

25th August 2021

An Taoiseach Mr Micheál Martin, TD
Department of the Taoiseach
Merrion Square
Dublin 2

Re: Covid-19: Next phase of 'Return to Work'

Dear Taoiseach,

I refer to the above and my understanding that the Government intends to set out its future plan in this regard early next week. In light of the fact that the next meeting of the Stakeholder Group on the National Safety Protocol, under the chairmanship of your department, is currently scheduled post these announcements I feel it appropriate that I set out for your attention some of our principle concerns for your consideration.

Vaccinations

Notwithstanding the fact that there has been widespread participation in the vaccination programme, we are aware of cohorts of workers who may not be vaccinated. As previously indicated, we agree with the Government's non-mandatory approach to this programme and we believe there are strong Constitutional, legal and human rights reasons underpinning same. While some workplace conflict can be expected on this subject it is our view that such exigencies should be managed within an overall framework agreement with the employer side. It is in this context that we have initiated discussions with IBEC on the subject and I understand a similar process is ongoing within the joint Public Services structures together with engagement on specific sectoral issues.

Current Health and Safety Legislation

As you are no doubt aware, the *Safety, Health and Welfare at Work Act 2005*, through regulation 227(2), explicitly excludes occupational disease, the effect of which is that employers have no reporting obligation to the Health and Safety Authority on the matter who, in turn, have no investigative responsibility in relation to the occurrence of Covid-19 in the workplace. While acknowledging the arrangements as set out in the National 'Return to Work Safely Protocol' and the fact that not all employers will accommodate its provisions, we believe that in order to maximise worker confidence upon return, that adequate compliance mechanisms are put in place.

Ventilation, Social Distancing Measures and the use of PPE

It is our view that all of the above should be considered and enhanced where necessary. It is an accepted fact that not all ventilation systems are conducive to the circulation of an uncontaminated airflow and may indeed facilitate the hosting of the virus. We also know that not all current office spaces are capable of providing access to fresh air or complying with necessary social distancing measures. While we are aware of the checklists developed by the HSA and in this regard the success or failure of these mechanisms are entirely dependent on employer compliance. It is therefore essential, that the HSA put in place the required workplace inspections to ensure safe workplaces.

Travel to and from Work

Many of our Affiliates have raised concerns in relation to this subject particularly regarding the use of Public Transport and possible 'crowding' and social distancing challenges on these services in light of the simultaneous return of other groups in a similar time frame. We would respectfully suggest that some consideration be given to the provision of Government guidance relating to staggered work arrangements being put in place particularly in the early phase of this return.

Management of Workers Return to the Workplace

You will be aware that, alongside our frontline and essential workers, this cohort of workers willingly complied with all Public Health advice and worked from home regardless of its effect or challenge. There are many positive aspects to a 'Working from Home' blended model and we are cognisant of the forthcoming legislation on this subject which may not be put in place for some time. With this in mind we would request that consideration be given to introducing ongoing advice to employers to operate such a mechanism, on a voluntary basis, for the coming months. This we believe would assist those workers who will need to readjust their care arrangements etc, it will also reduce the pressure on public transport facilities and furthermore will contribute positively to the compliance with social distancing and ventilation measures, referred to above, which no doubt will be required awhile this virus continues to be active.

PUP Payments and Current 'freeze' on Section 12 of Redundancy Payment Act

On the matter of the above related issues, we reiterate our strong contention that those workers in sectors as yet not operational due to ongoing Covid19 restrictions should **not** be denied full PUP payments as the prevailing circumstances continue to be outside of their control. On the matter of rescinding of the current emergency provisions relating to redundancies we would request clarification of your intentions in this matter.

In conclusion, ICTU are putting forward these issues for consideration in the context of our overall policy of co-operation in finding solutions to the challenges we have all encountered in the course of this pandemic.

We look forward to your early response.

Yours sincerely



Patricia King
General Secretary

cc: Mr Leo Varadkar, Tánaiste & Minister for Business, Enterprise and Innovation

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