



REOPENING YOUR WORKPLACE

Guidance Notes and Frequently Asked Questions

As the government has now published its Roadmap to Reopening Business and Society, you should have a clearer idea of when your business operations can resume.

The timelines will vary depending on what industry you're in, but it is a good idea to begin planning for reopening because whenever you reopen your business, you will do so with a changed workforce and a new set of employment challenges.

The principal challenge which should inform all your decisions will be ensuring that workers have full confidence that their health will be protected.

The government published the Return to Work Safely Protocol on Saturday 9th May. This document sets out mandatory health protection measures that all businesses need to implement as part of the national effort to mitigate the spread of COVID-19.

To help you meet the challenge of reopening head on, we've prepared the following replies to frequently asked questions.

What is the Return to Work Safely Protocol?

The Return to Work Safely Protocol is a government document outlining various measures aimed at mitigating the spread of COVID-19 in the workplace.

The Protocol is mandatory and all employers will need to put all relevant measures into practice. Broadly

speaking, this will mean all businesses will need to adapt their workplace procedures and practices to some extent or another to comply fully with the new public health protection measures.

The document sets out in clear terms the steps employers and workers must take before a workplace reopens, and while it continues to operate.

What are my obligations under the Return to Work Safely Protocol?

The main employer obligations under the protocol are:

- Appoint a lead worker representative to ensure buy in with staff.
- Develop a COVID-19 response plan.
- Develop a procedure to identify and isolate symptomatic employees.
- Update employment policies and inform staff.
- Have employees complete a return to work form confirming their health status.
- Put plans in place to ensure hand hygiene, respiratory hygiene and physical distancing.

The full details of the protocol are beyond the scope of this document and expert health & safety advice is recommended to ensure full compliance with the terms of the protocol. These measures are



mandatory for all businesses and will be enforced by the HSA.

Which employees should return to work first?

It is unlikely for most businesses that all employees will be able to return to the workplace at once. You should consider what employees, departments, groups, or units should return first based on business needs,

compliance with ongoing restrictions regarding “essential business,” and compliance with health precautions such as social distancing. The legitimate business reasons behind your selection of what employees return to work first should be documented to provide evidence of non-discriminatory selection criteria if later challenged.

What social distancing protocols do I need to implement?

You will need to comply with all government directives on social distancing as your workplace reopens.

You will in all likelihood have to consider staggering work hours and alternating days of work for different groups, shifts or teams of employees to reduce the number of employees on site.

You may need to consider the following precautions:

- Evaluate workplace layouts and consider making certain stairways and hallways one way if social distancing guidelines cannot otherwise be met.
- Use plexiglass shields, tables or other barriers to block airborne

particles and ensure minimum distances in the workplace.

- Develop protocols to avoid crowding in elevators.
- Close or modify certain common areas, such as lunch rooms, time clock stations and workplace fitness centres so that employees can socially distance.
- Erect physical barriers and implement rules to limit sharing equipment and supplies. These rules might require you to be prepared with additional equipment and supplies before beginning to bring employees back onsite.
- Change latch-based door handles so doors open or close through use of an “electric eye” or with a push of the door or a button or push pad, which may also assist with ongoing deep cleaning protocols.

Can I allow employees to continue to work remotely?

Yes. You should consider which employees may be able to continue to work remotely to allow those who need to be in the workplace to practice social distancing. Establishing flexible worksites will assist increasing the physical distance among employees. Additionally, we anticipate that many employees may request to continue working remotely despite employers reopening worksites. You should consider in advance how you will handle such requests, taking into account your obligations to treat all employees equally under employment equality legislation.



Do I need to put new health and safety systems in place before employees return to work?

There are certain logistical considerations you should consider when preparing for the physical return of your workforce.

You will need to consider what supplies may be needed to facilitate a smooth return to work, keeping in mind any issued government guidance.

For example, you should pre-order (taking shipping time into consideration) products including hand sanitizer, paper goods, sanitizing wipes, bottled water, face masks, gloves, etc. Special cleaners may need to be ordered, and personal protective equipment (gowns, gloves, masks) may be needed for any individuals who clean or remove garbage.

You should consider what supplies will allow employees to minimize time spent in common areas. Additionally, individual workspaces should be prepared with necessary supplies to eliminate the need for employees congregating in a supply room.

You may want to implement a bring-your-own-refrigerated-lunchbox policy to limit use of common refrigerators.

You will need to determine if changes need to be made regarding lactation rooms to ensure strict compliance with thorough sanitization protocols.

You will also have to consider adding additional hand washing stations.

Finally, you should prepare signage and other instructions for employees and visitors to their facilities to avoid any confusion related to containment practices upon reopening.

Are employers required to modify the physical workplace?

It depends. You should analyse whether certain workplace modifications are required to maintain social distancing and compliance with other government-issued guidelines. If returning a single department, unit or group is a priority, you need to consider whether you should implement new seating or work arrangements.

Conduct a detailed evaluation of the physical workspace layout. If any employees work at stations that are within 6 feet of each other, make reassignments to different stations to ensure the minimum distancing — and for employees who work alongside each other on a regular basis, increase the goal to keep these workers 2 metres apart. If available space does not allow this much separation, evaluate options for staggering schedules as an alternative or adding physical barriers between stations.

You should also consider whether furniture or work equipment can be reconfigured to facilitate social distancing. For example, removing tables and chairs in meeting, lunch or break rooms may facilitate social distancing. Pay special attention to areas where printers, copiers and other types of shared equipment are located, and consider moving the equipment or designating a single employee to



operate that equipment, distribute print-outs, etc.

You might also consider assigning working groups to different teams and having each team work in a different area of the worksite; this may also assist in providing backup in the event that any working group member tests positive for the virus or reports a direct exposure event.

Am I required to maintain new cleaning or hygiene regimes?

We recommend that you deep clean the workplace prior to any employees returning, both as a containment measure, and to help employees feel more comfortable about returning onsite. If there is a skeleton crew in the workplace, try to contain those employees to a specific area while this deep cleaning process is underway so that the occupied area can be cleaned immediately prior to additional employees returning. Food should be removed from common areas and kitchen or break areas.

You may need to schedule daily or weekly deep cleans after employees return. A deep clean is advised whenever an onsite employee reports being positive or presumptively positive for COVID-19. You should provide disinfectants throughout the workspace for employee use in wiping down surfaces.

Am I obliged to provide personal protective equipment to employees?

If government guidelines dictate that employees require personal protective

equipment, you should either reimburse employees if they sourced their own or provide it to employees.

If an employee fails to bring the issued personal protective equipment several times over a relatively short time frame, you should document their behaviour and use your internal disciplinary procedures to ensure it doesn't continue.

You will have to provide personal protective equipment to all relevant staff and ensure no one receives different treatment.

How are my health and safety obligations affected when I open back up?

Employers have a duty under the Health safety and Welfare at Work Act 2005 to make sure they provide a safe workplace. The risk of employees contracting COVID-19 in the workplace will need to be factored into risk assessments.

At the same time, it will be hard for an employee, client or customer to prove they were exposed to COVID-19 at the workplace, rather than the dry cleaner or the supermarket.

You should only restart operations with safe, secure and sanitized workplaces to protect all employees working in line with government guidance and where relevant with unions on the procedures.

There's no one size fits all approach for the kinds of decisions involved in reopening a workplace during a pandemic, which range from workplace travel policies to how to monitor employees for coronavirus symptoms.



Each business has its own risks to consider. A meatpacking plant or a retail outlet needs people on the floor. These types of business face a different challenge to a tech company that has fully transitioned to a remote working model.

How do I know staff are fit and healthy enough to return to the workplace?

This question highlights the sort of issues that will arise in the different world we now live in.

You should deal with employees on a one on one basis. You need to bear in mind that the Employment Equality Acts protect employees with medical conditions against discrimination by their employers.

You are likely to need to carry out some form of health screening and maybe even carry out temperature checks.

If employees do reveal medical information it is vital that you keep it private.

When discussing these matters with employees, it's vital to be transparent and to reassure employees that you are doing everything to ensure their safety and health.

You could consider asking employees to provide a doctor's note certifying fitness for duty when affected employees return to work.

Doctors and other health care professionals are likely to be too busy during and immediately after a pandemic outbreak to provide fitness-for-duty documentation.

Therefore, new approaches may be necessary, such as reliance on local

clinics to provide a form, a stamp, or an e-mail to certify that an individual does not have the virus.

What do I do about anxious employees?

Where workers are coming in daily, you will need to reassure any nervous employees that you aren't putting them at risk by asking them to return to work.

You can demonstrate your commitment to safety by emphasizing efforts to deep-clean workspaces, making hand sanitizers and protective gear available, and restricting the number of visitors.

The phased return to work and new workplace layouts described above will further demonstrate that you are prioritising employee health.

Employee safety has to be the priority during the initial return to work period.

Will I need to update my risk assessment?

Most definitely. It is vital that you establish whether there are adequate safeguards in place to reduce the risk of employees contracting the virus, particularly those employees who may be particularly vulnerable to contracting the virus (e.g. employees with pre-existing respiratory issues, older employees, employees who are pregnant).

Some people might feel they do not want to go to work if they're afraid of catching coronavirus. This could particularly be the case for those who are at higher risk.

You should listen to any concerns staff may have and take steps to protect everyone.



For example, they could offer extra car parking where possible so that people can avoid using public transport.

If an employee still does not want to go in, you may agree to allow them to arrange to take time off as holiday or unpaid leave.

If an employee refuses to attend work without a valid reason, you may need to consider disciplinary action.

What do I do if employees are refusing to attend the workplace?

There may be risk factors which justify an employee's decision to self-isolate. If so, options such as working from home or availing of some type of leave (e.g. annual leave, paternity leave, unpaid leave and so on) may be agreed with the employee.

If not, clear communication with employees is important so they understand that they are expected to attend for work and if they do not, they may be considered to be on unauthorised and unpaid absence.

This is particularly relevant where employees cannot work from home and are needed in their workplaces to keep key services and functions operating in transport, retail, medical and other frontline sectors.

Again, consistency is important to avoid setting unmanageable precedents.

What questions can I ask employees about their symptoms?

You are permitted to ask employees whether they are experiencing any COVID-19 symptoms, such as a fever, chills, cough, shortness of breath, body aches, sore throat, or other symptoms identified by the HSE.

Employers may require that employees answer questions or provide certifications concerning their experience of any COVID-19 symptoms or their exposure to individuals with confirmed cases.

Employers may do this on a daily basis or at other intervals, as well as when an employee calls in sick, and must maintain information as a confidential medical record. Employers should be careful not to ask health questions that are unrelated to COVID-19, including asking about underlying medical conditions or symptoms not associated with COVID-19. (For the purpose of determining whether an employee should be permitted to remain at home, employers can ask employees to certify as a general matter that they have an underlying health condition that heightens their risk of harm if they were to contract COVID-19.)

Summary

The mass change to remote work was and continues to be disruptive and chaotic. However, the return doesn't have to be. Now is the time to plan and prepare your strategy for repopulating your workplaces and ensuring the right people regain access to the right places when it is safe to do so.

While there are still many unknowns, we should consider and prepare for a change in how we approach workplace access going forward. When the time is right, you can re-open your facilities and welcome your workforce and visitors back in an orderly, safe manner with minimal interruptions.

Useful links

Updates from the Department of Health



PENINSULA

<https://www.gov.ie/en/campaigns/c36c85-covid-19-coronavirus/>

<https://www2.hse.ie/conditions/coronavirus/coronavirus.html>

The Health Protection Surveillance Centre

<https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/>

Business Continuity Planning

<https://dbei.gov.ie/en/Publications/Business-Continuity-Planning-A-checklist-of-Preparatory-Actions-in-Responding-to-the-COVID-19-Outbreak.html>

The Return to Work Safely Protocol

<https://dbei.gov.ie/en/Publications/Publication-files/Return-to-Work-Safely-Protocol.pdf>

Contact the Peninsula Group

Occupational Health intervention and Employee Assistance Programmes are essential tools to effectively manage absence in the workplace, to support staff and to add value to your business. We can provide you with the details of Health Assured, a company who can provide such services. For further information please speak to your HR Expert and visit:

<https://www.healthassured.org/ie>

For all other queries call 1890 253 104 to speak with one of our HR and Health & Safety experts.

Need Further Advice?

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