

The big return: consult reps and proceed with caution, employers told

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The revised government advice on Covid-19 safety in the workplace says that employers should continue to consult with workers or trade unions on safety issues, as well as addressing concerns regarding plans for a phased return to work premises.

The advice from government continues to stress the need for consultation and caution, and says there is nothing to prevent employers from keeping safety measures in place on a voluntary basis, following consultation with staff reps.

Employees' longstanding arrangements for childcare, eldercare and other aspects of balancing work and family responsibilities should be taken into account by employers planning a phased return, the revised protocol says.

Publication of these "transitional" arrangements as they are referred to, followed consultation with employer and employee representative groups, including ICTU and Ibec – members of the LEEF. This followed the surprise announcement on January 21st on the removal of most, but not all, Covid-19 restrictions.

CONSENSUS ON TONE

IRN understands that Ibec and ICTU were able to come to a consensus on the wording and, perhaps more importantly, the tone of the "transitional" document, which might best be described as an approach based on common sense. It takes account of the sensitivities of those returnees who, more than others, may have good reason to fear a return.

Moreover, the members of LEEF, which includes departmental officials, know that the Covid story is far from over, so dismantling a system that has worked well would be not only risky, but ignore the probability of further waves and new variants.

ADAPTING

Announcing the publication of the *Transitional Protocol Good Practice Guidance for Continuing to Prevent the Spread of Covid-19*, the Tánaiste and Minister for Enterprise, Trade and Employment, Leo Varadkar, said that because they could relax almost all restrictions and the phased return to the workplace has begun, "our guidance to employers is changing".

IRN's sister publication, HSR, says the guidance can be divided into three sections, "the restrictions that remain, the restrictions that have been removed and what is purely guidance". Meanwhile, the protocol will be reviewed and updated as necessary.

The remaining restrictions include the need for face masks on public transport and in taxis, retail premises, public offices, and in premises where food is prepared and served on the premises. But this statutory requirement only remains in force until February 28, at which point it will be reviewed.

LEAD REPS

Noting the "key role in each workplace since the pandemic began" played by Lead Worker Representatives (LWR), employers and employees are "encouraged to maintain this role in each workplace, with at least one LWR in place charged to ensure that a shared responsibility to prevent the spread of COVID-19 ... continues for an appropriate transition period".

The LWR, together with the COVID-19 response management team, "should support the implementation of any new or revised IPC measures required".

"As a phased return to the workplace commences, workers may be particularly concerned about returning to the physical workplace and employers should consult and address concerns where appropriate", the protocol says.

EMPLOYERS CAN INSIST

HSR says that in strictly contractual legal terms, the employer can insist on workers attending the workplace as stipulated in their contract of employment. But it adds: "This is definitely not encouraged and employers are called upon, in consultation with employees, to finalise long term arrangements for blended or remote working."

Employers no longer need to maintain a contact log with details of workers and visitors, but they may need to provide attendance information to local public health officials who are investigating outbreaks of Covid-19.

The Tánaiste stressed the importance of ventilation, which "suggests ventilation will be high on HSA inspectors' checklist when inspecting workplaces, as will hand hygiene and respiratory etiquette," HSR says.

Employers are also advised should keep a Covid-19 response plan in place.

BALANCING RISK

Ibec Director of Employer Relations, Maeve McElwee, cautioned that the phased return to office working or the removal of public health restrictions such as physical distancing "must be considered in line with obligations under existing Safety, Health and Welfare legislation to provide a safe place of work".

She said that Ibec encourages employers to give effect to the updated guidance, “in line with their own Covid-19 risk management and safety requirements to meet the pace of return in their organisation and in consultation with their own teams.”

Revised Protocol available here: <https://enterprise.gov.ie/en/Publications/Publication-files/Transitional-Protocol-Good-Practice-Guidance-for-Continuing-to-Prevent-the-Spread-of-COVID-19.pdf>