

COVID-19 Ireland Update: Five Things Employers Need to Know About Changes to the Public Health Advice

In light of the Irish government's announcement on 21 January, here is a short update in respect of the five key changes to current COVID-19 restrictions and public health advice in Ireland as they affect the workplace.

1. With effect from today, Monday 24 January 2022, a return to physical attendance in workplaces can commence on a phased basis appropriate to each sector.
2. The requirement for 2m physical distancing in hospitality "and other settings" has been removed. The Work Safely Protocol (the "Protocol") which governs preventative and control measures in the workplace in Ireland dated 14 January still contains reference to 2m physical distancing. However, this is expected to be revised imminently and the general lifting of public health restrictions with effect from 22 January 2022 appears to permit the lifting of physical distancing restrictions in workplaces also subject to limited exceptions.
3. There is no express requirement for mask wearing in the workplace generally. Mask wearing is still required on public transport, in retail settings and for customer facing roles where food and beverages are served until 28 February 2022.
4. Employees currently do not have a right to remain working remotely into the medium term, however, employers in Ireland are strongly encouraged to collaborate with their employees to agree a phased and gradual return to the workplace. Subject to the public health situation not deteriorating, the remaining public health measures are expected to be unwound by 28 February, 2022. Draft legislation conferring a right to request enduring Remote Working arrangements is expected to be published this week.
5. Recommended Preparations by Employers include the following:
 - Ensure the workplace, which may not have been used by large numbers throughout the pandemic, complies with the requirements of the Protocol as it relates to prevention and control measures which have not been lifted, including ensuring that the workplace is adequately and safely ventilated;
 - Refresh and update Return to Work training for all employees;
 - Complete an up-to-date Risk Assessment and amend the Safety Statement as necessary;
 - Consult with employees and in particular the Lead Worker Representatives; and
 - Be prepared to respond to and, where possible, accommodate multiple requests for enduring hybrid working arrangements.

What else do we need to know at this point?

The situation is fluid at this point but key next steps include the following in terms of guidance for this next phase:

- An updated version of the Protocol¹ was published on 14 January. It is expected to be updated imminently to guide employers on how to implement a phased return to work.
- Government is meeting with employer and employee stakeholders this week (the Labour Employer Economic Forum) to further elaborate on plans for a national return to work. It is expected that the majority of businesses which can function with some remote working will adopt some form of hybrid working.
- Finally, the Irish government reiterated the need for ongoing close monitoring of the virus and individuals are advised to continue to follow the current advice in respect of symptoms and close contacts². Employers should also ensure that employees have regard to the latest HSE guidance in respect of close contacts³.

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

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January 2022

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¹ <https://www.gov.ie/en/publication/22829a-return-to-work-safely-protocol/>

² <https://www.gov.ie/en/publication/914a6-guidance-on-the-public-health-management-of-covid-19-cases-and-close-contacts/>

³ <https://www2.hse.ie/conditions/covid19/contact-tracing/>