The [National Return to Work Safely Protocol](https://www.gov.ie/en/publication/22829a-return-to-work-safely-protocol/) (“the Protocol”) was published on Saturday, 9 May 2020. Minister for Business, Enterprise and Innovation, Heather Humphreys TD, stated that;

“*this Protocol is a critical component of the Government’s Roadmap for reopening the economy as we gradually lift the COVID-19 restrictions. It very clearly sets out the steps that businesses and workers should take to ensure that they can return to work safely*”.

Minister Humphreys added that “*this Protocol is* ***mandatory*** *and it applies to all workplaces right across the economy*”.

The Protocol describes the steps that employers and workers are to take in order to reduce the risk of the spread of COVID-19 in the workplace. It is designed to be a fluid document and therefore employers and workers are advised to keep up-to-date with the latest measures introduced by the Government and any advice issued as a result.

**The Protocol, which as stated by Minister Humphreys is mandatory for employers, sets out a range of guidelines to include:**

**Engagement, Communication and Training**

The Protocol emphasises that the key to safe and continued return to work requires strong communication and a collaborative approach be taken between employers and workers. At least one lead worker representative must be appointed, whose role is to work with the employer’s COVID 19 Response Management Team to assist in the implementation of measures and monitor adherence to the policies and procedures put in place in compliance with the Protocol. The number of representatives should be proportionate to the number of workers in the workplace. The worker representatives must also be clearly identifiable.  The employer is to provide the worker representatives with all necessary training to assist them in their roles. The employer should also utilise their safety representatives to ensure the effective implementation of required changes to work activities.

**Getting back to work – Steps to be taken**

The Protocol provides that before employees return to work employers are to develop and/or update their COVID-19 response plan. This should include updates to health and safety risk assessments and safety statements. Employers need to take into account workers individual risk factors such as older workers or the presence of underlying medical conditions. Risk assessments should identify the risks to employees and detail the measures and controls necessary to reduce the spread of COVID-19 in the workplace.

A response plan also needs to be prepared to deal with a suspected case of COVID-19 in the workplace. It should set out the identity of individuals on the response team, the procedures to be followed, to include employees reporting to management immediately if they develop any symptoms while at work, and that an isolation area is to be provided. A log should be created of contact/group work to facilitate contact tracing. Employees and other workers must be advised of the log.

Information on the symptoms of COVID-19 must be displayed in the workplace as should other up-to-date guidelines such as those issued by the HSE. Workers are to be trained on the process they are to follow if they develop symptoms of COVID-19 while at work. Workers should be advised to manage their own well-being and to self- isolate at home and contact their GP if they do display symptoms.

The Protocol provides that employers need to review and revise existing sick leave policies. If an Occupational Health Service is provided they should be available to address any worker concerns and provide training on hygiene, social distancing and any other measures implemented to reduce the spread of COVID-19. The lead worker representative is to be involved in communicating health advice around COVID-19 in the workplace. Employers are expected to agree through negotiation with workers and/or trade unions any temporary restructuring of work patterns that may be required to implement COVID-19 prevention measures.

**Pre-Return to Work Forms and Inductions**

The Protocol sets out that employers must prepare and issue a pre-return to work form for workers to complete at least three days in advance of employees returning to work. The pre-return to work form should ask the worker to confirm that, to the best of their knowledge, they have no symptoms of COVID-19; are not self-isolating, and/or awaiting the results of a COVID-19 test.

Pre-return to work induction training is also to be provided to all workers. The induction, among other matters, should include:

* the latest up-to-date Public Health advice.
* the Company’s Response Plan.
* the process to be followed should an employee develop COVID-19 symptoms (in and outside of the workplace).
* details of the measures that have been put in place to address the risk of COVID-19.
* a contact person within the employer that workers may contact should any issues arise.

All measures detailed in the Protocol and further controls identified in the risk assessment must be put in place **prior** to the employees returning to the workplace. The Protocol also provides that employers should implement temperature testing in line with Public Health advice.

Obligations are placed on workers to complete and return the pre-return to work forms. Workers must disclose any other matters that would impact on their safe return to work, to their employer, and stay out of work until all symptoms have cleared.  Workers must also complete the induction training. The Protocol provides that workers must comply with any temperature testing which is implemented by the employer in line with Public Health advice.

**Hygiene, Physical Distancing and Mental Health**

The Protocol provides that employers must ensure that appropriate hygiene facilities are in place and make available advice, information and training on how to perform hand and respiratory hygiene effectively. Relevant posters and information must be displayed in the workplace.

Employers need to provide physical distancing of two metres across all work activities. The Protocol sets out a number of ways this can be achieved, to include:

* no handshaking policies.
* where office work is essential employers should free up capacity so that physical distances can be maintained.
* organise workers into teams who consistently work and take breaks together.
* organise breaks in such a way that physical distancing can be maintained.
* reorganise and rearrange work and break areas.
* stagger canteen use and extend serving times. Consider closing canteen facilities if Public Health measures cannot be facilitated.
* implement queue management systems and card payment methods where practicable.
* prevent gatherings of workers in the workplace at the beginning and end of working hours.
* conduct meetings where possible using remote means.

Where the two metre worker separation cannot be ensured alternative protective measures should be put in place. Examples include:

* physical barriers such as clear plastic guards between workers.
* maintain a distance of at least one metre or as much as is reasonably practicable.
* minimise direct worker contact and provide readily accessible hand washing facilities.
* make facemasks available to workers in line with Public Health advice. However, the Protocol states that the wearing of facemasks is not a substitute for the other measures outlined above.

The Protocol outlines that office work should continue to be carried out from home where practicable. Working from home policies are to be developed in consultation with workers and/or trade unions.  Employers are expected to allow at risk or vulnerable workers to work from home where possible. If they cannot work from home employers must ensure that at risk workers are preferentially supported to maintain physical distances of two metres.

In terms of business travel and visitors, the Protocol advises that business trips and face to face interactions should be kept to a minimum with technological alternatives being made available. For necessary work trips the use of the same vehicle for multiple employees is discouraged. Only essential visitors should be permitted into the workplace and induction training is to be provided to those individuals. A system for recording visitors to the workplace and also visits by the employees to other sites must be out in place.

The Protocol provides detailed guidance on cleaning and the use of PPE in line with Public Health instructions and also outlines additional measures that should be put in place to protect workers in customer facing roles.

The Protocol highlights that many workers may have gone through traumatic events during the crisis and may also be fearful of returning to the workplace. It calls on employers to put supports in place for workers who may be suffering from anxiety or stress and provide information on publicly available sources of support and advice. As prescribed above employers should also outline the measures that they have put in place to reduce the risk of infection in the workplace. Employers need to ensure workers are made aware of and have access to any available Employee Assistance Programmes or Occupational Health Services.

**Role of the Health and Safety Authority**

The Health and Safety Authority will be the lead agency in terms of overseeing compliance with the Protocol. Minister Humphreys has stated that the HSA’s Inspectors will take a collaborative approach and provide advice and support to employers and employees on how they are implementing the required measures in the workplace.  Under the Safety, Health and Welfare at Work Act 2005, and as emphasised by Minister Humphreys, HSA Inspectors have the power to visit workplaces and advise on any shortcomings through a Report of Inspection which may provide a timeline to employers on follow-ups needed.

Inspectors also have the power to serve an Improvement Notice which is a legal instruction requiring that certain improvements be carried out within a specific timeframe. Where Inspectors believe that there is a serious risk, they may also serve a Prohibition Notice which is a legal notice directing that the specified work activities stop. Minister Humphreys stated that “***ultimately, if a business doesn’t cooperate and comply with the Public Health Guidelines after being asked to make improvements, the HSA will be able to order them to shut down the workplace***”.

Employers are advised to take time to review the Protocol and put in place the required measures before they call employees back into the workplace. Those workplaces that have been working through the crisis also need to consider the Protocol and ensure that the procedures they currently have in place are compliant. Working from home and absence policies will also have to be reviewed and employers need to be cognisant of vulnerable employees during this transition period.

**Full details of the Protocol can be found at:**
<https://www.gov.ie/en/publication/22829a-return-to-work-safely-protocol/>