

in conjunction with
Enterprise Ireland



Covid-19: Return to the Workplace Guide

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Introduction

Enterprise Ireland recognises that the recent outbreak of Covid-19 has had a big impact on the viability of businesses across Ireland. In order to survive, many companies have had to introduce significant changes to both business and work practices, and this has impacted on the way in which businesses manage, interact with, and engage their employees. In many instances, companies are facing new people management challenges for which they have had limited time to prepare or resource.

The Government has communicated a phased re-opening of the economy and society, and companies have begun to re-establish business practices, including a phased return to the workplace. To ensure that this happens in an appropriate and safe manner, it is important that businesses keep up to date with changing health and safety guidelines and revise their HR policies and practices to reflect new ways of working.

We recognise that companies may require guidance on how to best plan for a reintegration of employees back into the workplace. We have developed this Return to the Workplace Guide to help you understand and consider the specific HR challenges you need to address to re-establish your operations and manage the reintegration of employees back into your place of work.

In particular, the guide focuses on your role as an employer in ensuring the continued health and safety of workers and provides guidance on how you can safely reintroduce employees back into the workplace, building on the guidance already communicated within the HSA Return to Work Safely Protocol. This document is also intended to help you review your resource planning requirements and provides options to consider in relation to the restructuring of roles and responsibilities whilst managing a phased return to work.

We appreciate that this is a difficult time for companies and employees. Enterprise Ireland is ready to assist all our client companies with a range of financial and non-financial supports. For specific queries, please contact your Development Advisor or our Business Response Team at businessresponse@enterprise-ireland.com or visit our Covid-19 information hub <https://globalambition.ie/covid-19/>

We wish you, your business and your employees well during this difficult period.

Karen Hernández
 Senior Executive -
 People & Management, Enterprise Ireland



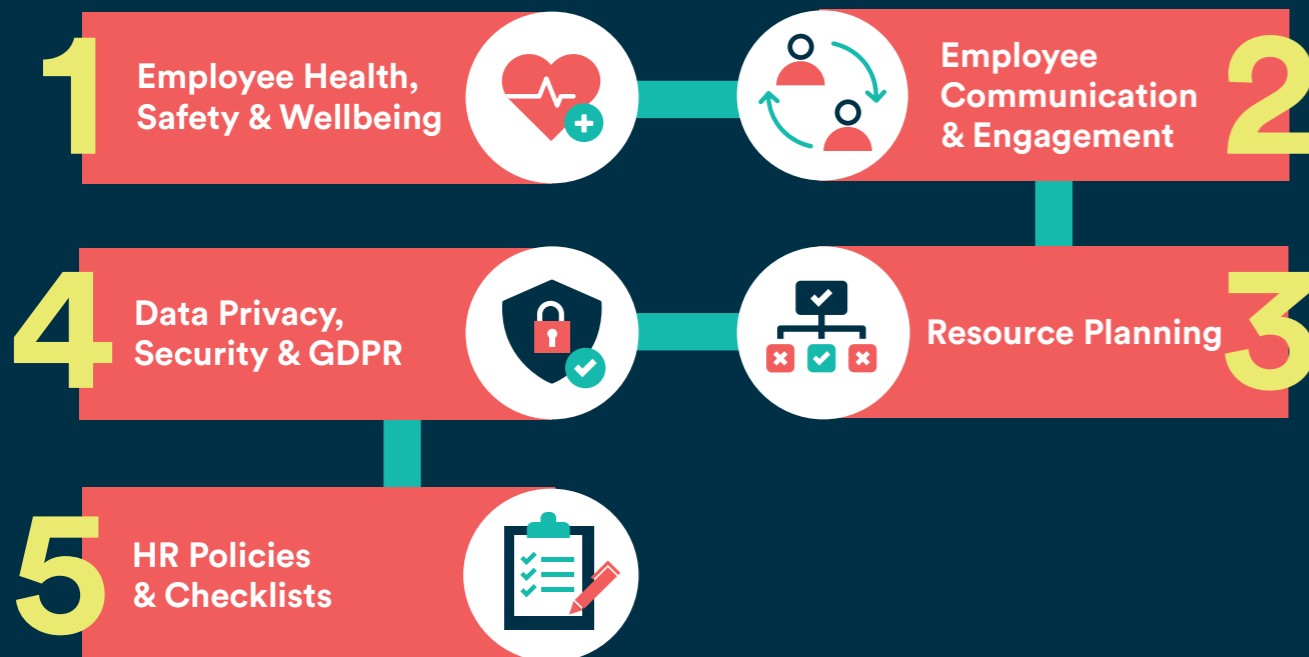
Context

Over the past few weeks, a number of official guidelines, roadmaps and protocols have been published, setting out a pathway for our transition back to the workplace. The priority for all of us – both employers and employees – is that this is managed in a safe and controlled manner so that no one is put at risk of contracting Covid-19, and that all stakeholders have confidence in the steps being taken to safeguard the safety and welfare of all.

For some, the return to work has already begun; for others, their workplaces, along with their internal processes and practices, are still being prepared to ensure the official guidelines are being followed. The mixture of emotions and heightened levels of anxiety introduced by Covid-19 haven't gone away but the situation is moving forward. A key element is managing the expectations of employees, how businesses and leaders approach the journey back to work, and their engagement and communication with staff.

This document is intended to be a practical and easy-to-follow guide for all companies that are planning the reopening of their workplaces. It sets out all the various elements you need to consider to ensure your employees and stakeholders are informed, safeguarded, and trained to return to the workplace, while following all of the official protocols and guidelines. It provides sample checklists and policies, links to official sites, and some best practice guidance on communications, wellbeing, engagement and supports for leaders at a time of crisis.

Whatever phase of the roadmap applies to your business reopening, now is a good time to commence your planning and collaboration with your employees and stakeholders, taking account of the areas outlined below.



Section 1: Health, Safety & Wellbeing of Employees

Note: for the purposes of this section the term “worker” is intended to be a broader term to include any employee or contractor who may work in your workplace.

The **Return to Work Safely Protocol**, issued by the Health & Safety Authority (HSA), is designed to support employers and workers and put measures in place that will prevent the spread of Covid-19 in the workplace when the economy begins to slowly open up. Work is a key part of life and many businesses and employees want to get back to some sort of “normal” working life over the coming weeks and months. But it must be done safely and with the safety, health and wellbeing of employees being of paramount importance.

The protocol is **mandatory** and applies to all workplaces across the economy. It is a living document and may be updated as public health advice evolves, so employers should ensure they keep abreast of any changes.

Your obligations as an employer

Under the **Safety, Health & Welfare at Work Act 2005**, employers must “ensure, so far as is reasonably practicable, the safety, health and welfare at work of their employees”. There are significant fines and sanctions for failure to comply with the Act, and directors, managers and officers can be prosecuted personally.

How do I mitigate risk during Covid-19?

- Risk Assessments/Safety Statements
- Comply with the protocol and other HSE and government guidance
- Take measures to reduce/mitigate risks
- Provide training and effective communications for employees



Where do I start?

The first thing you need to do is to develop and/or update your business's **Covid-19 Response Plan**. This will include the following key elements:

- Carry out a Risk Assessment on your workplace and workforce and update your Safety Statement
- Identify the additional measures and controls that you need to put in place to mitigate and help reduce the risk of spread of Covid-19 in your workplace
- Detail how you are going to deal with a suspected case of Covid-19 in the workplace
- Include any contingency measures to address increased absenteeism or changing work patterns
- Develop your plans in consultation with workers and ensure you communicate your plans once finalised

Risk Assessment

Your first starting point is to carry out a Risk Assessment. See Section 5 – Sample Policies and Forms for a Sample Risk Assessment Form for dealing with Covid-19 in the workplace. Please note that this sample form will not cover all scenarios so each employer should consider their own unique circumstances and individual business requirements. For some sectors, there will be specific assessments, such as those for healthcare workers, which may look quite different; however, many of the principles will still be relevant and generally should include the following:

- Identify all the potential hazards/risks in the workplace that might expose your workers to the virus or increase their risk of exposure. Some of the risks to consider include:
 - o how people get to work
 - o how people move through the building, e.g. how are we going to use the lifts/stairs and other shared areas?
 - o are there vulnerable staff who should remain working at home?
 - o regular cleaning and sanitising issues
- Keep a written assessment of the risks associated with each hazard
- Identify and implement any control measures or improvements that will help mitigate the risk (Note: it is important to identify the appropriate measures before investing in what could turn out to be the incorrect solution)
- Allocate owners and timelines to the tasks for actioning these measures or improvements
- Review the Risk Assessment if:
 - there is a significant change to the facilities/hazards referred to in the document, or
 - there is any other reason to believe that it is no longer valid.

The workplace

As part of a risk assessment, you should evaluate the physical layout of your workplace to ensure that you can reduce the risk of the spread of Covid-19. This will help determine how many workers can safely be in your workplace at any one time and what measures or controls need to be put in place to mitigate the risk. This may include identifying new ways of working and making adaptations to the physical workplace.

Physical distancing is recommended to reduce the risk of infection, in accordance with Government guideline.

New ways of working – the physical workspace

- **Physical distancing** – All employers must explore every option adhere to physical distancing guidelines
- Adaptations to the physical workspace may be needed; these could include:
 - o adjusting the space between workstations, desks or tables
 - o updating and improving signage
 - o reorganising the kitchen and other common areas
 - o adjusting the usage of bathroom facilities
 - o providing guidance on the use of lifts and stairwells
 - o providing protective plastic screens for reception and other public-facing areas
- Where a Risk Assessment identifies that the **physical distancing guidelines** cannot be maintained, additional safety measures are required to manage the risk, in line with HSE requirements
- **Hygiene plan** – In addition to the regular cleaning of the workplace, an improved hygiene plan should be developed. This may include:
 - o no handshaking or physical contact policy with colleagues, suppliers or visitors
 - o promoting good practice in relation to coughing and sneezing
 - o providing additional cleaning materials (sanitisers, disinfectant sprays, paper towels etc.) to employees for regular cleaning of their work areas during the day
 - o hand sanitiser stations for any visitors on arrival at the building/reception
 - o regular cleaning of frequently touched communal areas, including door handles, kitchens, toilets, showers, gym and games rooms, phones and photocopier buttons
 - o installing a dishwasher or providing sufficient hot water and detergent to wash cups, utensils, dishes etc.
 - o increasing the number of waste collection points and ensuring that these are regularly emptied during the day



The workforce

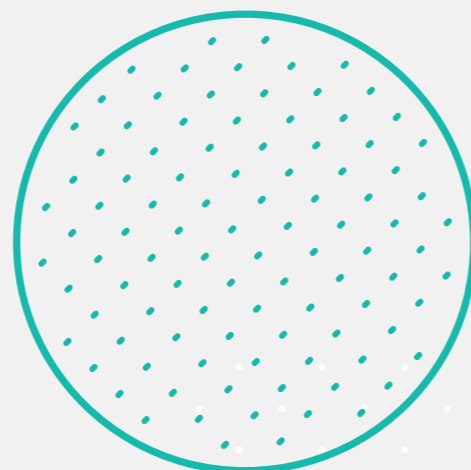
As part of a Risk Assessment, you should also evaluate what potential risks exist in relation to the workforce and evaluate how these can be mitigated to help reduce the risk of the spread of Covid-19. You should take into account your workers' individual risk factors (e.g. vulnerable workers, older workers, presence of underlying medical conditions etc.). You may need to identify additional measures and controls that need to be put in place, which may include making some changes to how your employees and your business operates on a daily basis.

For many businesses, the world of work as we knew it has changed and the work environment that workers are returning to will be very different.

New ways of working – the workforce

New ways of working can help reduce the spread of Covid-19. Here are a few areas for you to consider:

- Allow your employees to continue to work from home where possible
- Stagger start and finish times for employees who need to use public transport to get to and from work
- Implement a 'no handshaking' policy
- Stagger breaks and ensure that physical distancing can be maintained in the kitchen/canteen
- Ensure there is no non-essential travel (to clients, other offices etc.)
- Restructure and split teams or organise workers into teams that consistently work and take breaks together
- Restructure shift patterns, allowing a gap between start and finish times
- Minimise the number of visitors to the workplace and ensure they follow all necessary safety procedures
- Hold virtual meetings where possible
- Provide PPE as necessary in circumstances where it is not possible to apply the recommended social distancing



Travel

As part of your Risk Assessment, you should also assess the impact that the guidance on travel during Covid-19 may have on your business and consider the following factors as part of developing new ways of working:

- **Public transport** – Frequency will be more limited, and everyone is encouraged to phase their use of public transport to avoid overcrowding
- **Local/national business travel** – This should be reduced to an absolute minimum. As far as possible, technological alternatives (video conferencing etc.) should be used
- **Overseas business & employee travel** – At the time of writing this document, the Government is currently advising against any non-essential overseas travel, and it is likely that individuals will be required to self-isolate for 14 days following return from any overseas trip or even entering certain countries
- **Sharing transport** – The number of workers who share a vehicle, simultaneously or consecutively, should be kept to a minimum where practicable. Workers should be encouraged to travel alone if using their personal cars for work.

Before returning to work

Covid-19 Pre-Return to Work Form

As part of the protocol, all employers are required to issue a **Covid-19 Pre-Return to Work Form** (see Section 5 – Policies and Forms for a sample Covid-19 Pre-Return to Work Form) for workers to complete at least three days in advance of their return to the workplace. This form should seek confirmation that the worker, to the best of their knowledge, has no symptoms of Covid-19, as well as to confirm that the worker is not self-isolating or awaiting the result of a Covid-19 test.



Note: this form should be reissued and completed if a worker is returning to the workplace from a period of absence, e.g. annual leave or other extended period of leave.

Induction training

Employers are required to provide induction or reorientation training for all employees. Workers need to be updated on any new ways of working and any other changes in the workplace to help prevent the spread of the virus. All workers should be provided with this training **before** returning to the workplace.

The training should be carried out in a safe manner with physical distancing measures in place or virtually/online if not possible. The training should, at a minimum, include the latest advice and guidance on public health including:

- information on how the virus is spread
- what a worker should do if they develop symptoms of Covid-19
- details of how the workplace is organised to reduce the risk from Covid-19 including the importance of **contact logs**
- an outline of the Covid-19 response plan for your business
- identification of points of contact for the employer and the workers, i.e. the name of the worker representative and his/her contact details

Records of attendance at a Covid-19 induction should be retained until further notice.

Contact logs

Early and speedy contact tracing has been identified as a highly effective measure to help reduce the spread of Covid-19. The maintenance of contact logs enables a more targeted approach in the event of a suspected or confirmed case of Covid-19 in the workplace. As well as helping to minimise the number of people that will need to self-isolate, contact logs can also be useful sources of data to help you identify areas where additional controls may be needed to reduce the number of close contacts occurring in the workplace.

Employees should keep a **contact log** (please see Section 5 – Policies and Templates for sample Covid-19 Contact Log Template) for each day spent in the workplace. The business may also identify other close contacts through the use of visitor logbooks, sign-in sheets etc. This information should be stored securely, maintained centrally and available upon request, as it may be required by the HSE to assist with contact tracing.

Please note:

- As an employer you are not required to carry out contact tracing. This should only be done by the HSE.
- There is no requirement for you as an employer to notify the Health and Safety Authority if a worker contracts Covid-19. Covid-19 is reported by a medical practitioner who becomes aware of or suspects a case of the virus; therefore, the employee should liaise with their medical practitioner directly.

What to do with a suspected case of Covid-19?

While a worker should not attend the workplace if they are displaying any symptoms of Covid-19, employers are required to have a response plan in place to deal with a suspected case that may arise in the workplace.

This plan should include:

- As part of your response plan, you need to identify a key person and ensure they are trained to deal with a suspected case of Covid-19. This should be set out and identifiable for all workers.
- Allocate a designated isolation area, preferably with a door that can be closed and is easily accessible by all workers, including those with any disabilities. Ensure signage is in place so that everyone is clear on the restrictions associated with the use of the room/area.
- Ensuring this designated area has the following:
 - o ventilation, e.g. ventilation system/ability to open a window
 - o tissues and hand sanitiser
 - o disinfectant and/or wipes
 - o gloves and masks
 - o waste bags and a pedal-operated closed bin
- Procedures that need to be followed in order to make arrangements for the worker to leave the workplace (noting they should not use public transport).
- Disinfection procedures to be followed once the worker has left both the isolation area and their work area.

Please note:

You have an obligation to protect your employee's privacy; therefore you should not communicate the names of suspected or confirmed cases of Covid-19 to other workers.

Worker representatives

As part of the protocol, you are required to appoint one or more worker representative(s) for each workplace or work area to assist with the implementation of Covid-19 measures and to ensure that they are followed. The worker representative(s) should fully understand your business's approach and the measures that you have put in place to help prevent the spread of the virus.

Good communication channels and collaboration in the workplace are essential for all stakeholders. Managers, supervisors and workers should engage with the worker representative(s) to highlight concerns, report issues, submit ideas and identify improvements in the workplace.

Please see Section 2 for additional information on worker representatives.

Responsibilities of all workers in the workplace

The presence of Covid-19 in the workplace brings new challenges that must be communicated clearly to all workers so the government protocol can be implemented effectively. This means that all workers have an obligation to keep themselves updated on the latest advice from the government and the HSE. They must also co-operate in maintaining the control measures put in place to help prevent the spread of the virus and report any issues or concerns they may have.

All workers have a responsibility to:

- complete and return the Covid-19 Pre-Return to Work Form before they return to the workplace
- inform their employer if there are any other circumstances relating to Covid-19 not included in the form that may need to be disclosed to allow their safe return to the workplace
- self-isolate at home and contact their GP promptly for further advice if they have any Covid-19 symptoms
- stay out of the workplace until all symptoms have cleared following self-isolation
- participate in any induction training provided by the employer before their return to the workplace
- maintain a contact log as requested by their employer
- complete any temperature testing, if required by the employer and in line with public health advice

Employee wellbeing and supports

Covid-19 potentially has many serious physical health consequences for workforces, but the mental health implications – which can include anxiety, stress, fear and uncertainty – can be equally challenging. For those returning to work or continuing to work remotely, they may be experiencing anxiety about the ongoing risk of infection, changes to their jobs or the workplace, juggling family or childcare challenges, struggling with ongoing isolation from family (particularly workers from overseas), and experiencing financial pressures and relationship pressures. Others may have experienced the serious illness or death of a relative or loved one.

In addition to effective communications and engagement activities, where possible you should consider putting in place supports for workers' wellbeing and ensure they know how to access them. These may include:

- providing access to an Employee Assistance Programme (EAP) or Occupational Health Service (OHS)
- running regular wellbeing sessions (during lunchtime or online)
- promoting wellbeing initiatives and providing frequent information and updates on available supports
- providing a buddy system where a colleague is appointed to support another employee – see Employee Engagement in Section 2 for further information on a buddy system

Promoting and encouraging employees to find a healthy balance in their everyday lives, such as healthy eating, taking some form of physical exercise and good sleeping practices, can be practical and supportive during such times of change, uncertainty and the juggling of many responsibilities.

If your organisation has a sports and social club, redirect their energies to organising mini events. Try scheduling some virtual lunch or coffee breaks, themed Fridays, virtual bake-offs, mindfulness breaktime, virtual lunchtime yoga etc. These will help give employees a better sense of belonging and togetherness, supporting their wellbeing and health.



Here are some helpful tips to achieve a better personal balance:



Find the balance for you - build a better environment around you



Make a list of the priorities in your life and the different roles you perform



Set expectations of yourself, and of others in your household & family, be clear about boundaries



Review your personal values - these help us make decisions



Be realistic, search for reflective time, and re-prioritise



Make some time for "BEING ME"



Allow yourself to do your best - good is good enough right now!



"SELF CARE" - you can't pour from an empty cup!

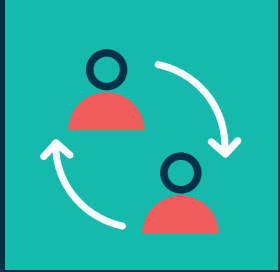
Please see Section 7 for a full list of links to useful and valuable resources available to you and your workers.



Summary action list

In summary, here is a list of the various actions you need to take as an employer in order to fulfil your health and safety obligations during COVID-19:





Section 2: Employee Communications & Engagement

The Return to Work Safely Protocol emphasises the need for strong communication and a shared collaborative approach between employers and workers. This is key to minimising and preventing the spread of Covid-19 in the workplace and to ensure that there is maximum success and buy-in from all stakeholders.

This includes all of the necessary communications associated with signage and communication channels, such as email, visual displays, colour coding, entrance and exit areas, good hygiene practices, social-distancing measurements, information and guidance on individual responsibilities, employer expectations, overview of symptoms and response action plan, PPE and when/how it should be used if applicable, cleaning routines, waste disposal practices, use of common areas such as canteen/dining areas, bathrooms, reception areas, meeting rooms, coffee docks, water coolers etc.

The establishment of a Covid-19 Response Team is essential in the ongoing management of the return-to-work process, and will provide for greater collaboration, sharing of information, and closer monitoring, which will better position the business to manage and respond to any situation that might arise at the workplace. It will also contribute to an increased level of trust and confidence across the workforce that every aspect of the return-to-work process is being managed and monitored, and that there are two-way communication processes in place for employees and other important stakeholders.

The Covid-19 Response Team

It is highly recommended that organisations establish a Covid-19 Response Team with responsibility for the overall development and implementation of a Covid-19 Response Plan for the business. This team should form part of the business continuity planning (see Section 3) and may comprise some/all of the same members who managed the early stage Covid-19 response process.

Who is on the Covid-19 Response Team?

The structure of your team and its members should take account of your specific business needs and the size of your organisation. It is recommended that it includes:

- at least one member of the senior management team
- the Health & Safety Officer/representative
- at least one employee representative, and maybe more depending on the number of employees you have (can be the worker representative or an additional person)
- a member of the Facilities Management or Operations Team
- HR representative
- IT representative

Some of these roles may have dual responsibility within your organisation, so the size of the team will vary depending on the size of your organisation. In order to ensure the team is actively involved and in a position to manage the evolving situation, it is advisable that the size of the team is manageable so it can meet regularly and respond to any issue that arises. At the same time, the team needs to be large enough so it is inclusive of the broad inputs needed from key functional areas in the business. Ensuring that there are backfills for team members is important and will safeguard the ongoing work that this team performs; it is vital, therefore, that you aim to have cover in place at all times.

What is the team responsible for?

- The team should agree the scope of their responsibility and generally follow good team practices in relation to how they conduct their meetings, engage with each other and take ownership of action and outcomes.
- Some teams may only meet once a week while others may need to meet more often, especially at the early stage of the reopening plan. Depending on the workplace, it may be appropriate to have daily team meetings, where there is a status update review and progress assessed against each milestone of the reopening plan. This can be as short as 15 minutes, comprising simply of updating records/minutes and reminding everyone of the next stage's priorities. It is important that the team seeks input from the worker representative and agrees the communication to be shared with employees and stakeholders on an ongoing basis.
- The Chair/Lead should maintain daily records and circulate minutes, updated action plans, review of the risk log, reprioritise tasks, conduct regular monitoring and continue to stay abreast of the official updates and guidelines from Government, HSE, HSA and NPHET. It will be important that this team continues to engage and communicate with other stakeholders of the business, such as customers, suppliers, subcontractors etc.

Other working groups may be required to work on areas such as remote working policies, where HR, IT and H&S work together to establish good practice, remote working models, and agree the steps the business can take to establish, facilitate and support remote working during this time.

Facilities Management may require a separate working group where the Production Manager, Facilities and H&S work together to redesign the workplace to ensure all of the necessary safety protocols are in place, while ensuring the production process can continue to operate and deliver productivity levels.

It will be important to communicate to employees the establishment of this team and provide them with the names of the members on the team, along with their roles and their contact details, so employees are aware of the steps that the company is taking to manage the process.

Establishing a regular communication process with employees is also important so they know when to expect the latest update from this team. It is advisable to continue to monitor the effectiveness and purpose of this team, and ensure it evolves as the reopening plan develops.

Appointing a worker representative

As set out in the Return to Work Safely Protocol, employers are expected to appoint at least one worker representative whose role it is to collaborate with the employer and assist in the implementation of measures being taken and to monitor adherence to the measures in order to prevent the spread of Covid-19.

Please reference Section 1 for further information on worker representatives.

The number of worker representatives should, ideally, be proportionate to the number of employees in the workplace. Worker representatives should also be members of the Covid-19 Response Team. The selection of the worker representatives should be fair and transparent, with due consideration being given to the necessary skills and competencies of the role.

All employees and contractors should be notified of the worker representatives' contact details, including the following:

- Name and contact email and mobile phone number
- Photo
- Their position and department

These details should also be displayed on noticeboards and common areas.

It is also important to advise fellow employees and colleagues of the scope of the worker representative role – their role in the return-to-work process and the ongoing monitoring of compliance – and what employees can expect from the worker representative, such as regular updates and access to information. Employees need to be fully aware that the worker representative is there to listen to any concerns and available if they have any questions or are unclear about any aspect of the Covid-19 Response Plan for the business.

For further information on the role of the worker representative and the safety representative role, please see **Section 5 for a sample Worker Representative Checklist.**

Employee input and feedback

As we work through the various phases of the Roadmap for Reopening Society & Businesses, ongoing and regular contact with your employees, whether they are working remotely, on temporary lay-off or continuing to be in the workplace, will be essential.

This is a challenging time for everyone, and each individual's circumstance is different; being aware of the complexity people may be facing at this time and showing empathy and understanding is extremely important. The ongoing relationship between a manager and an employee is always important, but even more so during this time. Remaining in regular contact with employees also provides you with the opportunity to seek their input and gain their feedback.

What you can do

- Depending on the number of employees on your team, it may be easier for managers to schedule some 1:1 informal meetings/discussions to find out how the employee is getting on:
 - o Are they encountering either work or personal difficulties?
 - o Are they coping with the restrictions in place?
 - o Have any of their loved ones been impacted by the virus?
 - o Are they in a vulnerable category and need to pay closer attention to a pre-existing medical condition?
- Allowing them to contribute and to be involved will reassure them of their importance and value to the organisation.
- Give them an overview of the plans that you are developing, as this will facilitate and encourage greater commitment and cooperation.
- If issues or obstacles are identified, it is best to be aware of them before the plan is agreed and rolled out. Gaining input from your employees in advance, and establishing if they are comfortable returning to the workplace – including such factors as how they plan to commute to work or if they have any personal responsibilities that might impact their ability to return full time – will help identify if there are any temporary adjustments that need to be made to their roles in the short term.
- If your company has a larger number of employees, consider using an **employee survey** to collate input and feedback, providing an opportunity for employees to raise any concerns they may have, and helping towards the general monitoring of the overall wellbeing and engagement of the team throughout the various phases of reopening.
- Establishing regular feedback sessions will contribute to a greater sense of open and transparent engagement, the building blocks for a trusted relationship.
- Consider if you need to have your communication documents, policies or signage translated into languages other than English.

For additional information, please reference **Section 1 – Health, Safety & Wellbeing of Employees and Section 3 – Resource Planning.**

Communications strategy and engagement process

Establishing a communications and engagement process will support the readiness of your employees and other stakeholders not only physically, but also emotionally and psychologically – and will assist in achieving the flexibility needed for all your employees throughout each of the stages involved in returning to work.

Ongoing communication will be very important in creating an environment for everyone to move forward together and thrive in an engaged and trusted relationship.

- Effective engagement with partners, suppliers and other key stakeholders who are critically important to your business is also very important so they should be included in your plans. This includes landlords, service providers and cleaning contracts, external occupational health and safety partners, suppliers and delivery companies.
- Unionised employers should collaborate with their union leadership and employee representatives, and where necessary and as applicable, engage with Employee Assistance Providers for support on wellbeing and mental health advice. Brief them on your Covid-19 Response Plan and ensure they can provide you with the support you need as the situation evolves.
- Look at how your team is operating. This might be a good time to put your team charter in place or revise it, so schedule a team discussion and invite input – it will result in greater engagement.
- Using a wide range of communication channels and materials throughout this process, such as email, employee portals, text messages, video, virtual live events and posters/digital displays, will help your employees connect with the communication and engagement plan.
- Understand that relationships can become strained at this time and it may feel more difficult to communicate through remote channels. It might be necessary, therefore, to have the services of a mediator or a facilitator available to you, should the need arise, and it is best to have these relationships and engagements in place in advance.

For more information, please see **Section 5 for sample Guidelines and Best Practices for Meetings.**

Overall, reasonable and regular communication with your team and employees is generally encouraged in the Government protocol. This is good advice and will make all the difference when it is time to regroup either virtually or physically and will enable the realignment of your team with the newly revised business and individual objectives.

What should be communicated?

- ✓ Details of the Covid-19 Response Team and their areas of responsibility
- ✓ Contact details for the Covid-19 worker representative(s)
- ✓ Outline of health, safety and wellbeing protocols and practices
- ✓ Appropriate communication when there is a confirmed or suspected case identified within the workplace
- ✓ Training details and the need to have these completed before they return to the workplace
- ✓ What employees can expect on the first day when they attend for work with regards to entry and exit
- ✓ Their physical workplace and any changes they can expect, e.g. in relation to general facilities in the workplace, such as common areas, bathroom facilities, canteen, and lunch/break time practices
- ✓ What groups will be returning; when and why these groups have been selected etc.
- ✓ Management or supervisory changes – temporary or otherwise
- ✓ Working practices and working hours if changes are needed
- ✓ Employee responsibilities in relation to taking the necessary precautions, notification of any concerns etc. and other H&S steps detailed in Section 1 of this guide.
- ✓ Modifications to internal and external meeting protocols, hosting of client events and visitor access
- ✓ Changes and updates made to company policies and procedures

Employee engagement

Employee engagement is most effective at an individual level, between an employee and their manager. It can also be very beneficial to establish an employee buddy system, where employees have a designated colleague they can consult as the reopening process develops and moves through the various stages.

This should be a safe and confidential engagement, where the role of a buddy is clearly set out, thus avoiding any misunderstandings. The purpose and expectations of the programme should be clear so all employees have access to this level of support from their colleagues, and under the terms of engagement.

Where there are any changes to the workplace such as roles and responsibilities, terms and conditions, and policies and procedures, it is vital to apply good change management principles to the process.



- Document any temporary changes and ensure employees are aware how to raise a concern if they need to; good HR practice, transparency and fairness will be essential.
- Ensure employees understand what the workplace will be like when they return. This is critical so they can prepare themselves.
- Some employees may expect nothing to change, while others will assume everything will be different, so be patient and show empathy.
- Help employees prepare for the changes and remind them that these changes are designed to help them remain safe. This will ease anxiety.
- And finally, aim to reconnect all of these strategies to your company vision and mission, ensuring there is alignment from a cultural perspective and that it feels authentic.

Understanding the “why” is a great way to reinforce the “what.”

Employer brand and reputation

At a time of crisis, taking care of your ‘employer brand’ has never been more important. It is how your business presents itself to your employees, stakeholders, community and prospective talent in the market.

During Covid-19, the priority for companies is to secure the safety and wellbeing of their people and safeguard their business, and although some companies will be considering reducing the number of employees on a temporary or more permanent basis, the manner in which decisions are made and communicated will say a lot about the company, its leadership and the employer brand.

Therefore, it is vital that your employer brand remains aligned to your culture and values as an organisation, and that you take steps to safeguard its reputation of trust and integrity throughout the management of this crisis.

Leadership during a crisis

How leaders behave during crises leave a lasting impact on your company culture. Ensuring you are proactively communicating a consistent message and modelling good behaviours as the situation evolves is paramount.

During this time of so many uncertainties, your employees are looking to you for direction and confidence. If there is disruption, there will also be recovery, and it is a good idea to remain focused on the future opportunities that will present themselves as we move forward and lead employees through this challenging time, living the values and principles of the organisation.

What is an employer brand?

An employer brand is effectively a set of attributes and qualities – often intangible – that makes an organisation distinctive, promises a particular kind of employment experience, and appeals to those people who will thrive and perform best in its culture.

Why is it important during Covid-19?

Engaging and retaining your talent throughout this crisis period, and supporting them through this difficult time, determines a lot about you as an employer, and it reflects on your values and your reputation. Employers need to ensure that their employees feel safe and secure in the knowledge that their employer is doing everything that needs to be done, is taking care of them, is interested in the welfare of the community in which it operates, and is making good informed decisions about the future. Many employers are already demonstrating that they are going the extra mile for their people and their community.

Creating a safe and trusted work environment is vital to supporting employees in their roles, and it builds a sense of community across teams. This ultimately drives collaboration, engagement and high performance, which is the best way to retain your employees, invest in their growth and navigate through this turbulent period.

Employer branding is also incredibly important when seeking to find new talent and attract employees to join your company, not just now but also into the future. How companies manage through this crisis, and the steps they take to support their employees, stakeholders and generally their community, will leave lasting impressions and determine your brand recognition. For some companies, there will be growth opportunities as a result of Covid-19, and for others, there will be significant resizing of the workforce, so it is worth continuing to invest in your employer brand and to show authentic leadership.

Creative ways to capture your culture and employer brand during Covid-19

During this exceptional period when all businesses have changed in some shape or other, there is an opportunity to initiate some internal projects that will capture some of the thoughts and memories for employees of life during Covid-19 through the eyes of the workplace, e.g. your own company Covid-19 Yearbook.

Here are a few ideas:

- Photograph the many physical changes you have made, such as the Covid-19 posters, notices and adherence to physical distancing guidelines
- If employees are wearing PPE or you have redesigned their workstations with screens, capture how they look and how employees are working within their new environment
- Record some of the input from employees, either from an employee survey or by inviting employees to send through comments, feelings, observations or even poetry that reflects how they feel as a result of Covid-19
- Capture some of the national and international headlines in acknowledgement of the significance of this period
- Create a memorial board that pays tribute to the loved ones of your employees who lost their life due to Covid-19, including names, photos, and key memories
- Invite employees to bring children’s paintings and notes about their family and how they are coping during this crisis
- Create a series of collages, capturing the activities or themed events of employees’ virtual gatherings, such as physical activities, gardening or screen shots from virtual meetings

It can be difficult to map out our future when so many things are changing and evolving around us, but taking some time to be reflective can help us to be more accepting of our current situation and focus our energies on how we can influence our future rather than dwelling on the aspects that are outside of our control.

Director and Board responsibilities during Covid-19

During Covid-19, the roles and responsibilities of Boards of Directors and Advisory Boards remain as important as always, ensuring responsible decisions are being taken by the company in a timely manner, underpinned by good governance.

Under Section 228 of the Companies Act 2014, Boards of Directors have a very definite duty of care and should be reminded of their responsibilities to the company and their stakeholders. It is also important to understand fully the types of sanctions to which a company director is personally subjected and how to mitigate these sanctions.

Directors must ensure that all stakeholders are fully informed of the company's Covid-19 Response Plan and are fully adhering to Government guidelines, laws and various protocols. It is also important to ensure that employees are adequately trained and provided with a safe working environment (whether remote or onsite).

It is critical that good governance is followed in relation to managing any major difficulties the company experiences during and after Covid-19 (such as liquidity problems) to ensure that the appropriate trading conditions are reviewed promptly, with informed decisions always made in the best interest of the shareholders.

Learning & Development and additional supports

In addition to the requirement for all workplaces to provide training for employees before they return to work regarding the latest advice and guidance on public health (see Section 1 – Health & Safety), this is also a time to continue to invest in your people and their capabilities.

There may be a slowdown in your market thanks to Covid-19, resulting in a reduction of your staff's productivity levels, so this could be a good time to consider getting your employees recertified in their CPD or technical skills. It might also be a good time to look at some online and virtual training courses, reach out to your partners, consider up-to-date training on systems and equipment, or explore new products or new automation features coming down the line.

As companies determine the business strategy and working models that they will need for the future, it is important to quickly map out those roles that are critical to drive the success of the business and to be able to identify any shift in skills, knowledge and behaviours that are needed. Focus your effort on those skills that will help your business adapt and respond quickly including:

- **Digital and technology skills** – vital in a world of increased remote working and accelerated digitisation
- **Critical thinking** – being able to understand what information should inform decision making
- **Leadership skills** – building strong leadership skills that can lead and inspire through challenging times
- **Adaptability and flexibility** – essential in a rapidly changing world

Additional supports

This might also be a good time to consider introducing coaching or mentoring programmes within your company. These types of programmes provide support for learning and development at all levels and are an excellent way to leverage your internal knowledge experts and develop workshops or modules that can be used again during onboarding or form part of your graduate development programmes.

There are a number of excellent supports available for companies, through professional institutes, online learning platforms and Government-funded schemes, as well as a wider range of webinars and virtual leaning centres that employees can access at times that suit their schedule.

Investing in your people is always a good idea, and at a time like this, it further enhances your employer brand and your engagement with employees, as well as investing in your future capacity for the business.

Summary action list

Covid-19 Response Team

Management representative, worker representative, H&S Officer, Facilities/ Operations, HR, IT

Roles & Responsibilities

Good team practices, drive Covid-19 Response Plan, ownership of action & risks, communicate with stakeholders, set up sub teams if necessary

Worker Representative(s)

Proportionate to number of employees, provide name, photo & contact details, scope out responsibility, give authority to the role, two-way communication with Covid-19 Response Team

Employee Engagement

Buddy system, input and feedback from employees, employee survey, ongoing 1:1 virtual meetings, review team dynamics and effectiveness, EAP support

Communication Strategy

Covid-19 Response Plan, two-way communication, open & transparent, suspect or confirmed cases identified in the workplace, training in advance of return to work, set expectations for Day One, new policies & procedures, changes to the physical workplace, timelines of roles and category of workers returning, adjustments to T&Cs, employee responsibilities

Employer Brand & Reputation

Leadership capability at a time of crisis, alignment to culture and values, collaboration and empowerment, driving performance, creativity and innovation, trust & safety, people & community

Governance

Company law, board meetings, financial management, decision making, responsible trading, duty of care to stakeholders, overseeing implementation of protocols, safe workplace

Learning & Development

Covid-19 training for all employees, invest in critical skills, ongoing staff development, coaching and mentoring, technical & remote working tools



Section 3 Resource Planning

Resource planning has become a critical element for many businesses when preparing to reopen and return to work. As the scale and nature of the disruption of Covid-19 evolves, many businesses are having to significantly change or adapt their working practices and implement new ways of working to enable them to deliver their business in a different way.

Working models

Many businesses are having to develop new working models, which may include some or all of the following:

- ✓ Redesigning teams
- ✓ Altering work patterns
- ✓ Reskilling and upskilling teams
- ✓ Accelerated levels of digitisation
- ✓ Increased levels of remote working
- ✓ Changes to supply chain – may require relocating activities from one country to another
- ✓ Outsourcing
- ✓ Organisational design and development

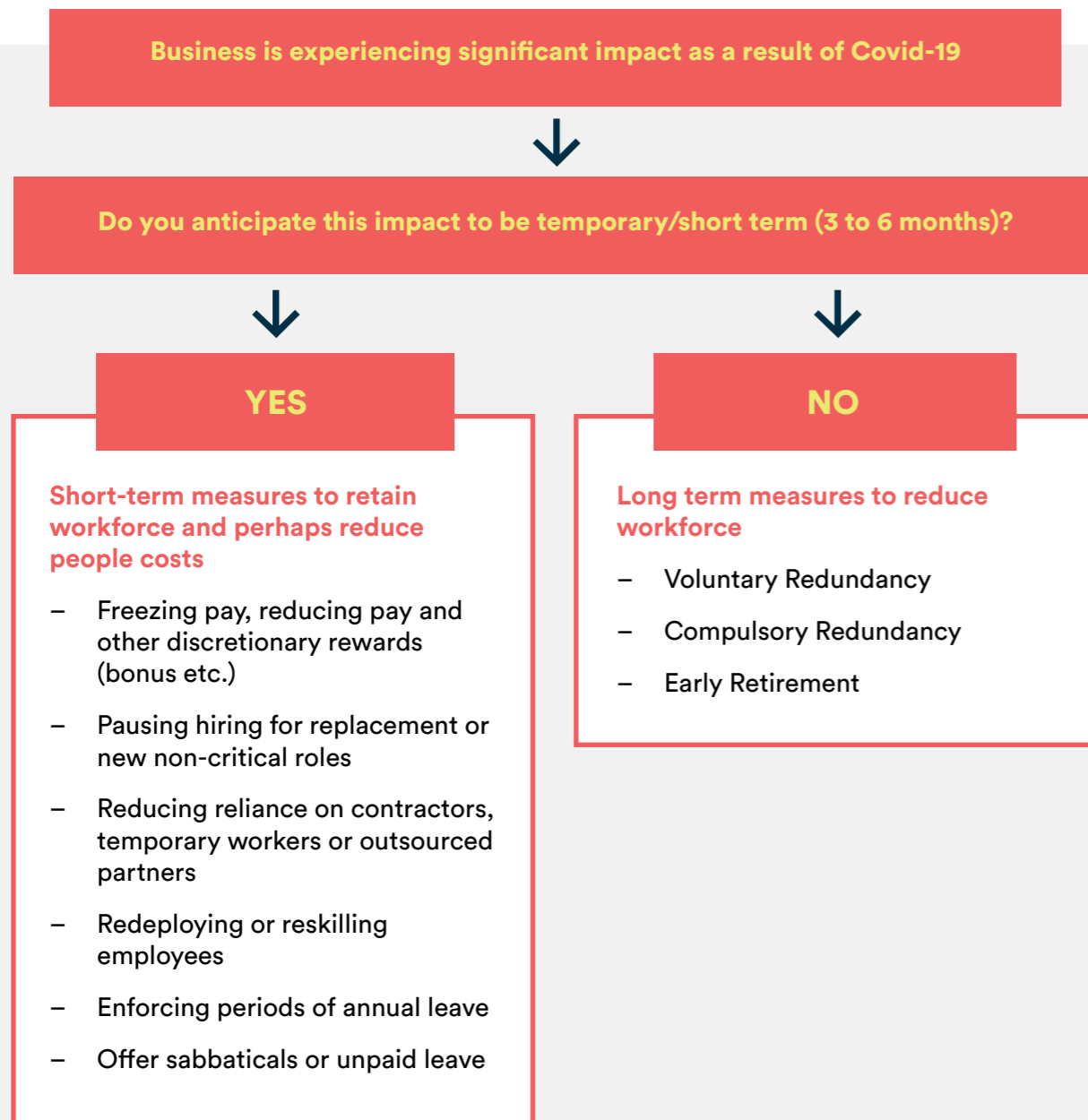
These changes may have a direct impact on your people, and it is important that you factor this into your decision making and collaborate closely with your teams to assess any impact.

Organisational structures and requirements

While many companies have used short-term measures such temporary lay-offs and short-time working to deal with the impact of Covid-19 on their business, unfortunately for some companies, the impact has been so significant that they will need to restructure their business in order to survive post Covid-19.

Over the last few months, many businesses and workers will have availed of the range of temporary business supports available (e.g. the Temporary Wage Subsidy Scheme) to help them get through the sudden disruption brought about as a result of Covid-19. These supports will almost certainly be reduced or replaced over time, and many businesses will find themselves reviewing and evaluating their current business and organisational structures to see if they are still “fit for purpose”.

As an employer, you will need to assess if the impact of Covid-19 on your business is likely to be short term or long term and to evaluate what measures you need to take. Here are a range of both short-term and long-term measures that can be considered as part of your decision-making process.



It will be important to develop and document a clear business rationale for any restructure, which may include some or all of the following:

- Review of company/product performance
- Financial review & analysis
- Current and future challenges within the sector
- Skills required for the future
- Strategic options & related risks
- Short-term v long-term measures



Short-term measures

Restructuring measures can often have significant implications for employees' roles and on their terms and conditions of employment, so it is important to fully evaluate each measure before making any final decision.

Short-Term Measure	Considerations
Short-time working & temporary layoffs	Short-time and temporary lay-off clauses should be in an employee's contract if you wish to enforce this.
Freezing pay, reducing pay or lowering other discretionary rewards (e.g. bonus scheme)	Reductions in pay must be agreed in writing with the employee. Review terms and conditions of any bonus schemes or pay review schemes.
Pausing hiring for replacement or new noncritical roles	Can help reduce costs in the short term, but consideration should be given to the length of time to hire if the role has unique or hard to find skills etc.
Reducing reliance on contractors, temporary or outsourced partners	Ensure that you have the skillset within the organisation to mitigate any gaps or resource demands.
Redeploying or reskilling	Ensure that any potential deployment does not materially impact an employee's role or level in the organisation and thus have a material impact on their terms and conditions of employment.
Enforcing periods of annual leave	Employers must give 30 days' notice if they wish to request employees to take annual leave.
Sabbaticals or unpaid leave	Evaluate how you would offer this – to some or all employees? Document any periods of unpaid leave and ensure that all terms (duration, right to return, benefits during absence etc.) are in writing and agreed by both parties.

While many employers have imposed short-time working, lay-offs and pay cuts over the last few months on the basis that these have been unprecedented times, it is important to note that going forward, employers will need to take a more cautionary approach when looking to implement changes that impact an employee's terms and conditions.

Longer-term measures

If short-term measures are unable to address the business requirements during this time, the business may be considering longer-term measures such as voluntary or compulsory redundancies.

Voluntary redundancies

Depending on your business circumstances, you may be in a position to offer a voluntary redundancy programme. To encourage employees to volunteer for redundancy, employers typically put together a package that includes an additional ex-gratia payment on top of the employee's entitlement to receive a statutory redundancy payment. There are pros and cons to voluntary redundancies, and sometimes the advantages can be offset by the disadvantage of the business losing key roles or critical skills.

Compulsory redundancies

Conducting a redundancy process under the Redundancy Payments Acts 1967-2014 is sometimes referred to as compulsory redundancy. To ensure the process complies with redundancy legislation, you must be able to demonstrate the following:

- There is a genuine **business rationale** for the redundancies
- You apply a fair and transparent **selection** process in selecting employees for redundancy
- The **consultation** process leading up to completion of the redundancies is meaningful
- Employees selected receive their **statutory redundancy pay**

Employers should ensure that any selection process for redundancy is not predetermined by any short-term measures they have introduced as a result of Covid-19. For example, employers should not assume that the roles of those employees on lay-off, short-time work or reduced pay can automatically be made redundant.

Even if employees have been on temporary lay-off as a result of Covid-19, the employer is still obliged to ensure a fair selection and consultation process, and the normal rules and process of redundancy still apply. Using a period of lay-off for the purpose of consultation prior to redundancy could create an impression that the employer did not believe the cessation of employment would be temporary.

Aside from this point, it is expected that the normal process of selection and consultation for redundancy will remain in place and is set out below.

Compulsory Redundancy Process

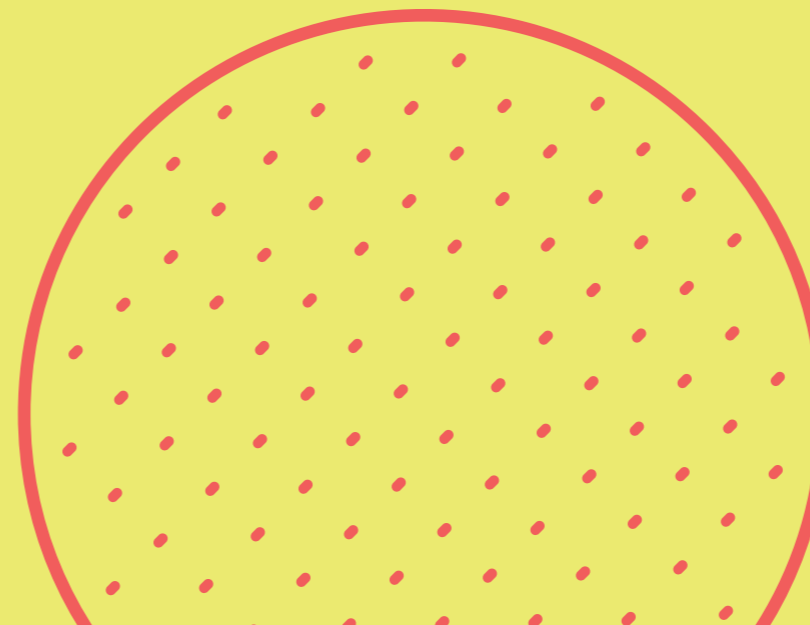
1. Selection pool

As there are no definitive rules in employment legislation about how to identify a selection pool for consideration for redundancy, it is a balancing act between identifying a wide pool and identifying an overly narrow pool, which could leave the company vulnerable to a claim for unfair dismissal as a result of unfair selection for redundancy. Whatever approach the company takes, it must be able to show that the choice of pool was reasonable in the circumstances. The two main methods are outlined below:

- **“Last-in-first-out” (LIFO)** – this rule is simple to apply as it is based on the commencement date of employee/length of service and is wholly objective. However, it may leave the company without the skills needed to run the business successfully, e.g. some of the newer employees may have the skills and qualifications needed in a fast-changing technological environment.
- **Selection Matrix (Competency-Based Selection)** – this approach objectively selects employees for a redundancy based on a compiled score of their skills, knowledge, and other relevant criteria. A clearly defined selection process will be required if many of the roles are very similar and the work and skillset are likely interchangeable. The criteria must be as objective as possible, which should only be based on facts that have been documented and or raised to the employee prior to the redundancy.

2. Selection criteria

The procedure for selecting employees for redundancy from the selection pool must be objectively justifiable, fair and transparent. The company must be able to objectively justify the criteria chosen and the ratings/scores given to the employee under each of the criteria. Failure to do so may render the dismissal unfair.



Consultation process

There are legal timeframes regarding consultation depending on the number of people being made redundant. As part of the redundancy process, the company is required to act “reasonably” and engage in effective and meaningful consultation with affected employees.

The consultation timeline will be determined by the number of redundancies that an employer is proposing to make.

Collective redundancies and consultation will arise where, during any period of 30 consecutive days, the employees being made redundant are:

- five employees where 21-49 are employed
- ten employees where 50-99 are employed
- 10% of the employees where 100-299 are employed
- 30 employees where 300 or more are employed

Additionally, an employer must consult with employee representatives and notify the Minister for Business, Enterprise, and Innovation at least 30 days in advance of the first notice of dismissal.

“**Affected employees**” simply means those affected by the proposed dismissals or by the measures proposed to be taken in connection with the redundancies. This means a consultation may need to take place with employees that are not going to be made redundant. The latest legal position is that a consultation should begin when proposals are at a formative stage – this means that no decision has yet been made that roles will be made redundant.

Consultation must be meaningful and include discussions on:

- the possibility of avoiding the proposed redundancies, reducing the number of employees affected by them or limiting their impact by other measures such as training or redeployment
- the basis on which it will be decided which particular employees will be made redundant (i.e. the selection criteria to be applied)

Developing a comprehensive plan to objectively assess your resource needs based on your current and future business requirements will assist you and ensure a fair and transparent process.

If the proposed number of roles likely to be made redundant is less than the numbers outlined above, consultation can be done on an individual basis. We would recommend that the employer allows a minimum of two weeks for an **individual consultation** process. Typically, this process would normally entail:

- Step 1

Initial meeting to inform the employee that they are “at risk” of being made redundant. At this meeting, the company should also outline their chosen procedure and selection criteria. After this meeting, the employee should be issued with an “at-risk letter”.

- Steps 2 & 3

Allow for at least one or two follow-up consultation meetings to identify any possible alternatives to the proposed redundancy.

- Step 4

If there are no suitable alternatives to redundancy identified, a final meeting should be held to confirm the redundancy and confirm any redundancy payments. The employee should then be given a letter confirming the redundancy.

Redundancy packages

As part of the planning for redundancies process, the company should agree a package to be offered in the event of redundancies. It is important that employees who are risk of redundancy know they will be treated in a fair and consistent manner in relation to any redundancy payments. It is also important that those employees remaining in the business see that the company is treating employees who are being made redundant in a reasonable manner.

Key Elements	Considerations
Statutory Redundancy	<p>Employees with more than two years’ service are entitled to a statutory redundancy payment of two weeks’ pay for every year of service or part thereof + 1 week’s pay. Note: payment is capped at €600 per week.</p> <p>Employees with less than two years’ service are not entitled to any redundancy payment.</p>
Notice Period	<p>Employees are entitled to the greater of:</p> <ul style="list-style-type: none"> – their notice period as per the Contract of Employment or – notice as per the Minimum Terms of Notice Act 1973 to 2001. <p>Employees on lay-off are still entitled to receive their notice period in the event of redundancy.</p> <p>Employees can either work their notice period or may be entitled to pay in lieu of notice.</p>
Annual Leave	<p>Accrued but untaken annual leave should be calculated up to the final date of employment and should be paid along with final salary.</p>
Ex-Gratia Payment	<p>The company may consider if it wishes to offer an ex-gratia payment in addition to any statutory payment. Some companies will ask employees to sign a Settlement Agreement when offering an ex-gratia payment.</p>
Outplacement Support	<p>The company may also consider if it wishes to offer outplacement support (CV and career guidance support) to any employee made redundant.</p>

Communications and redundancies

Internal communications

It is critical that you build a clear and simple message to help explain the rationale for the restructure to employees and ensure that all stakeholders are delivering the message consistently. Employees respond better to a direct and honest explanation, as well as to clarity on the current situation, the possible outcomes and likely next steps. An overcomplicated or inconsistent message can fuel feelings of resentment and mistrust. Even if there will likely be only a small number of redundancies, it is important to balance the perceived negative message of redundancies against the positive message of more focused future business growth.

While there is never a good time to announce redundancies, consideration should be given to the timing of an initial general internal announcement, giving employees time to absorb the information, and making managers available to deal with any questions and next steps.

An initial general announcement should ideally be given to all employees at the same time and should cover the business rationale. At this point, it is important to communicate the steps that are being taken (at a high level) to minimise redundancies and set out the timelines for any affected employees.

External communications

In relation to any potential external attention, consider drafting a press response in readiness to respond to any media attention, with the aim of controlling the narrative and detailing the steps you are taking to retain as many employees as possible and to support departing employees.

Covid-19 - Employment permits and visas

The Department of Business, Enterprise and Innovation has implemented a range of contingency measures and changes in relation to employment permits and visas. You should familiarise yourself with these and keep abreast of any changes if you have non-EU employees on any type of work permit and/or visa.

These measures include:

- an obligation to notify the Department if you have employees working from home/ remotely (you are required to notify details of your company rather than each individual)
- an obligation to notify the Department of any changes to terms and conditions (including working hours, reduction in pay or lay-off) for employees on a work permit

Summary action list

Working Models:

Redesigning teams, altering work patterns, reskilling and upskilling teams, digital transformation, remote working, changes to supply chain, activities relocated, outsourcing, organisational design and development

Restructure:

Short-term, medium-term or long-term measures

Short Term:

Short-time working, temporary lay-offs, pay freeze, reducing discretionary rewards, hiring freeze, reduction of contractors, redeployment, enforced annual leave, sabbaticals, unpaid leave options

Long Term:

Work permits and visas, voluntary or compulsory redundancy, business rationale, fair section and procedure, consultation, redundancy compensation, communication process



Section 4

Data Privacy, Security & GDPR

Data protection and General Data Protection Regulations (GDPR) compliance is vitally important even during a crisis such as Covid-19. The European Data Protection Board states that, even in these exceptional times of Covid-19, the data controller and data processor must ensure the protection of personal data.

You must continue to take necessary steps to protect personal data without standing in the way of the provision of healthcare and the management of public health issues.

Key obligations and requirements

- **Lawfulness** – Employers can request that employees provide current and accurate personal details so the employer has the correct contact details in the event of an emergency. This includes:
 - o address
 - o mobile phone number
 - o home telephone (if any)
 - o next of kin

Additionally, during Covid-19, employers can request details if the employee, or any family member living with them, is vulnerable (as outlined in the HSE Covid-19 guidelines) or if they have personal responsibilities that could cause risk (such as minding an elderly relative).

- **Transparency** – Employers must be transparent on why they are collecting any personal data.
- **Data minimisation** – At all times, employers should only request personal data that is necessary and proportionate and should be informed by the guidance and/or directions of public health authorities.

- **Accountability** – Employers must ensure that any personal data (medical or otherwise) collected is maintained securely and must not be disclosed to any other third parties without clear justification. Employers should not accept personal data that is not required (such as medical records etc).
- **Data Breach** – If an employer believes that they have had a data breach within the company, they must immediately follow the GDPR Data Breach guidelines: <https://www.dataprotection.ie/en/organisations/know-your-obligations/breach-notification>



Important: an employer should not disclose the identity of any individual employee if they have been diagnosed with Covid-19.

GDPR/Data protection checklist

- ✓ How secure is the organisation's personal and sensitive data when it is accessed remotely?
- ✓ Is it treated in the same way or in a similar manner to a person who processes personal data in the office?
- ✓ Has the organisation implemented appropriate measures to ensure that personal and sensitive data is kept confidential and secure for remote working?
- ✓ Has the organisation provided data protection training to ensure they safeguard personal data whilst working remotely?
- ✓ Does the organisation have full control of personal data or do employees use their own devices?
- ✓ If employees use their own devices, how can you secure the business data from their personal devices in the event of loss, theft or the employee leaving their employment?
- ✓ Has the organisation updated data protection documentation to take into account remote working options, including consideration of cloud-based solutions?
- ✓ Are there any employees working outside of the EU? Assess the risks and implications with this scenario.
- ✓ Has the organisation looked at its cybersecurity risks in light of remote working employees?

Employer actions

- Request that you have up-to-date personal details for all employees, including their next of kin or emergency contact.
- During Covid-19, you may request whether the employee (or any family member they are living with) is vulnerable, or if there is any particular risk in relation to the virus that the employer should know about. Put a timeline on holding any sensitive information and ensure the data is deleted after that date.
- Tracing – an employer may request that employees maintain a contact log of people with whom they have spent over 15 minutes' accumulated time and from whom they were less than the recommended physical distance apart during their working hours. Close contacts may also include people who have spent more than two hours with a suspected or confirmed case in a confined space such as an office or meeting room.
- Ensure that employee equipment being used remotely has, at least, minimum security requirements and that the networks being utilised are secure.
- Develop or revise remote working guidelines/policies to reflect Covid-19 changes including management of confidential and sensitive data/documentation/emails that will be accessed/accessible to employees who are working remotely.
- If you are considering utilising any of the tracing apps being developed, you should complete a Data Protection Impact Assessment to ensure there are no potential breaches of data within the app and its tracing methods. At the time of writing this guide, the Data Protection Commission had yet to release any guidance on the use of tracing apps.

'At all times, reasonableness is the key word when dealing with data and privacy'



Summary action list

Key Obligations:

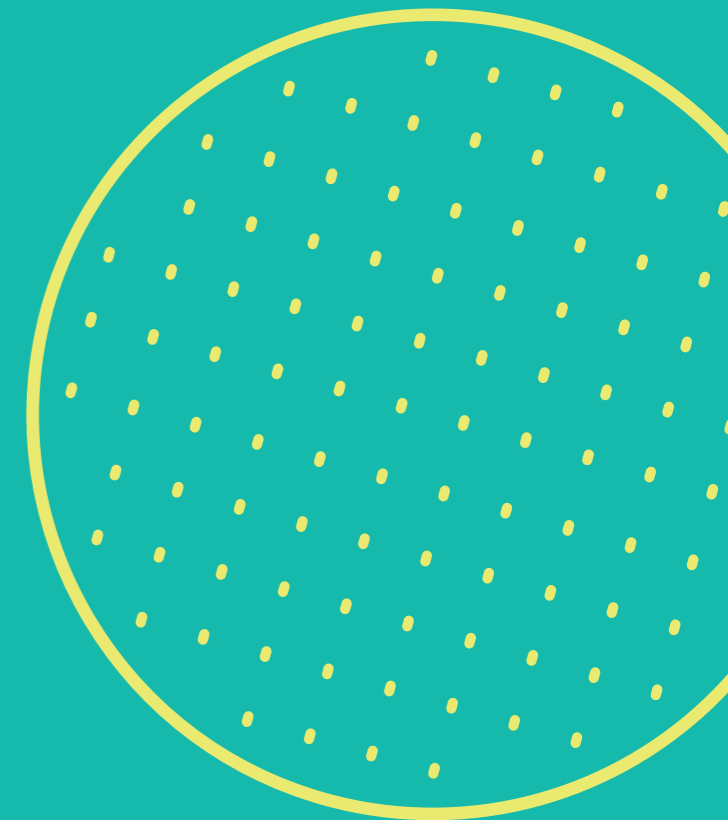
Lawfulness, transparency, data minimisation, accountability & data breach

GDPR & Data Protection Checklist:

Secure personal & sensitive data, secure data while remote working, training to safeguard data, company or personal devices in use & associated controls, updated policies, workers temporarily outside EU, cyber-risk analysis

Employee Personal Data:

Define time frame for holding Covid-19 related data, next of kin, high-risk individual within their household, contact tracing data & apps, personal or company device security protocols, ensuring data safety





Section 5

Sample Policies, Checklists & Templates

1. Sample Risk Assessment Template
2. Sample Covid-19 Pre-Return to Work Template
3. Sample Contact Log Template
4. Sample Business Continuity Checklist
5. Worker Representative Checklist (HSA)
6. Sample Covid-19 Employee Policy
7. Sample Sickness Absence During Covid-19 Policy
8. Sample Remote Working Policy
9. Covid-19 HR Policies & Procedures Log
10. Technology and Meeting Guidelines

1. Sample Risk Assessment Template

RISK ASSESSMENT TEMPLATE	
COMPANY NAME:	CARRIED OUT BY:
DATE CARRIED OUT:	DATE OF NEXT REVIEW:

This is a draft copy of a **generic Risk Assessment** for dealing with COVID-19 in the workplace. It will not cover all scenarios and each employer should consider their own unique circumstances and business. For some sectors, such as that for health care workers, the assessment may look quite different although many of the principles would still be relevant.

IDENTIFICATION OF HAZARDS	CATEGORY IMPACTED	CONTROL MEASURES REQUIRED	ADDITIONAL CONSIDERATIONS	OWNER	DUE DATE	STATUS
Spread of COVID-19	Staff, Contractors, Visitors, Cleaners & others	List here all the measures you need to put in place e.g. Handwashing, Cleaning and Social Distancing Procedures etc	e.g. daily checks, reminders, communication plans, frequency etc.			
Pre-Return to work	Employees	<ul style="list-style-type: none"> - Conduct the required H&S and induction training with staff as set out in the government protocol - Get all workers to complete and return to their manager the pre-return to work template 3 days before they return to the workplace - Provide all workers with notification and updates on the workplace changes, what they can expect, details of the COVID-19 Response Team and the plan they are working on 	Regular and ongoing Communications in advance of employees returning to the working Gain input and feedback on the response plan Conduct a risk assessment on each individual to understand their medical and H&S concerns in relation to returning to the workplace			
Main entrance – doors	Employees, contractors and visitors	<ul style="list-style-type: none"> - Automate the door if possible - Have a separate entrance and exit - Provide handwashing station with sanitizer, gloves and masks in-front of door - Collaborate with other companies and businesses who use the same entrance and ensure consistent practices 	Monitor and update all posters and signs reminding the need for good hygiene Establish working groups with landlord and other tenant companies			

IDENTIFICATION OF HAZARDS	CATEGORY IMPACTED	CONTROL MEASURES REQUIRED	ADDITIONAL CON-SIDERATIONS	OWNER	DUE DATE	STATUS
Spread of COVID-19	Staff, Contractors, Visitors, Cleaners & others	List here all the measures you need to put in place e.g. Handwashing, Cleaning and Social Distancing Procedures etc	e.g. daily checks, reminders, communication plans, frequency etc.			
Reception area	Employees, contractors and visitors	<ul style="list-style-type: none"> - Automate sign-in if possible - Put social distancing markings in place - Put one-way system in place - Remove seating from waiting area - Have contact log forms available for workers to complete daily to take with them - Check status of workers working in this area - Provide clear guidelines to courier and delivery companies re entrance and delivery practices 	<p>Posters and signs reminding the need for good-hygiene advice</p> <p>Take the necessary measures to identify at risk workers</p> <p>Establish the necessary steps for physical delivery and signing/ acceptance of deliveries</p>			
Bathrooms	Employees, contractors and visitors	<ul style="list-style-type: none"> - Ensure soap dispensing machine is regularly checked and refilled - Provide paper towels and remove or switch off hand blowers. Ensure they are refilled regularly - Have pedal bins in place, ensure they are emptied regularly - Taps should be automatic 	<p>Posters and signs reminding the need for good-hygiene advice</p> <p>Ensure regular checks of the area to ensure compliance</p>			
Outdoor smoking or rest areas	Employees, contractors and visitors	<ul style="list-style-type: none"> - Put physical distancing markings in place, indicating where people can stand and all physical distancing recommendations - Only allow a minimum number at any one time - Ensure there is full ventilation operating at all times 				

IDENTIFICATION OF HAZARDS	CATEGORY IMPACTED	CONTROL MEASURES REQUIRED	ADDITIONAL CON-SIDERATIONS	OWNER	DUE DATE	STATUS
Spread of COVID-19	Staff, Contractors, Visitors, Cleaners & others	List here all the measures you need to put in place e.g. Handwashing, Cleaning and Social Distancing Procedures etc	e.g. daily checks, reminders, communication plans, frequency etc.			
Office area and workstations	Employees and contractors	<ul style="list-style-type: none"> - Change layout of desks and workstations to ensure physical distancing is in operation - Introduce staggered start and finish times - Consider shift schedule to reduce the number of people in the workplace at any one time - Develop small teams of people and ensure they work the same work pattern/shift model - Additional posters identifying the worker representative and Covid-19 Response Team members - Markings on the floor for physical distancing - Hand sanitisers on the walls if possible, that are automated for use - Water stations changed to ensure there is refilling of own cups/bottles only 	<p>Provide or recommend the use of personal water bottles/cups</p> <p>Storage and refills to be managed by the supplier in line with workplace practices</p>			
Canteen and coffee docks	Employees and contractors	<ul style="list-style-type: none"> - Reduce the number of people who can take breaks and lunch together – ensuring physical distancing - Arrange the tables and chairs to accommodate this - Automate as much as possible in relation to serving of food and non-touch surfaces - Remove reusable cups and ensure staff bring their own or use disposable items 	<p>Arrange regular cleaning services before and after groups use the canteen and dining areas – leaving a gap of time in-between.</p>			

2. Sample Covid-19 Pre-Return to Work Form Template

SAMPLE COVID-19 PRE-RETURN TO WORK FORM

ABOUT THIS FORM

To help prevent the spread of Covid-19 in the workplace, every worker must complete and sign this form before returning to work. On review of the form, management may contact you and ask you not to return to work immediately and discuss a suitable future date for your return. This form must be completed at least three days in advance of your return to work.

WHAT YOU NEED TO DO

For your safety and the safety of your fellow colleagues, this questionnaire should be completed by you in an honest manner and returned via email/handed to _____

EMPLOYEE NAME:	
POSITION & LOCATION:	
MANAGER NAME:	

QUESTION	YES/NO
1. Do you have any symptoms of cough, fever, high temperature, sore throat, runny nose, breathlessness or flu-like symptoms now or in the last 14 days?	
2. Have you been diagnosed with confirmed or suspected Covid-19 infection in the last 14 days?	
3. Are you a close contact of a person who is a confirmed or suspected case of Covid-19 in the past 14 days (i.e. less than the recommended physical distance apart for more than 15 minutes accumulative in one day)?	
4. Have you been advised by a doctor to self-isolate at this time?	
5. Have you been advised by a doctor to cocoon at this time?	
6. Please provide details below of any other circumstances relating to Covid-19, not included in the above, which may need to be considered to allow your safe return to work. Further information on people at higher risk from Coronavirus can be accessed* https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html	

*if you are unsure whether or not you are in an "at-risk category", please check the link above for further information.

** If your situation changes after you complete and submit this form, please inform management or the worker representative immediately.

I confirm that to the best of my knowledge, the information I have given is correct.

Signature _____ Date _____

DATA PROTECTION: The information you provide in this questionnaire will be held in accordance with the Regulation (EU) 2016/679 of the European Parliament, of the European Council and of the European Commission (the "General Data Protection Regulation") and will be treated in the strictest confidence.

3. Sample Covid-19 Contact Log Template

SAMPLE COVID-19 CONTACT LOG

- ✓ Please enter details for those people you have been in **close contact** with on a daily basis **while in the workplace.**
- ✓ A "**Close Contact**" is regarded as any individual with whom you have had greater than **15 minutes** face-to-face contact (**<the recommended physical distance**).
- ✓ Please complete and return an up-to-date copy of this form to _____ on a daily basis (until further notice) if you have any close contact details.
- ✓ Details provided on this form will remain confidential and will only be provided to the HSE in the event of a suspected or confirmed case of Covid-19.

YOUR NAME:	EMAIL:
CONTACT NO.:	

DATE	TIME	LOCATION	CONTACT NAME/S

4. Sample Business Continuity Checklist

This sample Business Continuity Checklist will give you a guide to what you need to add to your own Company Business Continuity Plan, which should then link to the Business Strategy.

SAMPLE BUSINESS CONTINUITY CHECKLIST

ACTIVITIES	NOT STARTED	UNDERWAY	COMPLETE
BUSINESS			
Review business strategy, including full review of financial implications – outline plan of action/changed strategy			
Review current business processes/realign and change			
Review insurance cover			
Review all supplier and logistics requirements			
Talk to customers and ensure smooth transition/changes			
Track inventory levels and consider stockpiling			
Develop crisis management plan to cover any senior management team members who are unavailable for work			
Identify KEY customers and suppliers and assign contacts to nurture relations			
Implement Covid-19 Response Team and commence communications plans			
Review a range of HR policies such as travel, finance, expenses and personal property (being utilised remotely). Review cyber-security/GDPR implications/personal property			
Consider ramp-up, ramp-down of business and impacts on third parties (contractors, suppliers etc.)			
Insert a separate cost centre to track all Covid-19 costs and expenses			
Implement remote working etiquette policy to cover virtual meetings, attendance at remote meetings, personal appearance requirements, tracking of hours worked etc.			
Introduce revised metrics to track new business and working targets			
Review continuity provision for IT/Finance/Payroll/HR, and ensure that remote communications facilities are robust			
EMPLOYEES			
Ensure all employee details are up to date, including address, telephone numbers, emails, next of kin, family details			

Check with individual employees about their requirements to return to work/remote work and any personal issues that must be considered (vulnerable employee/family member/high-risk illness category/childcare issues etc.) Ensure that employees are chosen for remote working/onsite/mix of both in a fair and transparent manner, taking into account potential discrimination risks			
Issue Pre-Return to Work Form to all employees for completion at least three days before their date of return to the site/office			
Identify key employees, activities and positions and outline strategy plan for backfill/cross-training etc. Consider outsourcing and other options			
Communicate details of the worker representative(s) as the KEY POINT OF CONTACT and other members of the Covid-19 Response Team			
Review all holiday entitlements, absences, and scenarios of absence due to Covid-19 and plan for several scenarios			
Track all holiday/sick/absence leave on a weekly basis			
Review resourcing in line with revised business strategy			
Prepare comprehensive communication plan that includes communications between manager and employees, and Covid-19 Response Team and employees			
Introduce regular Covid-19 training for all employees			
Establish employee supports, such as Employee Assistance Programmes (EAPs), health providers etc. Review health insurance for employees if there is a group scheme in place			
Overseas employees – review visa/work permits and track their status and travel permits			
Consider relocation/re-patriation/safe remote working – appoint specific contact person on the Covid-19 Response Team			
Consult with any third parties as required – such as unions/employee representatives			
WORKPLACE			
Develop and update policies on hygiene/workplace layout/shifts, staggered hours/flexible working arrangements			
Organise all signage, floor markings, rearrangement of furniture			
Minimise all areas requiring touch (doors/bin lids/desks/equipment etc.)			
Organise cleaning regime and contractors as required – PPE or other equipment as required by business			
Review ICT support for both site and remote working			
Implement tracking/tracing process for all employees. This should include any person coming onsite			
Ensure all equipment and furniture is tagged and allocated/tracked			
Instruct employees who return onsite to take their laptops home with them each day (in case there is an instruction to WFH again)			

6. Sample Covid-19 Employee Policy

SAMPLE Covid-19 EMPLOYEE POLICY

Purpose

The purpose of this policy is to ensure that the company is taking the relevant measures to mitigate the spread of Covid-19 and protect our employees and their families. This policy is written in accordance with Government guidelines and is subject to changes. You will be notified of any updates by email.

Scope

This policy applies to all employees who are physically present in the workplace. We do, however, expect all remote working employees to familiarise themselves with the details of this policy so the company is coordinated in its approach to the situation.

Policy

Sickness and absence

- If you develop any cold-like symptoms or feel unwell you should request sick leave or to work from home.
- If you tested positive for Covid-19, you should only return to the office after you have fully recovered and followed the guidelines in the company's **Sickness Absence with Covid-19 Policy**.

Remote working

- You may request to work from home if you feel unwell but able to continue to work.
- If you have been in close contact with someone infected by Covid-19 and are at risk of being infected, you can request to work from home. During this time, you should not have any physical contact with any of your colleagues.
- You may request to work from home if you have childcare restrictions. Please meet with your manager to make arrangements and set expectations.
- If you need to care for a family member infected by Covid-19 you may request to work from home. You will only be permitted to return to the office 14 calendar days after your family member has fully recovered, provided that you are asymptomatic or you have a doctor's note confirming you do not have the virus. You will also be asked not to come into physical contact with any colleagues during this time.

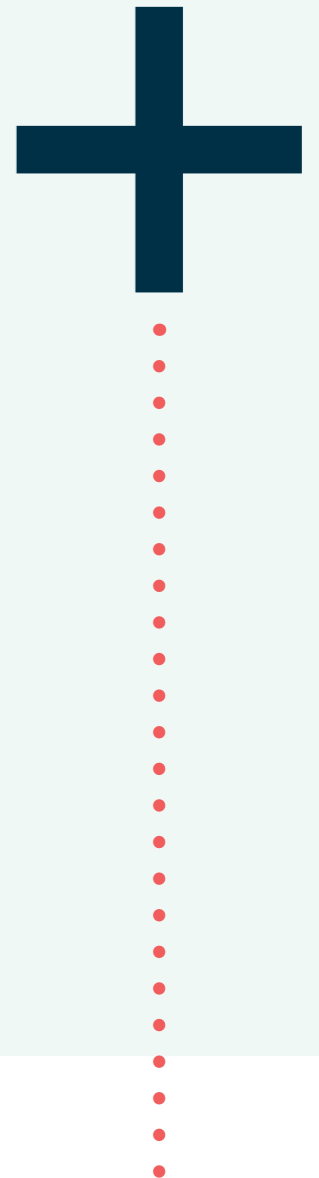
Travelling/commuting measures

- All work trips and events – both domestic and international – will be cancelled/postponed until further notice.
- In-person meetings should be done virtually where possible, especially with non-company parties (e.g. candidate interviews and partners).
- If you normally commute to the office by public transportation and do not have other alternatives, you can request to work from home as a precaution.

- If you are planning to travel voluntarily to a high-risk country with increased Covid-19 cases, we will ask you to work from home for 14 calendar days following your return. You will also be asked not to come into physical contact with any colleagues during this time.

General hygiene rules

- Wash your hands after using the toilet, before eating, and if you cough/sneeze into your hands (follow the 20-second handwashing rule). Sanitisers situated throughout the office can also be used.
- Cough/sneeze into your sleeve, preferably into your elbow. If you use a tissue, discard it properly and clean/sanitise your hands immediately.
- Open the windows regularly to ensure the office is well ventilated.
- Avoid touching your face, particularly your eyes, nose and mouth, with your hands to help prevent you from getting infected.
- If you find yourself coughing/sneezing on a regular basis, avoid close physical contact with your co-workers and take extra precautionary measures (such as requesting sick leave).



7. Sample Sickness Absence Policy during Covid-19

SAMPLE SICKNESS ABSENCE POLICY DURING COVID-19

The company is committed to following all public health advice in relation to Covid-19. This policy has been updated to include absences related to Covid-19. The company recognises that this is a fluid situation, and every effort will be made to keep this policy up to date.

Covid-19 symptoms

If you or anyone in your household display any symptoms of Covid-19, you must stay at home and not attend work. You should phone your GP and follow the Government's self-isolation guidance, which is available at www.hse.ie.

Common symptoms can include:

- a fever (high temperature – above 38 degrees Celsius)
- a cough – this can be any kind of cough, not just dry
- shortness of breath (breathing difficulties)

Further information on symptoms can be found at <https://www.gov.ie/en/campaigns/c36c85-covid-19-coronavirus/>

You may also be required to self-isolate in some circumstances when you have no symptoms, including if you:

- have been in contact with a confirmed Covid-19 carrier
- have recently travelled overseas
- are in a vulnerable group (i.e. over 70, pregnant or have an underlying health condition)

If you are self-isolating as a precaution but you are otherwise well, you may be asked to work from home if possible. To facilitate temporary home working in this situation, your manager may reassign you to suitable alternative duties.

Should you display symptoms at work, you will be asked to go home immediately and to call your GP. If it is not possible for you to go home immediately, you will be asked to move to a designated isolation area. You should follow the designated route to this area as advised by management, avoiding touching people, surfaces and objects. You may be asked to wear a mask and other PPE equipment. Strict personal hygiene should be followed. The company will facilitate you contacting your doctor and arranging transport home.

Contact details

Given the Covid-19 situation, you must make sure that your personal contact details and next-of-kin details held by the company are up to date. Your personal contact details may be used should the company need to contact you whilst you are in self-isolation. Your next of kin details may be used should you develop symptoms at work and need to go home.

Notification

If you fall ill and cannot attend work, you are required to personally notify your line manager or an alternative manager within a certain number of hours of the scheduled starting time. This number of hours is specified in your contract of employment. You are requested to notify your manager by telephone, unless medically unable, in which case, you should ask someone else to make contact. Text and email notifications should be kept to a minimum and should be followed by a phone call at a suitable time.

In notifying your manager, you should give details of the reason for your absence and indicate when you believe you will return to work.

If you are required to self-isolate, you will be required to give your manager the following information:

- Date of commencement of self-isolation and number of days advised
- Advice received from: GP, HSE, hospital or other (you will be required to specify what this is). Where possible, the company's preference is to receive written confirmation from your doctor; however, we appreciate this may not always be possible

In the case of non-Covid-19-related, short-term absences, you should contact your manager on each subsequent day off work, unless you have a doctor's certificate covering the period.

In cases of long-term absences, the company will be in touch with you from time to time with news from the workplace and/or after a period of time, to ascertain when you will return to work and to build a return to work plan for you.

Acceptable levels of absence

The company will continuously monitor absence levels. Under normal circumstances, where short-term sickness absence reaches unacceptable levels, a review is carried out, which may result in disciplinary action as per company policy.

If you are in self-isolation because:

- you or someone you live with is displaying symptoms
- you have been given medical advice to self-isolate
- we asked you to self-isolate,

we will not consider this absence when determining whether or not formal action is required.

Sickness absence

An employee absent through illness or injury for more than a certain number of consecutive working days must provide a doctor's certificate no later than the following day of absence. This number of days is specified in the employee's contract of employment. This certificate must cover the period of illness, indicate the nature of the illness, and contain a declaration as to when the employee is expected to be fit to resume normal duties.

For long-term sickness absence or frequent periods of sickness absence, the company may request a medical report from the employee's GP or consultant. The company also reserves the right to have an employee examined by its own medical practitioner. Failure to comply with such a request may result in disciplinary action being taken.

Medical appointments

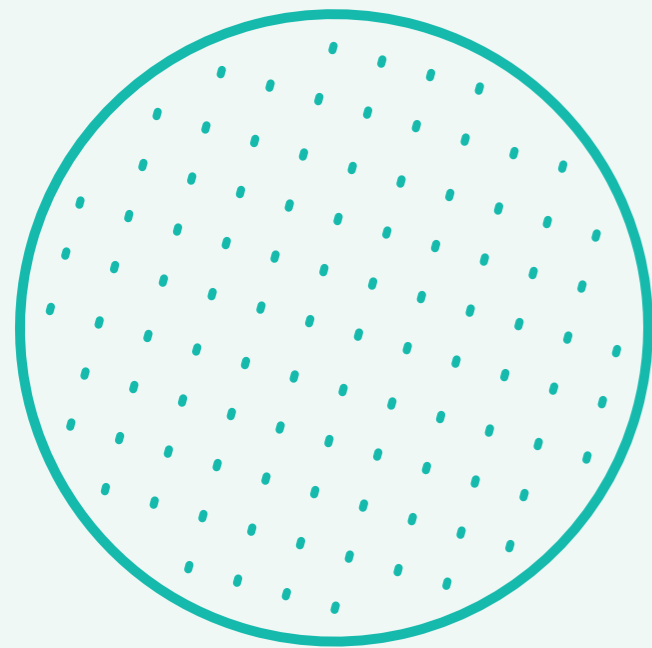
Wherever possible, appointments should be in the employee's own time, or alternatively, where there is minimum disruption to the working day. Where it is not possible, employees should notify their manager of the appointment at the earliest opportunity and may be required to provide evidence of the appointment.

Annual leave and sickness

Employees who are on certified sick leave will continue to accrue annual leave entitlement. Should an employee be unable to take annual leave in the leave year due to illness, they may carry the leave forward. Any leave carried forward in this manner must be used within 15 months of the end of the leave year to which it relates. The above applies only to statutory annual leave entitlement, unless otherwise stated by the company.

Return to Work Interview

For all periods of sickness absence of half a day or longer, employees may be requested to attend a Return to Work Interview. The purpose of this meeting is to discuss the absence, the employee's fitness to return to work and whether there are any steps that could be taken to assist their return to work.



8. Sample Remote Working Policy

SAMPLE COVID-19 EMPLOYEE POLICY

Purpose

This Remote Working Policy sets out guidelines and requirements for employees working in a remote working environment.

Scope

This policy applies to all employees who are/will be working remotely – either full time or part time, but on a regular basis over an agreed period of time.

Policy

The key issue for remote working is that employees have a safe and appropriate remote working environment. This policy will assume that the remote working location is the employee's home/permanent residence.

Remote working must always be pre-approved by your manager.

Equipment

Any equipment that is provided to you remains company property. You must ensure that equipment is kept safe and avoid any misuse.

Specifically, employees must:

- keep their equipment password protected
- store equipment in a safe and clean space when not in use
- follow all data encryption, protection standards and settings
- refrain from downloading suspicious, unauthorised or illegal software
- use only company-approved software and cloud systems

Compliance with policies

As a remote employee, you are required to follow our company's policies as normal.

Employees are encouraged to work their normal hours unless otherwise agreed with their manager (e.g. if they have childcare or other family commitments). Employees should notify any absence (illness etc.) in line with the normal company policy and procedure.

Examples of other company policies that all employees should abide by when working remotely:

- Social Media
- Confidentiality
- Data Protection & Security
- Employee Codes of Conduct
- Anti-Discrimination/Equal Opportunity

Compensation and benefits

Your terms and conditions of employment do not change during periods of remote working, unless otherwise notified by your manager.

Guidelines and suggestions for remote employees:

- 1. Routine:** Start and finish your day with a routine: for example, get dressed, go for a walk, avoid eating your meals at your desk unless you are joining your colleagues for a virtual lunch, take breaks and drink lots of water.
- 2. Your workstation:** Establish your workstation as if it was in the office, with good light, a comfortable and supported chair, a decluttered desk and an overall good ergonomic desk set-up.
- 3. Your work environment:** Establish good ground rules and boundaries from the start, so others in the household respect that your home office space is for work, e.g. when the door is closed, you are working.
- 4. Regular breaks & exercise:** It is suggested that you take a break every 25 minutes to get up from your seat, stretch and walk about. Maybe set an alarm to remind you – it is surprising how quickly the time goes by.
- 5. Set a daily workplan:** Focus on milestones and goals to be achieved and avoid getting distracted by the radio or online shopping. Leave these as treats for breacktime.
- 6. Stay connected:** Schedule video calls across your diary for the week, with different team members and others in the organisation. Make it your virtual coffee dock, where you take time out to share lunch together or grab a virtual coffee together, check in on each other and be supportive. You will feel less isolated and be reminded about everyone's common purpose.
- 7. Healthy diet:** Remember – eating healthily is very important for your concentration and your wellbeing. Set out a menu for the week and plan your diet around your new lifestyle and work pattern. Avoid too many sugary snacks as they will only give you short-term benefits.
- 8. Scheduled meetings:** Make sure you continue to stick to any scheduled 1:1 calls/video with your manager and talk about your work, challenges and any supports you might need. Try to keep your team meetings in the diary; just move them to virtual meetings so that you keep the routine.
- 9. Close off your day:** Make sure you set a time that you will finish working and try to stick to that. It will be important to have a good separation between work and family life. Close your laptop, leave your workstation and get some fresh air before you tune into your personal life – which can be equally as demanding.
- 10. Online learning and development:** This could be a good time to schedule some online courses and work on developing some of those process improvements documents that have been on the list for too long. Use your time productively.
- 11. IT Security:** Ensure that you have appropriate IT security and that your passwords and encryptions are kept up to date.
- 12. Agree expectations:** It is critical that you understand your objectives/goals and the weekly expectations, so regular contact with your manager is essential.

It is the employee's responsibility to ensure that their workstation meets our health and safety requirements, and you should complete a Remote Working H&S Checklist and return it to your manager. If you are unsure of any aspect of your remote working location/facilities, please notify your manager, setting out your concerns.

Covid-19 issues:

- **The new home office:** Many employees are at home working with their families and they need to plan their days to accommodate other responsibilities. Talk to your manager about this directly, so that the expectations and deliverables are agreed and understood within the constraints of your time and capability.
- **Your health:** Remote working can be challenging – take advantage of any support from your Manager or other colleagues within the company and utilise any other supports such as Employee Assistance Programmes.

For further information on any aspect of this policy, please contact your manager or a member of your HR Department.



9. Sample Covid-19 HR Policies & Procedures Log

The following policies and procedures should be reviewed and updated to take account of any Covid-19 adjustments, even if changes are only necessary for a temporary period of time.

HR POLICY TITLE	COMMENTS
Recruitment and selection	Recruitment methods to be reviewed in light of social distancing and office usage
Pre-employment medicals/checks	
Working hours/remote working	Change to reflect business remote working/flexible working
Covid-19 specific details	
Relocation/transfer/business travel/overseas employees	Inform employees on business travel changes
Dress code/media etiquette	Policy on attending remote meetings/use of camera/muting/dress code
Use of company phones/personal phones/equipment	Employees may be using their own phones and laptops
Use of company transport	Changes to any company transport policy
Short-term working/temporary lay-off	Policy change with Covid-19 pandemic payments and Wage Subsidy Scheme details
Employee Assistance Programme	If not in place, consider supports
Exit interviews	Policy should reference remote Exit Interview process
Confidentiality	
Intellectual property	Consider remote security/GDPR
Medical health insurance	Review company health insurance scheme if relevant
Allowances	Clarify any changes
Expenses	Clarify any changes
Sick leave	Revise to take account of Covid-19-related illness
Annual leave	Revise for period of Covid-19
Public holidays	Revise entitlement due to contractual and hours worked
Force Majeure leave	
Bereavement and compassionate leave	
Career breaks	
Harassment, Sexual Harassment and Bullying Policy	
Complaints Procedure	Review to consider remote communication

Appeals Procedure	Review to consider remote communication
Performance management	Consider remote working implications
Disciplinary Policy and Procedure	
Grievance policy and procedure	
Whistleblowing Policy	
Safety Statement	
Personal property	
Company property	
Data Protection Policy	
Visitors	
General housekeeping and rules	
Social media in the workplace	



10. Sample Technology and Meeting Guidelines

GUIDELINES AND BEST PRACTICE FOR MEETINGS

Remote/virtual meetings

As with all meetings, it is a good idea to have some guidelines and recommended best practice when it comes to remote and virtual meetings. Establish some company guidelines and circulate to employees, learn from your experiences, and adjust the structure and process where necessary to ensure that all attendees are engaged and contributing, and that your scheduled virtual meetings are worthwhile and necessary.

Here are some best practice guidelines to consider:

1. Does the meeting really need to take place? Is there a clear goal and outcome or is it for more social purposes? Many of us are craving social contact, and meetings can be an excuse to engage with our colleagues. If that is the case, arrange an informal catch-up that is optional to attend for people under time pressure.
2. Time limit – Have a time slot and stick to it to enable colleagues to plan around it. It is important to remember that many remote workers will have kids, pets, partners or technical challenges that can impact availability.
3. Communication – Virtual meetings can be difficult to control and require greater awareness of non-verbal responses and any connectivity time delays. A good idea is to use people's names and not rely on eye contact as one would in a face-to-face meeting, giving everyone an opportunity to contribute.
4. Use of tools – Decide before the meeting on the use of technical tools such as video on/off, when to use mute and responding to online chat facilities. It is important that all participants understand how the meeting is going to be run so they can engage effectively and proactively. Notify attendees before the meeting about the use of camera (or not) and muting.
5. Record the meeting – Consider recording the meeting for anyone who cannot attend. However, agree this with the attendees in advance.
6. Audio-only option – although the use of video is most effective remember that it does require a strong internet connection and some participants may struggle with this. People need the ability to also participate via audio.

Physical meetings

Contrary to normal advice, employers should not encourage face-to-face meetings during Covid-19 unless it is absolutely necessary, or if the organisation is an essential service and requires employees onsite.

1. Physical meetings should be reduced to the absolute minimum and, as far as is reasonably practicable, virtual technology alternatives should be used.
2. Ensure the meeting room is adequately equipped and large enough to ensure social distancing.
3. Only invite the essential participants to attend.
4. Social distancing must be adhered to, in line with the latest Government guidelines.
5. Rooms should be well ventilated, or windows opened to allow fresh air circulation.

6. Meetings should be kept to a minimum timeframe and have a strict time limit to reduce risk of exposure (check HSE website).
7. Hand sanitiser should be provided at both the entry and the exit of the room. Face masks should also be provided, and usage of these should be recommended where necessary.
8. You may need to consider cleaning the room in between meetings – consider using a range of meeting rooms, if necessary, to allow sufficient time for this.



Section 6

Frequently Asked Questions

1. Health, Safety & Wellbeing of Employees

Q Can I take my employees' temperature and ask them to take a test for Covid-19?

Employers should only implement temperature checks and any testing in line with public health advice. It is important that any such measures are undertaken following an assessment of what is necessary and proportionate in that workplace.

In some workplaces, it may be deemed essential, and in others, it might be deemed disproportionate. If your company is undertaking such checks, the information gathered must be stored appropriately and held only for the necessary length of time in line with GDPR guidelines on retention of sensitive personal data.

Q Do we need to supply face masks or other PPE?

You should first assess the risk and see if it can be eliminated entirely (though physical distancing, enhanced hygiene plan etc.). If that is not reasonably practicable, then you will need to look at a range of additional protective methods that can minimise the risk of the spread of the virus. The provision of PPE is included as an employer's obligation in the protocol as a step to eliminate or reduce the risk of infection, as is reasonably practicable.

This includes the provision of tissues, hand sanitiser, disinfectant and/or wipes. While there is currently no mandatory requirement to wear masks, the protocol does require that they be provided to any person presenting with symptoms, if available, as part of the process for dealing with a suspected case.

Q Are we liable if an employee contracts Covid-19 at work?

Yes, potentially if, as the employer, you were negligent in some way and this negligence caused or materially contributed to the employee contracting Covid-19, you could be found vicariously liable.

An employee with mild symptoms is unlikely to bring a claim. In practice, claims are most likely to come from vulnerable employees, whose symptoms may be more severe

Q Can an employer prevent employees in a public-facing role from wearing a surgical mask or respirator?

The wearing of masks or prevention of wearing of masks in any role needs to be handled with a reasonable approach. If an employee believes that they need a mask to protect them from Covid-19, then a reasonable accommodation needs to be made for this. Equally, if an employee refuses to wear a mask for a particular reason (some people are allergic to face masks or are unable to wear them due to breathing difficulties), then it would also be difficult to enforce this. While you could of course ask for medical evidence in both cases, it would be better to discuss the issue directly with the employee in the first instance to understand their rationale and try to make a reasonable accommodation.

Q What are Employers' Duties to Remote Workers?

The HSA has reminded employers that their duties to ensure employees' health, safety and welfare extends to an employee's workspace even when an employee is working from home. Amongst other advice, the HSA has indicated that employers should consult with their employees to assure themselves that:

- the employee is aware of any specific risks regarding working from home
- the work activity and the temporary workspace are suitable
- they provide suitable equipment to enable the work to be done
- there is a pre-arranged means of contact
- they contact employees regularly by phone or email
- they provide employees with emergency contact numbers
- they ensure that work is organised in such a way that employees can take regular breaks and can separate their work life and personal life
- they provide regular feedback on work
- they encourage employees to maintain contact with their colleagues to prevent employees from feeling isolated

Special consideration should be given to employees from sensitive risk groups, for example, employees with disabilities, pregnant employees and older or younger workers.

Q Are we legally responsible for an employee's journey to and from work?

Employers have not generally had any legal responsibility for an employee's journey to the workplace up to this point and health and safety legislation covers only the risks which employees may be exposed to at work and not the risks they may face whilst travelling to and from work. Given the increased risk associated with using public transport during Covid-19, employees are likely to be anxious and concerned about commuting. We are all being asked to phase our use of public transport, so it is important that you can provide flexibility (such as staggered start and finish times etc.) to reduce this risk and to ensure that your employees can get to work in the safest way possible.

Q Do employers need to provide sanitary and washing facilities for visiting workers?

Although there is no specific legislative requirement to provide sanitary and washing facilities for visiting workers, there is however a general duty on all companies to cooperate and collaborate during this time to ensure everyone's health and safety. The HSA has emphasised that, in light of the present public health crisis and the need for critical supply chains to continue operating, companies that are relying on visiting workers to make deliveries from their sites should provide adequate and appropriate arrangements on their premises.

2. Staff Communications & Engagement

Q What if employees are unable to return to work as they have no childcare?

Employers are encouraged to be flexible with parents during Covid-19. Have an open and honest conversation with them. Can they work from home full or part time? Can they share parenting so they can work a few hours every day? Can their work hours be adjusted for now so that they work early/late than their normal hours?

If they cannot work from home – can you offer unpaid parental leave or unpaid leave of absence? Could they take some annual leave?

Q Can I force my employees to take annual leave?

You can ask your employees to take annual leave, but you should give your employees 30 days' notice if you wish them to take annual leave. We recommend that employers start the discussion with employees and encourage them to start planning annual leave for the remainder of the year. It is important to remind employees, particularly those that have been continuing to work remotely, that they still need get a break and rest from work.

Q What should I do if an employee is not attending virtual team meetings or always has their mute and camera button off during the call?

If you are encountering disengagement or poor communications from a member of the team, consider a few things before you act:

1. There may be a problem with the technology or their ability to use the technology/tools
2. They may have some personal issues going on in the background that might be impacting them – schedule a separate 1:1 call and ask some open questions, show empathy and compassion
3. Is there a correlation between their engagement and their productivity and if so, then you need to gather all of the facts and schedule a meeting/call with them to discuss the issues you are experiencing and explore how you can overcome these challenges. This might require a performance improvement plan or disciplinary action

Q What should I do if any employee refuses to come back into work, they are not ill, or vulnerable or in any special category but do not want to return to work?

Unless the employee has reasonable grounds to refuse to come to work, then he or she may be subject to the company's disciplinary procedure. Before any disciplinary action is commenced, the situation should be discussed with the individual, because it may be possible to allay their concerns in some way. For example, if their real fear is the risk of infection on public transport, it might be possible to adjust their hours to enable them to travel outside rush hour. If the individual refusing to come into work is pregnant or otherwise at high risk (e.g. auto-immune diseases), you should tread carefully, and you may have to be more flexible. If someone has genuine fears about attending work, the stress of being required to do so or of alternatively facing disciplinary action may itself adversely affect their health.

Refusing to allow employees to stay at home, or disciplining them for not attending work, could potentially lead to legal claims. For example, an employee might try to claim constructive unfair dismissal if there is a genuine health and safety risk from being required to attend work. However, provided employers do not act unreasonably and employees are not placed at undue risk, such claims would be unlikely to succeed. We suggest that you have conversation with employees and take a fair and reasonable decision.

Q Do employees accrue annual leave and public holidays during lay-off and short time?

Employees do not accrue annual leave during a period of temporary lay-off. However, they may still be entitled to their full annual leave entitlement if they manage to complete their full working hours during the leave year, i.e. when they return to work. For most employees, this will be difficult to achieve, and it is conditional on the employee remaining in their job before the leave year has elapsed. Employees retain the right to be paid for a public holiday during a lay-off period of up to 13 weeks. Guidelines for entitlement to annual leave and public holidays is set out in The Organisation of Working Time Act 1997.

If you are availing of the Temporary Wage Subsidy Scheme but your employees are not actually working, they will not accrue statutory annual leave for the duration of the scheme. The issue of contractual annual leave is slightly more complicated and will depend on the wording in your employment contracts. Their entitlement should be calculated based on what they would have received had they not been on short time. After the 13-week period has lapsed the employee will accrue their public holiday benefit based on their short-time working hours.

3. Resource Planning

Q What if an employee is not ill or vulnerable or in any special category, but does not want to return to work?

The first step is to try to reassure the employee that you are putting measures in place to mitigate the risks. If the employee cannot be persuaded, consider if you can allow them to work/continue to work remotely. Under the current guidance, however, employees in roles that can be done from home should be working at home anyway – so this will only be a solution for business-critical roles where you need some employees in a particular role to return.

In theory, you could take disciplinary action against any employee who is unhappy about returning to work in a situation where they have no particular vulnerability and you are taking all reasonably practicable steps to manage the risks. However, we would caution against this in the current circumstances, as any misconduct dismissal would likely be regarded by the Workplace Relations Commission (WRC) as unfair and disproportionate in the current situation and any disciplinary action could result in constructive dismissal claims.

Q How do we avoid discrimination in our return-to-work plans?

It is important to ensure that your return-to-work plans do not disadvantage any particular group of employees. Vulnerable employees may be classified as disabled under the Employment Equality Acts, and you have a duty of reasonable accommodation to transfer them into safer alternative work (which may include working remotely) or even allow unpaid leave.

Q Do I have to pay redundancy if I make an employee on temporary lay-off redundant?

Any redundancy process is a termination of employment and you must ensure that you follow and comply with all employment legislation in relation to redundancy, which includes fair selection, meaningful consultation and payment of statutory redundancy (if the employee has more than two years' service), notice period and any outstanding annual and public leave entitlements.

Q Can we temporarily change an employee's working hours to staggered working hours, for example from 9am-5pm to 8am-4pm?

Yes, but it should be done with the employee's agreement. If it is not possible to obtain their agreement, you could argue that a temporary and relatively minor change of this sort comes within the employee's implied duty to comply with a reasonable management request. You should also consider the individual's particular circumstances and whether the change could potentially have a discriminatory impact on them.

Q Can we reduce an employee's hours and pay if a phased return means they need to work shorter hours?

Any changes to an employee's terms and conditions that are detrimental should be negotiated and not imposed. However, if it is not possible to bring employees back where they have been either out of work, or already working reduced hours, then this should be communicated and agreed. If the employer has work to provide, and can provide a safe working environment, then an employee should agree to return.

Q What should an employer do if an employee wishes to travel for personal reasons to an affected area?

As an employer, you cannot restrict an employee from undertaking travel for personal reasons overseas. However, you may ask them to discuss with you in advance so that any potential impact of government requirements to self-isolate on return are understood. If, for example the employee is unable to work remotely but has to self-isolate for 14 days following an overseas travel, it would be good practice to ensure you have a clear policy in place with regard to the arrangements for this in relation to payment or non-payment of salary, taking additional annual or unpaid leave on returning from such period.

Q What discrimination issues should employers address or be aware of?

There are potentially many direct and indirect discrimination issues that an employer should be mindful of during this time. These could include decisions taken in relation to vulnerable employees or older workers. Restricting non-national employees to travel overseas could potentially be seen as indirect discrimination. It is important that any action is seen as a proportionate response to protecting the health and safety of all employees in the workplace.

Q In the case of a non-national employee, who is unable to return to Ireland due to travel restrictions, what considerations does an employer need to be mindful of?

This will likely be a challenge for some employers over the coming months. It is important to have a discussion with these employees and to put some timelines on a potential return date. This should be possible over the coming weeks as there will likely be an increase in flights. It is important to note that there may be tax and other potential consequences in relation to work permits and visas should the situation be allowed to continue for a lengthy period.

4. Data Privacy, Security & GDPR

Q Can an employer tell their employees if one of their colleagues has tested positive for Covid-19?

The employer must always protect an employee's privacy, so the answer is no. The employer can inform employees that there may be a case within the company, but no names or details of the affected employee should be given.

Q Can an employer require that all employees and visitors fill out a questionnaire requesting information on their recent travel history (to other countries affected by Covid-19) and/or medical information such as temperature or other Covid-19 symptoms?

The employer has a duty of care to both protect the health of their employees and maintain a safe place of work (including remote working employees). During the current Covid-19 situation, employers are justified in asking employees and visitors to inform them if they have visited an affected area and/or are experiencing symptoms.

Q Can I still use our meeting rooms for meetings?

As part of your Risk Assessment, you should assess how many attendees can physically be in the room (taking account of the physical distancing guidelines). Your meeting guidelines should include the maximum number of attendees per meeting, sanitising arrangements, ventilation etc.

You should ensure a gap between each meeting to allow for adequate cleaning. While there is nothing preventing businesses from having the same people in the same room for a meeting for over two hours, you do need to consider that if any of these people test positive for Covid-19, then the others would be considered "close contacts" and would therefore need to self-isolate for 14 days.

Q Can we make employees download a contact tracing app?

The Data Protection Commission has not yet released any guidance on this. When/if this is rolled out, you will likely need to consider detailed Data Protection Impact Assessment (similar to a risk assessment in the Health and Safety context) and to consider if it is necessary and proportionate to require your employees to use it.

Section 7

Links to Reference Sites of Interest

Irish Government

National Action Plan in response to Covid-19

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

Advice for employers and employees

<https://www.gov.ie/en/publication/99104a-covid-19-coronavirus/>

Department of Business Enterprise and Innovation Business Checklist

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

Easing of Covid-19 Restrictions

<https://www.gov.ie/en/press-release/e5e599-government-publishes-roadmap-to-ease-covid-19-restrictions-and-reopen/>

Department of Business, Enterprise and Innovation Supports for SMEs

<https://dbe.i.gov.ie/en/What-We-Do/Supports-for-SMEs/COVID-19-supports/Government-supports-to-COVID-19-impacted-businesses.html>

Employment Permits

<https://dbe.i.gov.ie/en/Publications/COVID-19-Employment-Permits-System-Contingency-Arrangements.html>

Return to Work Safely Protocol

<https://www.gov.ie/en/publication/22829a-return-to-work-safely-protocol/>

Health & Safety Authority

Covid-19 Response Plan

https://www.hsa.ie/eng/topics/covid-19/return_to_work_safely_templates_and_checklists/return_to_work_safely_templates_and_checklists.html

NSAI

Guide for Company Workplace Protection

<https://www.nsa.ie/covid-19workplaceprotection/>

Enterprise Ireland

Enterprise Ireland Covid-19 Business Response Plan

<https://globalambition.ie/covid-19/>

Enterprise Ireland Covid-19 eLearning resources

<https://eilearn.ie/covid-19/>

Local Enterprise Office

Covid-19 Pandemic – Business Response

<https://www.localenterprise.ie/response/>

Data Protection Commissioner

Data Protection & Covid-19

<https://www.dataprotection.ie/en/news-media/blogs/data-protection-and-covid-19>

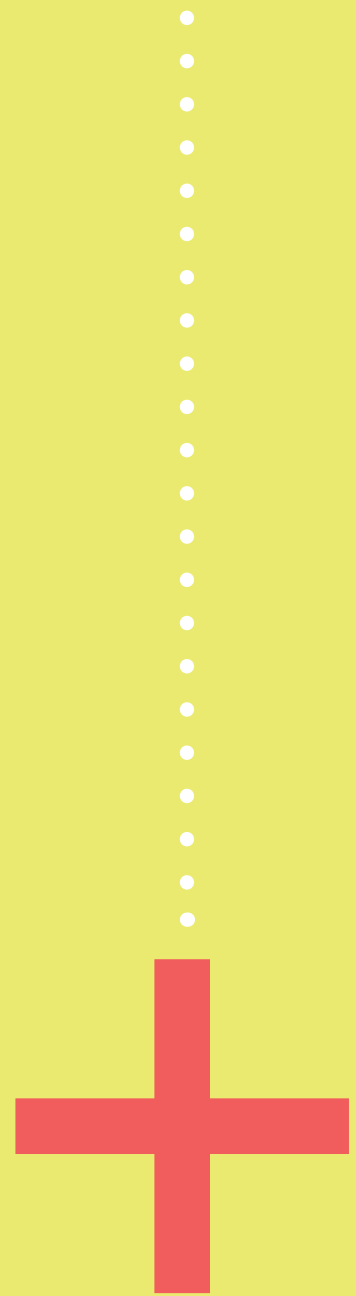
Chartered Institute of Personnel and Development (CIPD)

Responding to the Coronavirus

<https://www.cipd.ie/news-resources/coronavirus>

Employment Law Factsheets

<https://www.cipd.ie/news-resources/practical-guidance/employment-law/factsheets>



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