

# Ireland Begins Gradual Return to Office with Revised Restrictions

By Leah Shepherd

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**A**s Ireland loosens its pandemic restrictions, employers are adjusting to a partial return to the office and some changes in health and safety guidance.

On Aug. 31, the Irish government published a new health policy related to employers and public settings, which took effect on Sept. 20.

There's no longer a countrywide directive to work from home. The new policy continues to encourage remote work but allows for a staggered return to the workplace.

The minimum public health measures required in every workplace include:

- Appointing a lead worker representative charged with ensuring that COVID-19 measures are strictly adhered to in the workplace.
- Developing and communicating a COVID-19 response plan.
- Providing workers up-to-date guidance about safety protocols and the importance of not coming to work while experiencing any symptoms of COVID-19.
- Keeping a log of contacts to facilitate contact tracing.
- Minimizing the rotation of workers across multiple settings and workplaces.
- Identifying an isolation area behind a closed door for anyone showing symptoms of COVID-19.
- Maintaining a no-handshake policy.
- Ensuring proper ventilation in buildings.
- Using face masks when in common areas.
- Physical distancing.
- Organizing workers into small teams that consistently work and take breaks together.

Employers must provide health and safety training for all workers upon their return to work. This training should include:

- What workers should do if they develop symptoms of COVID-19 at home or at work.
- Details about the safety measures at the workplace.
- An outline of the employer's COVID-19 response plan.
- Points of contact for the lead worker representative.

"The requirement to provide a healthy and safe place for employees to work remains, and therefore a general relaxing of restrictions should not mean that employers stop taking necessary precautions in the workplace," said Catherine Jane O'Rourke, an attorney with Hayes Solicitors in Dublin.

Masks are required for everyone in public transportation, indoor retail settings, hospitals and other medical settings. There is no requirement to conduct temperature screenings in the workplace.

Vaccination is encouraged, but not mandated in Ireland. "Under the current guidance from the Data Protection Commission, employers are prevented from asking their employees as to whether they are vaccinated. Therefore, employers may find it challenging to put measures in place that are suitable for vaccinated and unvaccinated employees," O'Rourke noted.

She recommended that employers be as clear as possible in their communications to employees and keep a written set of COVID-19 health and safety policies and telework policies, easily accessible to all employees.

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### Health and Safety Concerns

Mask-wearing, physical distancing and vaccination have reduced transmission of COVID-19 in workplaces.

"Ireland is almost 90 percent vaccinated, and generally in retail, entertainment and corporate environments, health and safety measures, including mask-wearing, social distancing, hand-sanitizing, are being observed," O'Rourke said.

Nonetheless, she added that some employers are concerned "that employees may not comply and cause other employees to feel unsafe, particularly those who may be high-risk."

According to Síobhra Rush, an attorney with Lewis Silkin in Dublin, "Not everyone will be comfortable to return to the workplace in the same way as their colleagues. It's important to consult with employees during this time of a phased return to the office to assuage any concerns that they might have" about the work environment or how they commute to work.

The best advice is to listen, Rush said. "Over 85 percent of our entire population over the age of 12 is now fully vaccinated, which is very reassuring. However, some people are still concerned about the return to the workplace."

Don't make hasty decisions about health and safety protocols. "We would urge caution against any knee-jerk reactions to employee concerns, or complaints, and advise employers to remain vigilant and flexible," Rush said. "The situation has been changing so drastically over the last 18 months that it would be unwise to expect that there won't be further changes down the line, and we've seen a lot of change in terms of employment law over the last few months, which is likely to continue."

### Remote Work

Many employees in Ireland are continuing to work from home at least part of the time, as they did when offices were closed.

"There are big differences between the sectors," O'Rourke noted. "For example, the tech sector will allow its employees to choose to work from home full time well into 2022, whereas for most corporate sectors, we are seeing a hybrid model being rolled out for employees where they may be in their offices two or three days a week and work from home for the remainder."

She added, "Smaller companies are more likely to have all staff back in offices on a full-time basis, whereas medium and larger companies are more likely to offer a hybrid model. Most employers will find they will have to offer some kind of hybrid model, as there is now an expectation from employees that they will be offered some form of flexible remote-working arrangement, and employers run the risk of losing employees to their competitors if this is not offered."

Make sure you have a formal telework policy "to provide clarity on the common areas of concern, such as health and safety, data security, provision of equipment and costs of remote working, as well as detailing the circumstances when the arrangement can be terminated," Rush said.

*Leah Shepherd is a freelance writer in Columbia, Md.*

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