leave of absence.

This Circular can be accessed on the Department's website at www.education.gov.ie

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1. Introduction

- 1.1 COVID-19 (Coronavirus) is a virus that can cause illness affecting the lungs and airways.
- 1.2 The employer has obligations under the Safety, Health and Welfare at Work Act, 2005 to ensure the safety and welfare of staff at work.
- 1.3 Employers and employees should follow the guidance set out by the HSE and/or their doctor.
- 1.4 Ireland has now moved **from containment to delay phase** of COVID-19
- 1.5 Circular 0022/2020 is superseded by the terms of this Circular.

2. Purpose of this Circular

- 2.1 The purpose of this Circular is to advise employers of the arrangements for public service employees during the delay phase.
- 2.2 This Circular sets out the arrangements for employees who:
 - have been diagnosed with COVID-19 (section 3);
 - have been advised to self-isolate (section 3);
 - have been advised to self-quarantine (section 4);
 - are in an at-risk group (section 4); or
 - who have childcare responsibilities due to the closure of their child's school or childcare service (section 6).
- 2.3 The Circular also sets out that in order to deliver crucial public services during the delay phase, employees may be required to redeploy or be reassigned to alternative duties such as contact tracing, within their own organisation or to other organisations. Detailed guidance will issue in this event.

3. Special Leave during COVID-19 Illness or Self-Isolation

- 3.1 Under this Circular, an employer has the discretion to grant special leave with pay to an employee where appropriate medical or HSE confirmation of COVID-19 diagnosis or recommendation to self-isolate is provided, in accordance with the HSE Guidelines.
- 3.2 The HSE states that self-isolation means staying indoors and completely avoiding contact with other people. You will need to do this if you have symptoms of coronavirus. The HSE sets out the criteria for self-isolation at:-
<https://www2.hse.ie/conditions/coronavirus/self-isolation-and-limited-social-interaction.html>
- 3.3 Special Leave with pay for employees who are not required to come to work for COVID-19 should be based on **basic salary and fixed allowances only**. This excludes premium payments.
- 3.4 Any special leave with pay granted for the purpose of self-isolation or diagnosis of COVID-19 will not be counted as part of the employee's Sick Leave record. The special leave with pay entitlement will apply for the number of days advised by the HSE/doctor.
- 3.5 Appropriate medical/HSE confirmation of the need to self-isolate and/or a diagnosis of COVID-19 will be required. In the event that written confirmation is not available, the recording of medical or HSE advice to self-isolate will take the form of a self-declaration – see form at Appendix 1. **This does not mean that**

employees can voluntarily choose to self-isolate. Self-declarations should be retained on the individual's personnel file and should be subject to audit.

- 3.6 When granting special leave with pay compliance with provisions of special leave with pay shall apply. In the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide confirmation of self-isolation/diagnosis of COVID-19) existing procedures, including disciplinary measures may be invoked.
- 3.7 The approved special leave should be recorded by the employer as the Department may require statistical data.
- 3.8 Where the employee is already on special leave with pay due to self-isolation and subsequently contracts the COVID-19 virus, then the special leave with pay may continue for the duration of the illness, subject to medical certification being provided to the employer.
- 3.9 Similar to the general principles applying to the management of Sick Leave, the employee must contact the employer where any of these circumstances apply. Also, there should be appropriate contact between the employer and the employee during the period of special leave.
- 3.10 When the recommended period of self-isolation has passed, medical advice and HSE Guidelines should be followed regarding return to work.
- 3.11 Employees on special leave with pay are excluded from claiming the special DEASP COVID-19 illness benefit payment.

4. Self- Quarantine

- 4.1 The HSE defines self-quarantine as avoiding contact with other people and social situations as much as possible. You will need to do this if you are a close contact of a confirmed case of coronavirus or have returned from certain countries and you are still well. The HSE sets out the criteria for self-isolation at:- <https://www2.hse.ie/conditions/coronavirus/self-isolation-and-limited-social-interaction.html>
- 4.2 Where medical advice is that the employee who is not ill should self-quarantine, then the employer should consider flexibility for alternative working arrangements, if this enables the employee to continue working e.g. encouraging working from home, where possible. If the employee does not have access to remote working, employers should explore every possible avenue of making a suitable arrangement. Managers should maintain regular contact with employees in self-quarantine and continue to explore opportunities for work which can be performed at home both inside and outside the organisation as critical services comes under increasing pressure.
- 4.3 As a last resort, on a case by case basis, special leave with pay for employees who are not displaying symptoms but are required to self-quarantine may apply. Arrangements for special leave with pay are set out at Section 3 above.
- 4.4 Appropriate medical/HSE confirmation of the need to self-quarantine will be required. In the event that written confirmation is not available, the recording of medical or HSE advice to self-quarantine will take the form of a self-declaration – see form at Appendix 1. **This does not mean that employees can voluntarily choose to self-quarantine.** Self-declarations should be retained on the individual's personnel file and should be subject to audit.
- 4.5 Where an employee in self-isolation subsequently contracts the COVID-19 virus or is advised to self-isolate, then the provisions for special leave with pay outlined at Section 3 above will apply.

5. At-Risk Groups

- 5.1 There are groups of people who may be at more risk of serious illness from COVID-19. HSE advice in relation to At-Risk Groups is available here: <https://www2.hse.ie/conditions/coronavirus/at-risk-groups.html> Protective self-separation is recommended for a person who is at high-risk of severe illness from COVID-19, when the virus is circulating in their community. This means being extra vigilant with washing hands and avoiding large groups of people both indoors and outdoors.
- 5.2 Under Section 8 Health, Safety and Welfare at Work Act the employer has a duty to ensure employees' safety, health and welfare at work as far as is reasonably practicable. On this basis, employers are advised in the first instance to provide employees with advice in relation to social distancing and to encourage staff to take every day preventative actions to minimise their risk. Employers should advise employees to self-declare if they believe that they are at higher risk and priority should be given to facilitate this group in terms of flexible working arrangements, including working from home.

6. Employees with Child Care Responsibilities due to the closure of their child's school or childcare service

- 6.1 Where such employees can work from home this should be facilitated to the maximum extent feasible. Steps should be taken to increase the scope for remote working and all opportunities and flexibilities need to be exploited.
- 6.2 There are other flexible working options that employers can offer to employees in addition to home working arrangements. These arrangements can support employees to manage caring responsibilities at home (including facilitating shared caring arrangements with partner) and can support segregation of the workforce and social distancing measures. For example, this could include flexible shifts; staggered shifts; longer opening hours and weekend working. These measures will help to keep employees working while they are also managing caring responsibilities.

7. Ordinary Sick Leave

- 7.1 Under the terms and conditions of the Sick Leave Scheme, ordinary illness e.g. viral type respiratory illness should be recorded by the employer on the relevant system. If the employee is subsequently diagnosed with COVID-19, the special leave with pay can be retrospectively applied in lieu of Sick Leave.

8. Closure

- 8.1 If, following HSE advice, an Institution is closed as a result of Covid-19, the employer will continue to pay the employees.
- 8.2 Public Service employers are encouraged to review their business continuity plans in light of the emerging situation.

9. Potential Redeployment/ Re-assignment to Other Duties

- 9.1 As stated, employees will continue to be paid where a Institution is closed. Accordingly, such employees are available for work. Where possible, tuition and other work will be done online or remotely.
- 9.2 In order to meet critical work needs during the delay phase, employees may be asked on a temporary basis to redeploy or be reassigned to alternative duties such as contact tracing, within their own organisation or

to other organisations. This will also apply to employees who need to be at home for caring responsibilities (for example due to school/crèche closure), where temporary assignment to other duties would more effectively facilitate temporary home working or other flexible working options and help deliver critical services. Detailed guidance will issue in this event.

10. Application Procedures for Special Leave with Pay

10.1 In order for the approved special leave to be recorded by the employer to be paid, the employer must be notified of the absence as soon as possible. The relevant information, in line with Section 3 of this Circular, should be provided to the HR Department of the Institution.

11. Data Protection

11.1 All documentation relating to special leave with pay must be retained by the employer with the relevant personnel records in a safe and secure manner and in line with the employer's data protection policy and data protection regulations.