

COVID-19 Ireland Update: Revised Work Safety Protocol – Update for Employers in Ireland

On 31 January 2022, the Irish government published the Transitional Protocol: Good Practice Guidance for Continuing to Prevent the Spread of COVID-19 (the "Transitional Protocol")¹. This is the third significant announcement in one week. See our recent updates on Changes to the Public Health Advice² and the new Right to Request Remote Work³. This new Transitional Protocol is another significant development. Below we have set out the five key points to note for employers in Ireland, as they gradually re-open their workplaces:

Physical Distancing is No Longer Mandatory but Recognised as "Good Practice"

- The Transitional Protocol acknowledges that the general requirement for physical distancing of two metres has now been removed.
- However, public health advice for the individual, and for sectors, notes that adopting a physical distance continues to be good practice and the Transitional Protocol also recognises that employers may choose to maintain some of the practices that were in place based on the Work Safety Protocol for the transition back to office working.
- In meetings, events or training, the continued focus on hand and respiratory

etiquette and adequate ventilation are all measures that may continue.

Face Masks are Not Mandatory but Employers Should Take a Common Sense Approach

- The legal requirement to wear a face mask remains in place only for specific settings (e.g. healthcare, public transport, retail premises, etc.).
- While there is no legal requirement to do so, the Transitional Protocol states that it is still good practice to continue to use face masks in crowded areas, where employees use or share work vehicles or for high risk individuals, and employers are advised to continue to support and facilitate the use of face masks by employees who may wish to continue to use them.

Close Contacts Lists No Longer Mandatory but Employers Encouraged to Co-operate

- The Transitional Protocol recognises that the need to formally maintain contact details has been removed, however, it is also acknowledged that employers may need to provide attendance information to the Department of Public Health as appropriate.

¹ <https://www.gov.ie/en/publication/63ba6-transitional-protocol-good-practice-guidance-for-continuing-to-prevent-the-spread-of-covid-19/>

² <https://maples.com/en/knowledge-centre/2022/1/five-things-employers-need-to-know-about-changes-to-the-public-health-advice>

³ <https://maples.com/en/knowledge-centre/2022/1/the-right-to-request-remote-work-update-for-employers-in-ireland>

Employee Consultation Still Necessary and Recommended

- Employers are encouraged to maintain the lead worker representative ("LWR") role and the Transitional Protocol suggests that at least one LWR should remain in place to ensure that a shared responsibility to prevent the spread of COVID-19 in the workplace continues.
- The Transitional Protocol acknowledges that as a phased return to the workplace commences, some employees may be particularly concerned about returning to the physical workplace and employers should consult with these employees and address their concerns as appropriate.

Work From Home Instruction Rolled Back but on a Phased Basis

- A phased return to the workplace has been announced and employers are encouraged to engage with employees and their representatives as they start to put this arrangement in place.
- As noted above, it is acknowledged that some employees may be particularly concerned as the phased return to physical attendance commences, and employers are advised to consult with these employees and address their concerns where appropriate.
- The Transitional Protocol states that the Irish government will continue to implement the Making Remote Work strategy to ensure that remote working is a permanent feature in Irish workplaces following the pandemic, and employers are encouraged to start to develop or finalise their long-term arrangements for blended or remote working.

The Transitional Protocol has been prepared to ensure the continued safe operation of workplace and to support the transition back to physical attendance in the workplace, and reflects the Irish government's announcements on 21 January

2022 with respect to the easing of COVID-19 restrictions in Ireland. Employers are encouraged to keep a COVID-19 Response Plan in place and up-to-date.

The focus of the Transitional Protocol is on personal responsibility and employers and employees alike are encouraged to be supportive of continued good practices such as hand washing, respiratory hygiene and ventilation in the workplace in order to maintain a safe working environment for all.

For further information, please reach out to your usual Maples Group contact or any of the persons listed below.

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