The Government Announcement on the 20 January 2022 indicated that most of the public health measures relating to the control of COVID-19 can be removed.

Following the announcement, the Labour Employer Economic Forum (LEEF) Consultative Group on the Work Safely Protocol convened on 24 January. LEEF confirmed that the transition and return to office working can commence with immediate effect and encouraged employers to engage with employees and to plan and prepare with staff to effect that return in the weeks ahead.

The updated Work Safely Protocol reflects the fact that COVID-19 continues to be present in our communities and the return to office working must be considered in line with obligations under existing Safety, Health and Welfare legislation to provide a safe place of work. Engagement will continue to take place between Government, trade unions and employer representatives, under the auspices of the LEEF, on supporting the transition period and the return to workplaces.

The following questions and answers have been compiled to assist staff to adapt to the next phase of public health guidance and the revision of the Work Safety Protocol on the 31 January 2022, including the transition of many employees back to the workplace. It will be updated as required.

Work Safely Protocol

1. What is the current status of the Work Safely Protocol (WSP)?

The updated Work Safely Protocol, issued by the HSA, is now entitled the *"Transitional Protocol - Good Practice Guidance for Continuing to Prevent the Spread of COVID-19"* and has been circulated together with this document.

The document has evolved from the Work Safely Protocol (last updated on 14 January 2022) and reflects the most recent public health advice and is the current guidance for the safe return and continued safe operating of workplaces.

2. What are the key changes to the new Protocol?

• Updated Protocol is now good practice guidance

• The document eases many requirements on the Institute but says good practices should be maintained

• IADT will continue to maintain good infection control practices, keep a Covid-19 response plan, keep the LWR role in operation in the short to medium term, maintain a designated isolation area, and take into account the needs of high-risk employees

• The general requirement to maintain two metres social distance and to operate pods of six has been removed, but employees should continue to practice this where possible

• IADT does not need to collect contact details of people but may need to provide attendance information as appropriate to Public Health in the event that they are investigating an outbreak in the workplace

• The wearing of face coverings applies to certain settings such as healthcare, transport, retail and public offices and by those serving food and drink. We will continue to encourage the wearing of face masks across campus

3. Who determines the phased return to workplaces?

The Institute can determine this based on engagement with employees, the business needs, workplace preparation and other relevant factors. Each Manager will engage with the staff in their area to identify the return to on campus activity

4. Can we remove physical distancing measures in our workplace?

The requirements to maintain a 2-metre physical distance and to adopt pods of 6 for indoor events have been removed. However, adopting physical distancing in workplaces will continue to be good practice.

In classes, meetings, events, training and staff offices, the continued focus on hand and respiratory etiquette and adequate ventilation are all measures that may continue.

It should also be noted that all changes to control measures need to consider the potential for other COVID-19 variants of concern and/or further outbreaks. IADT is prepared to implement or reintroduce controls accordingly should the guidance change and/or the need arise.

5. Will the Institute need to carry out Contact Logging in the workplace to facilitate Contact Tracing?

There is no longer a formal requirement for employers to maintain contact details. There is however a continued requirement to provide attendance information to the Department of Public Health if they are investigating an outbreak in the workplace.

6. Can we remove the requirement to wear face coverings?

We will retain a requirement for face coverings in IADT in congested areas and where social distancing is not possible.

7. Which sectors/workplaces will still require face coverings?

This is set out in S.I. No. 296 of 2020 (as amended) and S.I. No. 244 of 2020, require the wearing of a face covering on public transport, and in specified locations including some workplaces.

8. Are there other requirements for the use of face coverings?

If an employee is a close contact but does not have to restrict their movements, then they must wear a medical grade face covering for 10 days (FFP3 Masks). This will continue to apply if they are attending the workplace during that period. It should be noted that this may make it obvious that they are a close contact – HR will send out and manage communications and ensure that anyone can choose to wear a mask depending on their own personal circumstances and preferences. HR has a limited number of FFP3 Masks in an emergency for staff if they have a close contact at home.

9. What happens to the Lead Worker Representative (LWR) role?

The Lead Worker Representatives (LWRs)remain in place. Employers and employees will maintain the LWR position for the short to medium term to ensure a shared responsibility to prevent the spread of COVID-19. The retention of this function during the return to workplace process, and while control measures are gradually being removed, will enhance the transition. It will also be useful to have this function available if the public health situation changes in the future.

The LWRs in IADT are Linda Carroll, Turlough Conway and John Montayne.

10. Will COVID-19 inspections continue?

No. However, all workplaces are subject to inspection from the Health and Safety Authority as part of the provisions set out in the Safety, Health and Welfare at Work Act and other relevant legislation.

11. Can employees contact the Health and Safety Authority (HSA) directly if they are concerned about the management of COVID-19 in the workplace?

Yes. Employees can contact the HSA by phone or online through the online complaints form. Complaints will be prioritised on a risk basis and may not require an inspection. Alternative forms of addressing the matter include telephone and/or written communication with the employer/duty holder as appropriate.

12. What COVID-19 related documentation will be required from this point forward?

The Institute is still required to have a COVID-19 Response Plan to reflect the current public health advice and will also need to ensure they have an up-to-date Safety Statement (to include relevant Risk Assessments) as per the requirements of Section 20 of the Safety Health and Welfare at Work Act, 2005. Other relevant records which may also be required may include, but are not limited to, details of workplace inspections and audits, training records, individual risk assessments etc.

13. When is the return to the workplace process expected to be completed?

The process officially commenced on 24 January 2022. The Institute can determine their own timelines as appropriate.

14. Do the general close contact rules that were recently updated continue to apply?

Yes, they remain applicable.

The detailed changes are summarised in the HPSC algorithms:

• Guidance for symptomatic close contacts

• Guidance for asymptomatic close contacts

• Guidance for cases and symptomatic individuals

15. Are we required to conduct individual risk assessments for employees on their return to the

office?

Under the Safety, Health and Welfare at Work (General Application) Regulations, 2007 the employer is required to conduct a risk assessment of each employee's workstation. For risk assessment of COVID-19 in the workplace, assessing each area for risks of exposure should suffice.

Individual risk assessments for sensitive risk groups will continue to be required. These include, but are not limited to, pregnant employees, lone workers, employees in high-risk categories etc.

16. Should pregnant employees return to the workplace?

Pregnancy does not put an employee on the list of "People at higher risk from COVID-19", so the protocols around a high-risk employee returning to work set out in the public health guidance do not necessarily apply. The HR department will ensure the standard risk assessment of the pregnant employee considers COVID-19 as a risk and ensure any relevant controls are implemented. If the employee is anxious about the return to the workplace, it is worth considering a general medical or Occupational Health review for fitness to return or to consider reasonable accommodations, if that is appropriate.

Face Coverings

See also Questions # 6, 7 & 8.

17. When is a medical grade or respirator face mask required?

These are required for individuals in the following circumstances:

• over 60 in indoor or outdoor crowded places

• at higher risk from COVID-19 in indoor or outdoor crowded places

• visiting a healthcare setting

• visiting someone at higher risk of COVID-19

• a close contact - wear this type of mask for 10 days

18. What constitutes a medical grade face covering?

Medical face masks have 3 layers of light, paper-like material. They are usually white on the inside and blue on the outside. They are sometimes called surgical masks or medical-grade masks.

 19. How often should face coverings be changed?

A medical mask should be worn once. The same mask may be worn for a few hours if it stays clean, dry and is well fitted.

Return to Work process

 20. Should we continue to use the Return-to-Work form?

The Return-to-Work Form is no longer a formal requirement.

21. What options do employers have with regard to determining fitness for work post Covid- 19

related absence?

There are a number of options available:

a. A fitness to work certificate from a GP or Occupational Health medical professional

b. Presentation of a COVID-19 Recovery Certificate subject to the conditions outlined at

question 22 below

c. Verification from the employee that they have followed public health advice and can return to

the workplace (the HSA Employer and Employee checklists are available here).

22. Are there conditions associated with using the COVID-19 Recovery Certificate?

Yes. The Data Protection Commission has advised the following:

• The recovery certificate must be obtained by an individual of their own volition and an employer should not seek to compel an employee to obtain or provide a recovery certificate.

• If made available by the employee, the recovery certificate can be processed in a limited capacity by the employer for the purpose of confirming the self-declaration of recovery from illness, obviating the need to obtain of a medical fitness for work note.

• The processing of such documentation will form part of the IADT's general COVID-19 health and safety planning and policies*, which is kept up to date with the guidance and advice of the public health authorities. *(now general Occupational Health and Safety documentation)

23. In light of the updated guidance on managing close contacts, is it now acceptable to ask about vaccination status – including booster status?

No. The Data Protection Commissioner's advice on processing vaccination status has not

changed.

Miscellaneous OHS

24. Can employers provide antigen tests to employees?

Yes- but it should be clarified whether it is part of a company driven (workplace) testing programme or tests that an employee can use on a personal basis. A testing programme should be voluntary in nature and should supplement other control measures, not replace them.

25. Does the latest government announcement affect international business travel?

There is no change to the current measures in place regarding international travel, including the requirement for a Digital COVID Certificate. More details here. From 1 February, for travel purposes, a DCC based on primary vaccination only will expire after 270 days (9 months). An updated DCC can be obtained for those who have received a booster dose.

Updated DCCs are currently being issued. Anyone who has not received an updated DCC can request one through the self-service portal.

Please contact your Manager regarding the latest position on Institute Policy on international travel.

Employment Supports

26. What supports will IADT put in place to support employees' transition from home working to office working?

The transition from home working to on-site attendance is to be carried out on a phased basis and should take account of guidance in the updated WSP and employer responsibilities under Safety, Health and Welfare legislation. The measures that are put in place to manage the risk of COVID-19 transmission in the workplace will be circulated to all staff and managers. Where a staff member is not clear of any aspect of this then they can contact HR for clarification.

Communications can also be issued to address common queries that may arise concerning on-site working. These many include questions concerning lunch facilities, desks, the potential for hybrid working and on-site meeting protocols.

27. We have a number of employees absent due to COVID-19, what evidence does a person

currently need to qualify for Enhanced Illness Benefit?

For the most recent information on the following topics:

• Who qualifies for Enhanced Illness Benefit?

• Who does not qualify for Enhanced Illness Benefit?

• Duration and rates of payment

• What evidence a claimant needs to upload onto mywelfare.ie

Employee Reluctance to Return

28. Do employees have a contractual right to continue to work from home?

This will depend on the terms of the employee's employment contract. Employee's may seek to assert that they have an implied right to work remotely, however the place of work clause in the contract is what governs where the employee carries out their role and this will normally refer to their office/site location.

The Government has published the draft scheme of the Right to Request Remote Working Bill and has indicated the aim that it will be in place by the Summer. However, as currently drafted, the scheme does not provide a right to work remotely, but rather a right to request remote working which can be refused by an employer on the basis of various grounds listed in the legislation.

29. Can an employee refuse to return if they feel that the workplace is not safe?

The Institute will seek clarification as to why an employee has concerns about returning to the office. If the concerns are related to health and safety, the Institute will consider the concern and show that it is either unfounded or has been addressed; and demonstrate that everything practicable has been done to provide a safe place of work with appropriate measures in place to mitigate the risks of COVID-19 infection. This can be demonstrated by following and continuously reviewing public health and Government advice.

30. What mental health supports am I expected to provide to employees who are returning

to the workplace?

 All staff in IADT have access to the Employee Assistance Programme (EAP) for both themselves and their families. This is a confidential support between the caller and EAP. Managers should be "checking-in" with staff by organising one-to-one meetings and general meetings to determine if staff need any supports. Staff, who may not have been on campus since lock down, can come on campus any day of the week in order to have a "walkabout" to see how the campus is and what safety measures are in plance. Be aware also of the Government's In This Together campaign, which is still available. The HSE Minding Your Wellbeing Programme offers online resources for looking after your mental health and MaryAnne O'Carroll is continuing to circulate wellness information

every Wednesday to all staff to support wellness! Staff might also consider having meetings outdoors – e.g. taking a walk or wrapping up and having a coffee outdoors!

31. Do I need to get an Occupational Health assessment conducted for all employees who express concern about returning to the workplace?

As above, HR will try to identify why an employee has concerns about returning to the workplace first. Medical assessments will be appropriate for employees in the very high-risk category. In planning a return to the workplace for employees in the very high risk (extremely vulnerable) category, a fitness for work medical risk assessment may need to be completed with the employee and Occupational Health practitioner and/or the employees medical practitioner. More information on high-risk categories is available here.

32. Can we invoke the disciplinary process for employees who may refuse to return, and we are sure we have exhausted all other measures?

IADT does not intend to implement processes except as a last resort, IADT would prefer to engage positively with staff members, both individually and collectively to enable all staff members to return to campus as soon as possible. However, having exhausted all avenues relating to health and wellbeing, the Institute reserves the right to invoke a disciplinary process where an employee fails to return to work having advised the employee in writing that a continued refusal to return to the place of work amounts to a breach of contract and having been given a final date to return to the office. If the employee still fails to return disciplinary action in accordance with the employer's disciplinary policy may be warranted. Each case should be dealt with on a case-by-case basis.

Additional Resources

• Updated Work Safely Protocol: https://enterprise.gov.ie/en/Publications/Transitional-ProtocolCOVID-19.html

• Gov.ie Covid advice: https://www.gov.ie/en/campaigns/c36c85-COVID-19-coronavirus/

• Gov.ie Close Contact updates: https://www.gov.ie/en/publication/914a6-guidance-on-thepublic-health-management-of-COVID-19-cases-and-close-contacts/

• HSE Close Contact Advice: https://www2.hse.ie/conditions/covid19/contact-tracing/closecontact/

• HPSC Close Contact Algorithm: https://www.hpsc.ie/az/respiratory/coronavirus/novelcoronavirus/algorithms/

• HSE Guidance on Face Coverings: https://www2.hse.ie/conditions/covid19/preventing-thespread/when-to-wear-face-covering/

• COVID-19 Recovery Certificate Portal: https://www.covidcertificateportal.gov.ie/en-US/issuerecovery-cert/

• Data Protection Commission guidance on processing Vaccination Status:

https://www.dataprotection.ie/en/dpc-guidance/processing-COVID-19-vaccination-datacontext-employmenta

• Healthy Ireland, from the Department of Health, provides information on healthier living.

https://www.gov.ie/en/campaigns/healthy-ireland/

• Ibec guidance on mental health and wellbeing in a time of COVID-19 (including the Line

Managers guide to mental health and wellbeing https://www.ibec.ie/employer-hub/COVID19/mental-health-and-wellbeing-in-a-time-of-COVID-19