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## Stratis Consulting FAQ's on COVID-19 Return to Work Safely Protocol

### Introduction

As employers and workers come to grips with the implications of the National Return to Work Safely Protocol published by the Irish Government, some key questions have arisen as employers work through the many issues they have to consider in preparing to reopen as part of the national effort to getting Ireland back to work. These have been prompted by the desire to get businesses back working again in the coming weeks and months in manner which does so safely as the Government's Roadmap for reopening the economy is implemented over the coming months.

Stratis has published a summary only on our website of the key measures set out in the Protocol and full details of the Return to Work Safely Protocol is available at <https://dbe.gov.ie/en/Publications/Return-to-Work-Safely-Protocol.html>

As a result of the Protocol, we would urge employers to take the following initial steps if they are to resume operations in a safe and positive manner:

1. Review the Protocol and adjust any existing measures they have in place or were already being considered to reflect the terms set out.
2. Decide on the appointment of at least one 'worker representative'
3. Decide on the COVID-19 response management team.
4. Provide information, guidance, and training (as will be necessary for particular roles) to ensure everyone knows what is expected.
5. Review all workplace practices and put the necessary plans in place to ensure compliance.
6. Decide and implement any physical changes that will be needed to follow the Protocol.

**Stratis has prepared responses to priority questions that have been raised with us by clients since the Protocol was published which are set out below:**

#### Q. 1 What do we have to do about Temperature Checking?

The Protocol states that the employer must implement temperature testing in line with Public Health advice. However, please be aware that currently, Public Health advice does *not* require an employer to put in place mandatory temperature checking, other than for those working in healthcare / residential care sectors. Please keep up to date with Public Health advice on this sensitive topic and where employers introduce temperature checking, they should be careful to take account of GDPR requirements associated with the handling of personal data, health information and other sensitive data.

#### Q. 2 What does an employer do to support 'contact tracing'?

Under the Protocol, an employer is to keep a log of contact/group work to facilitate contact tracing and inform workers and others of the purpose of the log. It will also be necessary to have a means of recording site visits by visitors, contractors, and workers. Further guidance is also available from the National Standards Authority of Ireland on operating safely in the context of C-19.

#### Q. 3 What training needs to be given to employees?

This is a major focus of attention under the Protocol. Induction training will need to be given to contractors and visitors and for some employees such as an employee designated as a 'Worker Representative', Line Managers and members of the C-19 Management Response Team, appropriate training should be given for their roles on the implementation of the measures in the Protocol. Otherwise, all employees will need to be trained on:

1. The Public Health guidance and advice along with any sector specific advice as may be available and relevant to the sector.
2. What a worker should do if they develop symptoms of COVID-19?
3. Details of how the workplace is organised to address the risk from COVID-19.
4. An outline of the COVID-19 response plan.
5. Identification of points of contact from the employer and the workers.
6. Reporting mechanisms required by the employer if measures are not being followed.
7. Any other sector specific advice that is relevant.

Employees should also be advised that it will be necessary for the employer review and revise existing sick leave or other policies which will need to be amended as appropriate to take account of the implications of the Protocol, whilst it remains effective.

#### Q.4 Does the 'Return to Work' form need to be done before the employee returns?

Yes. Under the Protocol, before returning to work, the employer must establish and issue a pre-return to work form for workers to complete at least 3 days in advance of the return to work. This form should seek confirmation that the worker, to the best of their knowledge, has no symptoms of COVID-19 and confirm that the worker is not self-isolating or awaiting the results of a COVID-19 test. Workers must complete and return the pre-return to work form before they return to work. The specific questions which need to be asked are set out in the Protocol.

The forms should be signed and dated and can be done online if that option is available. The employer should arrange to have a person coordinate this process. It is also important to ensure that procedures are in place for the secure retention of these records at least for the period whilst the Protocol is effective.

#### Q.5 How can we provide induction training?

This needs to be provided and can be done in advance of employees returning to the workplace and so where people have been working remotely, could be done online. If this can't be done online, then it will need to be organised in small groups whilst observing social distancing. Those involved should be asked to confirm in writing that the training was received by them.

#### Q.6 What is the implication for an 'Essential Business' that has continued to operate?

The Protocol is not intended to replace the existing measures that essential businesses, which have continued to operate, have already implemented. However, it is important that these businesses review their existing measures to adjust them to ensure they are in line with the terms of the Protocol. Equally, there is nothing to preclude an employer or a sector from putting in place enhanced arrangements provided they at least conform to the Protocol.

#### Q.7 Who should be appointed as a Worker Representative?

Each workplace is to appoint at least one lead worker representative charged with ensuring that C-19 measures are adhered to in their place of work. The focus here is on the health and safety issues in preventing the spread of the virus and the employer should be proactive in putting arrangements in place. A person who is an existing Safety Representative or is a Safety Committee member, or part of an Emergency Response Team or another employee who is willing to volunteer for appointment with a knowledge of the work environment could be considered.

#### Q.8 What does the Protocol say about cleaning of work areas?

The Protocol states that the cleaning of work areas must be conducted at regular intervals. If disinfection of an area is required it must be performed in addition to cleaning, never as a substitute for cleaning. There is a need to ensure contact/touch surfaces such as tabletops, work equipment, door handles, and handrails are visibly clean at all times and are cleaned at least twice daily. Workers should be provided with essential cleaning materials to keep their own workspace clean.

#### Q.9 What is the role of the Employee under the Protocol?

Helpfully, the Protocol makes it clear that workers should follow the public health advice and guidance, as well as any specific direction from the employer. They should also adopt good hygiene practices, such as frequent hand washing, respiratory etiquette and physical distancing to protect themselves and their work colleagues against infection and should seek professional healthcare advice if unwell.

If a worker has any symptoms of COVID-19, they should not attend work. Workers should also avoid making contact with their face and in particular their eyes, nose and mouth.

Employees should be reminded of their obligations under the Safety, Health and Welfare at Work Act 2005 and the potential consequences should they not adhere to the arrangements being put in place to adhere to the Protocol which could result in disciplinary proceedings.

#### Q.10 How is the Protocol enforced?

The Protocol does not specify enforcement measures applicable, but it is stated that the Health and Safety Authority (HSA) have been charged with oversight and enforcement with its procedures normally involving guidance in the first instance. However, the HSA has extensive powers of inspection and enforcement under the Safety, Health and Welfare at Work Act 2005, if health and safety measures are not being implemented. The terms of the Protocol are in addition to those health and safety measures required under the 2005 Act.

It should be emphasised that the Protocol is also predicated on the need for collaboration, good communication and training at the level of each workplace to achieve compliance. The Protocol is supported by Ibec, Chambers Ireland, the CIF and by the ICTU.

#### **Stratis is here to help you navigate this period of uncertainty**

We hope you find this FAQ helpful and as always, if we can be of any assistance to you in supporting you in your efforts to deal with C-19, please do get in touch. Meeting the terms of the Protocol will be a challenge for many organisations and will give rise to additional costs to implement and to maintain. For every business, the roadmap to reopening will be complex and challenging.

If you would like to talk to us about any of the above issues, please get in touch with me at [brendan.mcginty@stratis.ie](mailto:brendan.mcginty@stratis.ie) or any one of our Partners.

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