

TRAINING & DEVELOPMENT PROGRAMME

# Knowledge Network

Webinar Series

## Return to the Workplace: Guidance for Employers

Wednesday, 29 September 2021 | 8.30 am to 9.30 am



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# Return to the Workplace: Guidance for Employers

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Mary Brassil, Partner and Donal Hamilton, Senior Associate



# Overview

Discussion on:



- Labour Employer Economic Forum (“LEEF”) Guidance
- Updated Work Safely Protocol
- Remote working
- Hybrid working arrangements
- Responding to new challenges

Date	Reopening Timeline
31 August 2021	Government announced plan for reopening society
7 September 2021	LEEF published Returning Safely to the Workplace from 20 September
17 September 2021	LEEF published updated Work Safely Protocol
20 September 2021	Commencement of “phased and staggered” return to workplace for “specific business requirements”
22 October 2021	Majority of restrictions lifted

# Labour Employer Economic Forum (“LEEF”) Guidance

## Between 20 September – 22 October 2021:

- “*Phased and staggered return*” for “*specific business requirements*”
- Interpretation will depend on the specific circumstances of each workplace
- The Lead Worker Representative will play an important role
- Plan for physical return to workplace required with updated risk assessment



## Employers should consider:

- Updated HSA Checklist No. 9 Returning to the Office
- Use of flexible working hours / part-time attendance to ensure employees return in controlled numbers
- Physical distancing, face coverings, restricted movements to remain

# Labour Employer Economic Forum (“LEEF”) Guidance

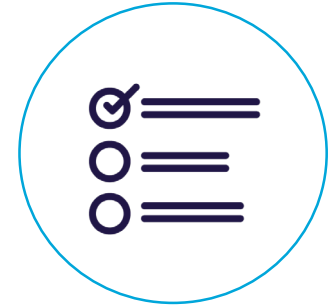
## From 22 October 2021 onwards:

- The requirement to work from home will be removed on 22 October 2021
- Return to workplace on “a phased and cautious basis appropriate to each sector”
- Ongoing consultation with trade unions, employer representatives and Government regarding updated guidance
- Government will continue to implement Making Remote Work, Ireland’s National Remote Work Strategy



## Updated Work Safely Protocol – Practical Steps for Employers

- ④ Update COVID-19 Risk Assessment and Response Plan
- ④ Consult with the Lead Worker Representative
- ④ Establish and issue pre-return to work checks
- ④ Implement COVID-19 infection prevention and control measures:
  - Physical distancing
  - Face coverings
  - Ventilation
  - Antigen testing
  - Contact logging
- ④ Review the procedures in place for identification and isolation of workers with symptoms of COVID-19





# COVID-19 Vaccination and Return to Work

- The Protocol states that decision of employee to get COVID vaccination is voluntary
- DPC Guidance “*requesting of information on an individual’s vaccination status may not be appropriate*”
  - No legal basis for collection and processing of vaccination status data
  - May be some limited exceptions (e.g. frontline healthcare service workers)
- Vaccination should be considered as a useful supplement to existing Public Health infection prevention and control measures but it should not replace them
- Employers can provide employees with advice and information on vaccination programme
- Where COVID-19 is an occupational exposure (healthcare and laboratory settings) – employers must review risk assessment to accommodate employees who do not avail of vaccination



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# Remote and Hybrid Working Arrangements



- Public health guidance - requirement to work from home will be removed on 22 October 2021
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- Government's National Remote Work Strategy
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- Right to Disconnect
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- Right to request remote working
    - General Scheme to be published in coming weeks
    - Legislation likely early next year
    - Employers obligations to consider and grant requests?
    - Reasons for refusal?
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## Remote and Hybrid Working Arrangements



- Written policy essential - time to re-evaluate those ‘snap’ decisions made in March 2020
- Cover issues such as eligibility, data security, confidentiality, health and safety, insurance, working time, sick leave and tax
- Will you facilitate working in remote working hubs?
- Consider including a basic procedure for considering requests for remote working, in anticipation of legislation
- A note of caution: *An Operations Coordinator v A Facilities Management Service Provider*

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## Some FAQs

- Do employees have a *'right'* to work remotely?

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- How should employers implement their remote and hybrid working arrangements?

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- Can an employee refuse to return to the workplace?

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## Questions?



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