

Embrace the ‘new norms’ in the workplace and opportunity will follow

Employers are getting ready to reopen workplaces and, with careful planning and an understanding of the rules, it can be business as usual, writes Siobhán Maguire

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It wasn't that long ago that GDPR and the protection of data and privacy dominated employment law discussions in businesses across the country. In the grip of the Covid-19 pandemic, however, a new priority has taken over – how to make the workplace a healthy and safe environment for everyone.

Karen Killalea, partner and head of the employment team at Maples and Calder LLP, the Maples Group's law firm, said the focus on health and safety in the workplace is as significant now as the focus on GDPR has been in recent years.

“Health and safety must be the focus for all employers in Ireland as they prepare to reopen. The GDPR analogy is a useful one because we were all so focused on that as a priority and we designed IT and HR systems, recruitment protocols, absence management policies and everything related to the lifecycle of the employment relationship by reference to optimal data privacy principles.

“Everyone looked at their businesses and how they operate from top to bottom from a privacy perspective. Even though health and safety regulation [in the workplace] has been around for well over 30 years, employers need to look afresh at their businesses through that same lens and rigorously audit and risk assess their workplaces and systems of work.”

Killalea said the new Return to Work Safety Protocol, published by the government earlier this month, sets out standards in relation to how companies can adhere to new health and safety practices.

“The protocol is not only to make sure from a health and safety perspective that a workplace operates, functions and is designed in a way that allows us to keep operating, but it also really asks employers to work with their employees so that together they can collaborate and design those systems that will work,” she said.

“It’s a continuation of the #InThisTogether theme, but specifically applicable to the workplace. The strong sense of partnership and collaboration between employees and employers as we moved into lockdown and containing the virus is going to be equally – if not more – important as we work to emerge from lockdown with viable and sustainable businesses.”

Culture of partnership

A strong culture of consultation and partnership will be required to manage our very changed workplaces as we move through the next five phases of the roadmap to reopening the country.

Killalea said the new cultural ‘norms’ in the workplace – such as no handshakes or hugging, maintaining physical distancing and avoiding non-essential meetings – will need to be learned and embedded.

“It’s clear from the government guidance that physical distancing is front and centre in any workplace design. You can’t have a culture of handshakes and physical proximity for now and, while the protocol is not a piece of law strictly speaking, it is something employers and employees will need to comply with and it should be treated as binding on them,” she said.

Another element of change that employers and employees will need to get their heads around is that of remote working and its consequences.

“We went from a country where remote working wasn’t the norm to it being the way we now work for many office-based businesses, and we’ve learned two things from that. Firstly, many employers that I am working with are reporting that productivity hasn’t really dropped, and I am thinking mainly here of employers in the life sciences, financial services and tech space. The work can go on. But looking at commentary in the market, there is certainly a concern that the sense of community and sharing and exchange of knowledge, experience and ideas could be eroded if we maintain this pattern for the long term,” said Killalea.

“Employees are really putting their shoulders to the wheel with their employers to get things working and do what they need to do to support their businesses. But there is a growing sense of, ‘What are we missing by not coming together?’ whether that’s the coffee in the corridor or the chat at the water cooler. There’s an intangible social and collaborative element that helps a workplace, a team, a business to thrive and we need to mind that and protect that while we stay apart.”

Embracing opportunities

Killalea said there are opportunities and positive aspects to embrace against the backdrop of all these changes in the workplace.

“We may see a shift towards greener workplaces when all of this is over, because people may really start to question the need to travel to work at the same time every day as everybody else. People are beginning to ask, ‘Is it necessary to do that?’ and, ‘Is it necessary for me to consume as much paper?’ for example as employees become more versed in the digital tools that are available,” she said.

“The other potential is to look at our roles in the workplace and ask what can benefit from restructuring or streamlining. I’m not talking about redundancies, but about the opportunity for reshaping roles. This has been a difficult time without a doubt and there will be an enormous economic cost, but it has also given workers an opportunity to do things differently, to lead and to innovate in support of their businesses and their co-workers, no matter how junior or senior a role they occupy.