



An Roinn Caiteachais  
Phoiblí agus Athchóirithe  
Department of Public  
Expenditure and Reform

# Guidance and FAQs for Public Service Employers during COVID-19

In relation to working arrangements  
and temporary assignments across  
the Public Service

**INCLUDING UPDATES TO 15<sup>th</sup> JUNE 2020**

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## Background

This guidance document for Civil and Public Service employers consolidates and supersedes previous guidance and FAQs issued relating to Civil and Public Service working arrangements and temporary assignments during COVID-19. These arrangements apply to all Civil and Public Service employees.<sup>1</sup>

At the forefront of the national response to COVID-19, our focus is to support the health and wellbeing of all our citizens. To achieve this, and to keep delivering crucial services to society, especially to the most vulnerable and at-risk, we must work together as a unified public service.

Employers need to be as flexible as possible to help their employees manage this unique situation and to enable employees in this situation to be as productive as possible so that they can continue to support the efforts of the State.

Temporary assignments across the Civil and Public Service are a necessary response by Government to the unprecedented national crisis arising from the COVID-19 pandemic. The FAQs have been prepared to assist employees and management in the Civil and Public service to understand the process, rules and expectations associated with temporary assignments across the public service.

These FAQs will be continually updated in response to queries that are received centrally. The most up-to-date version of these FAQs will be available at [www.gov.ie/per](http://www.gov.ie/per). New and updated questions for the week are noted in the document.

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<sup>1</sup> Individual employers will need to identify which employees fall into the category of public service employees.

## Principles which apply to the treatment of COVID-19 infections

The general principles to apply to the treatment of COVID-19 infections in the Civil and Public Service include:

1. Subject to expert public health advice in light of developing circumstances on COVID-19, the general principles or FAQ material may be subject to updating or other amendment. Employers retain the right to withdraw or amend provisions in light of developing circumstances.
2. Obligations under the Safety, Health and Welfare at Work Act, 2005 to ensure the safety and welfare of employees at work.
3. Flexibility for alternative working arrangements, especially home working, must be implemented where possible. This will enable employees, who are not ill, to continue working and to ensure social distancing and support for those essential workers who need to attend the workplace.
4. As noted in the [Roadmap for Reopening Society and Business](#), remote working continues throughout the five stages, and beyond, for all employees who can do so.
5. Employers need to ensure that all workplaces have implemented robust return to workplace procedures, where not already in place, and that all procedures comply with the [Return to Work Safely Protocol](#).
6. [Circular 2/1976, which covers special leave with pay](#)<sup>2</sup> should apply to periods of medically/HSE recommended self-isolation, and also to medical diagnoses of COVID-19 infection where the employee is not well enough to work from home. **Sectors will need to amend these FAQs to refer to their own special leave circulars or arrangements as necessary.**
7. The general principles applying to the management of sick leave, for example the requirement of employees to contact managers, and for ongoing contact with employees who are on special leave for this purpose, will apply.
8. Any special leave with pay granted for the purpose of self-isolation or any diagnosis of COVID-19 will not be counted as part of the employee's sick leave record. The application of special leave with pay will apply for the number of days advised by the HSE/doctor. Appropriate medical/HSE

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<sup>2</sup> Special leave with pay for employees who are not required to work due to COVID-19 should be based on **basic salary and fixed allowances only**. This excludes premium payments.

confirmation/advice of the need to self-isolate and/or a diagnosis of COVID-19 will be required. See below FAQs for further details.

9. When granting special leave with pay, as per clause 31.2 of [Circular 2/1976](#), “the officer will be expected to comply at once with any directions which may be given by [their] Department and to take all practicable steps to resume duty as soon as possible. Otherwise, unless adequate reason is shown for non-compliance, the question of withholding pay will arise”.
10. In the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide<sup>3</sup> confirmation of self-isolation/diagnosis of COVID-19) existing procedures, including disciplinary measures may be invoked.
11. These arrangements apply in the case of COVID-19 as a notifiable infectious disease.
12. Civil and Public Service employers need to ensure that special category health data is processed legally within data protection legislation.

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<sup>3</sup> Bona fide in relation to a representation or communication means in good faith and well founded in fact. The employer reserves the right to request further confirmation.

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# 1. Attendance in the workplace/office during COVID-19

## 1.1 Who should attend the workplace?

[The roadmap for reopening society and business](#), which was launched on 1<sup>st</sup> May 2020, sets out how the COVID-19 restrictions will be lifted. It should be noted that remote working continues throughout the five stages, and beyond, for all employees that can do so. Public service employees will continue to stay at home, unless they need to attend the workplace for an essential service that cannot be done from home. Recovery of society and the economy is a priority for the public service. The civil and public service must show leadership and support those members of society who need to attend the workplace outside the home by enabling as many of their own employees to continue working from home for as long as possible.

Some workplaces have been open and employees providing services in the workplace throughout the restrictions. Employers should ensure that the [Return to Work Safely Protocol](#) is reviewed for any additional issues that should be considered to ensure compliance with the Protocol for those employees who are already working onsite.

## 1.2 Should employees who are at high risk for serious illness from COVID-19 attend the workplace?

Employees in the high risk category need to take extra precautions to protect themselves from coronavirus. Information in relation to these measures are available from the [HSE](#).

Employers should continue to prioritise and facilitate this group in terms of flexible working arrangements, including working remotely.

All employees who can work from home should continue to do so. Only where organisations deem it essential that people need to attend the workplace should they work on site.



### 1.3 What to do if an employee is identified as being at very high risk (extremely vulnerable) and is advised to cocoon?

The HSE have identified a further group who are at very high risk and the details of this group are available from the [HSE](#). The advice for this group is to cocoon and advice on this is also available from the [HSE](#).

Employers should advise employees to self-declare if they believe that they are at very high risk and are advised to cocoon and should be facilitated to work from home to the maximum extent possible.

If an employer is unsure whether or not an employee falls into the very high risk category, advice can be sought from the Occupational Health Service associated with their organisation.

### 1.4 What to do if an employee becomes unwell in the workplace showing symptoms of COVID-19?

**Important Note:** While every effort is made to provide comprehensive guidance, it will not be possible to cover every eventuality. Sectors may need to refer to their own emergency protocols or arrangements as necessary where these exist.

It is important to emphasise that any employee who is feeling unwell should not attend the office. This applies to any transmissible illness during this Covid-19 emergency period.

The health and wellbeing of our employees is of utmost importance. These guidelines should read in conjunction with [HSE advice](#) which is being updated on an ongoing basis.

If someone becomes unwell in the workplace with [symptoms](#) such as cough, fever, difficulty breathing, the unwell person should be sent home to self-isolate and advised to contact their GP.

If going home is not immediately possible, then the person should be moved to a room or area where they can be isolated behind a closed door, such as an office, to protect both the employee's privacy and the welfare of other employees. If it is possible to open a window, do so for ventilation.

Arrangements should be made for cleaning of all surfaces the person has come into contact with.

Employers should refer to the Return to Work Safely Protocol the Health and Safety Authority, and the [HPSC](#) website for guidance.

## **1.5 What happens if a colleague is diagnosed with COVID-19?**

The HSE will inform any employees via the contact tracing process who have come into close contact with a diagnosed case. The HSE will contact all relevant persons where a diagnosis of COVID-19 is made. The instructions of the HSE should be followed and employee confidentiality is essential at all times.

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## 2. Flexible working arrangements during COVID-19

### 2.1 What flexible working arrangements are available during COVID-19?

Following the Government announcement on 1 May 2020 to launch [the roadmap for reopening society and business](#), remote working continues throughout the five stages for all employees that can do so. Public service employees will continue to stay at home, unless they need to attend the workplace for an essential service that cannot be done from home. All steps should be taken to increase the scope for remote working and all opportunities and flexibilities need to be explored by employers to facilitate home working arrangements for all other employees.

Employees should follow any guidance issued by their organisation in relation to home working. The Health and Safety Authority (HSA) has produced [guidance for temporary home working arrangements](#) during COVID-19. The Data Protection Commission have also issued useful guidance on [protecting personal data when working remotely](#).

Where workplace attendance has been deemed essential, employers should implement arrangements which support segregation of the workforce and social distancing measures. For example, this could include flexible shifts, staggered hours, longer opening hours and weekend working.

### 2.2 What if an employee does not have the facility to work from home?

Employers should explore every possible avenue of making a suitable arrangement to facilitate home working. Managers should maintain regular contact with employees who have been advised to restrict their movements and continue to explore opportunities for work which can be performed at home both inside and outside the organisation as services comes under increasing pressure. If remote working in an employee's current role is not feasible, then the assignment of work may be outside their usual core duties/a new role as required by the public service for example: contact tracing, payment processing or any other work identified. Employers should agree arrangements with their employees in this regard.

## **2.3 How should flexi-time operate during the period of COVID-19?**

Due to the unprecedented impact of COVID-19 on normal working arrangements, it is crucial that we show solidarity as a unified One Public Service. Many areas of the public service are under extreme pressure, and in order to keep delivering essential services to all our citizens we need flexibility and adaptability. The operation of traditional flexi-time/attendance management rules do not support the flexible arrangements and agility required during this extraordinary situation.

The normal operation of flexi-time or equivalent attendance management rules, including any flexi-time accruals and deficits, is to be temporarily suspended during the period of COVID-19 to facilitate the required new ways of working across the public service. This does not preclude organisations from using clocking in and out arrangements that apply. Any balances accrued by employees before the suspension of flexible working hours arrangements can remain and be held over until the COVID working arrangements are no longer in place.

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## 3. Temporary assignments

### 3.1 How is the continuity of essential public services and attendance at the workplace being managed across the public service?

It is a matter for each organisation's senior leadership team to determine which services are currently essential to business continuity in the context of its organisational Business Continuity Plan, and to identify specific individuals (including contingency for COVID-19 illness/back up) required to manage the delivery of these services.

All employees who can work from home should continue to do so. Only where organisations deem it essential that people need to attend the workplace should they work on site. This is in line with the public health guidance to avoid all non-essential journeys and limit social interactions.

Where employees do not have access to remote working employers should explore every possible avenue of making a suitable arrangement. Employers should continue to explore opportunities for work which can be performed at home, both inside and outside the organisation, as critical services come under increasing pressure.

It is the responsibility of employers to provide practical support and assistance to ensure that employees are kept engaged and provided with productive work as deemed relevant by the organisation.

Organisations are asked to identify employees who are deemed to be releasable in the context of their business continuity plan for the temporary assignment scheme (Circular 07/2020 – See Appendix 1), which is managed through the Public Appointments Service. The temporary assignment scheme will be used to ensure critical services continue to be delivered over the coming weeks and months.

Given the evolving nature of the crisis, organisations will need to ensure that their engagement with this process is kept under continuous review to ensure that employees are placed where they are most needed to deliver critical services.

Managers of employees who have been instructed by their local HR to register through the Public Appointments Service temporary assignment scheme should maintain regular contact with their team members and continue to assign their normal duties as far as is practicable pending any temporary assignment.

## **3.2 Why are temporary assignments required?**

Our primary focus in the Civil and Public Service is to support the health and wellbeing of all our citizens. To achieve this, and to keep delivering the essential services to society, especially for the most vulnerable and at-risk, we need to be flexible and responsive in how work is managed, including coming together and working as a unified public service.

## **3.3 How will employees be identified for temporary assignment?**

All Civil and Public Service organisations are included in the scheme and may offer or request temporary assignees.

It is a matter for each organisation's senior leadership team to determine which services are currently essential to critical business continuity in the context of its organisational Business Continuity Plan, and to identify employees (including contingency for COVID-19 illness/back up) required to manage the delivery of these services.

Local HR will work with their senior leadership team to identify employees for release (including those currently on probation) and will contact the employees in question to advise them of the process that should be followed as set out in clause 3.6.

## **3.4 What organisation will employees be assigned to?**

This is an evolving situation and demands may change. The temporary assignment scheme will be used to ensure essential public services across all the public sector continue to be delivered over the coming weeks and months.

While the initial call is from the Health Service Executive, many other essential public services may require additional short term support.

As we move through the crisis, these requirements will become clearer.

## **3.5 What employees will be included in the temporary assignments scheme?**

Employees at all grades and work patterns/arrangements across the Public Service will be included in the scheme.

### **3.6 How will employees be informed, and what will they be required to do?**

Employees will receive a notification from their Local HR which will include a link to an online questionnaire.

Employees will be required to complete the questionnaire for automatic upload to the Public Appointments Service (PAS). This questionnaire can also be completed on mobile phone, tablet or laptop for ease of use.

### **3.7 Do all releasable employees have to complete the Temporary Assignment questionnaire?**

Yes, all employees identified by their organisation as currently releasable, are required to complete the linked online questionnaire which they will have received from their Local HR. This is to seek to ensure the most appropriate skills and location match, where possible, as vacancies arise.

### **3.8 What information is requested in the Temporary Assignment questionnaire?**

Employees will be asked to provide the following information: Current Sector; Name; Private and Office email, postal address and telephone number; Current job category (Junior/Middle/Senior management); Grade; Current Skills/Experience e.g. Data Entry / Customer Service etc.; Work location of interest (3 county locations can be selected); Clinical/Medical skills (if any).

This is to seek to ensure the most appropriate skills and location match, where possible, as vacancies arise.

### **3.9 Will all employees who complete the questionnaire be temporarily assigned?**

The temporary assignment scheme will be used to ensure essential public services continue to be delivered over the coming weeks and months.

Employees who have registered with the Public Appointments Service will be assigned as required to support the delivery of essential public services as needs are identified by public service bodies in consultation with the Public Appointments Service.

### **3.10 What roles will employees be temporarily assigned to?**

Employees may be temporarily assigned to work in a different role and organisation in order to support the delivery of essential public services. The Public Appointments Service will advise of role details upon assignment.

### **3.11 What location will employees be temporarily assigned to?**

In completing the questionnaire, employees are asked to indicate one, two or three preferred county location choices in order of preference. If staff only have one preference, then only one location should be indicated.

The actual location will be determined by the particular needs and circumstances of the requesting organisation.

### **3.12 Is there a potential to work remotely while on temporary assignment?**

There may be potential for remote working, depending on the requirements of the role in question, and the availability of technical resources.

### **3.13 When will employees be expected to start their assignment?**

The temporary assignment scheme will be used to ensure essential public services continue to be delivered over the coming weeks and months.

Employees who have registered with the Public Appointments Service will be assigned as required to support the delivery of essential public services as needs are identified by public service bodies in consultation with the Public Appointments Service.

### **3.14 How long will the assignment be for?**

It is envisaged that the temporary assignments may be for an initial period of anything from several weeks to three months, with a possible extension where required. The situation will be reviewed in line with COVID-19 contingency measures. Local HR and employees will be notified of any developments.



### **3.15 Will employees transfer to a different employer for pay purposes for the temporary assignment?**

No, assigned employees will remain as employees of and be paid by their parent organisation. They will however transfer temporarily to a different employer to carry out essential duties and direct management and supervision will be provided by a temporary line manager.

### **3.16 Can employees on Temporary Assignment return to meet business needs in parent organisation if required?**

Where more urgent business needs arise, employees may be required to return to their parent organisation.

### **3.17 Is Travel and Subsistence (T&S) payable to staff on temporary assignment?**

Staff who are temporarily assigned should be treated as being headquartered at the new location. In this regard, normal Public Service and Revenue rules on non-payment of T&S for home to work travel apply.

### **3.18 Will a temporary assignment affect eligibility on the Civil Service Mobility scheme?**

No, the temporary assignment will not affect the eligibility or waitlist position on the Civil Service Mobility scheme.

Moves under the Civil Service Mobility scheme are currently suspended for the duration of the crisis, however, employees can still make applications.

### **UPDATED 3.19 What pay arrangements apply while on assignment under the Temporary Assignment scheme?**

Employees who are temporarily assigned under the Scheme will continue to receive their basic salary, any fixed, periodic, pensionable allowances in the nature of pay and other pensionable remuneration that they are in receipt of at the date of assignment. The payment of any allowance to an employee which is due to cease before the end of the temporary assignment period will terminate as previously scheduled.

**Updated 15 June 2020:**

For employees on temporary assignment in the NSSO customer group, they will remain 'as is' for all functions on the HRMS/equivalent system. The temporary line manager will be required to keep all HR records for forwarding to the parent organisation upon completion of assignment.

### **3.20 Can employees claim overtime while on temporary assignment?**

As a rule, overtime is not expected to arise for employees on temporary assignment and public servants re-assigned under these arrangements will continue to adhere to their already contracted weekly working hours.

However, should this arise, overtime may be paid in the temporary assignment post only where it has been identified as being necessary in that role; has been approved at the appropriate managerial level, and agreed by HR in the employer organisation or paying authority; and is in accordance with the agreed procedures applying to that sector/organisation. Where a staff member is already in receipt of an allowance for extra hours, and where this allowance is being retained, overtime will not also be payable in the temporary assignment.

### **3.21 Where can queries be raised in relation to remuneration while on temporary assignment?**

For individuals: Queries arising in relation to remuneration while on temporary assignment should be raised in the first instance with the employee's own local HR Unit.

For HR units: These rules are for general application. Where there are particular sectoral arrangements which give rise to questions, these should be directed to the Public Service Pay and Pensions Division of the Department of Public Expenditure and Reform for consideration.

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## **4. COVID-19 special leave with pay arrangements**

### **4.1 When does special leave with pay apply during the COVID-19 crisis?**

Special leave with pay should only apply when an employee is advised to self-isolate and is displaying symptoms of COVID-19 or had a positive test. Medical or HSE advice should be followed. Special leave with pay for COVID-19 is being used in place of sick pay. Employees are not entitled to days in lieu of bank holidays whilst in receipt of special leave with pay.

The HSE sets out the latest criteria for self-isolation at:

<https://www2.hse.ie/conditions/coronavirus/self-isolation-and-limited-social-interaction.html>

### **4.2 Should absence due to COVID-19 illness be recorded as special leave with pay or sick leave?**

If an employee is displaying symptoms and/or has a positive test for COVID-19 then it should be recorded as special leave with pay. Special leave with pay for COVID-19 is being used in place of sick pay. As noted, special leave with pay should only apply when an employee is advised to self-isolate and is displaying symptoms of COVID-19 or had a positive test. Medical or HSE advice should be followed.

### **4.3 How should advice of the need to self-isolate be recorded?**

Appropriate medical/HSE confirmation of the need to self-isolate and/or a diagnosis of COVID-19 will be required. In the event that written confirmation is not available, the recording of medical or HSE advice to self-isolate will take the form of a self-declaration. This does not mean that employees can voluntarily choose to self-isolate. Medical/HSE advice will be required, however the reporting of same will take the form of a self-declaration. How this will work in practice will vary based on the unique circumstances of each employer. For example,

employers may wish to implement a self-declaration form<sup>4</sup> on return to work, which is completed by the employee and signed off by the employer.

The employer should clearly communicate to employees the information required to be provided and the notification process. See guidance at the end of this document for more details on notification requirements.

Self-declarations and any accompanying certification should be retained by Local HR on the individual's personnel file and should be subject to audit. For employers within the NSSO customer group the notification process will include the requirement that the employee, on return to work, completes a special leave with pay application on the PeoplePoint system, which must then be approved by their manager. The manager should ensure that this is complied with.

#### **4.4 An employee is on special leave with pay, can they claim the DEASP<sup>5</sup> Illness Benefit for COVID-19?**

Public Service employees who can avail of the special leave with pay for COVID-19 are excluded from claiming the special DEASP COVID-19 illness benefit payment. Any instances of civil or public servants found to be in receipt of both special leave with pay and the COVID-19 illness benefit will be subject to disciplinary action.

#### **4.5 What happens if, after the period of self-isolation, an employee does not have the COVID-19 virus?**

When the recommended period of self-isolation is passed, please follow medical advice and/or HSE guidelines on return to work/return to duties when working from home.

#### **4.6 What if an employee does not have COVID-19 but has another illness?**

Any non-COVID-19 illness will be recorded as ordinary certified sick leave and the usual rules governing [sick leave](#) will apply.

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<sup>4</sup> See Appendix 6 for example of self-declaration form

<sup>5</sup> DEASP is the Department of Employment Affairs and Social Protection

## 4.7 What is the process for a return to the workplace post having had COVID-19 infection?

Please note that this FAQ relates to a return to work in the workplace. These arrangements may not preclude employees from returning to work at home at an earlier stage if this is feasible, depending on the situation of each case. **Note: Sectors may need to refer to their own arrangements as necessary where these exist.**

The Civil Service CMO advises that in confirmed COVID-19 infection, an employee needs to be 14 days post onset of symptoms and also 5 days fever free (which may run concurrently) before returning to the workplace. Please note that the 14 days is from onset of symptoms and not the date of receiving a positive COVID-19 test result.

Employees should be asked by their manager to complete a self-declaration form (see Appendix 6 for a sample form). Where at all possible, this should be accompanied by a medical certificate, stating the date of fitness to return to work. Managers should be mindful of confidentiality and should also alert the employee to any follow up actions that are required on their return to work.

Self-declarations and any accompanying certification should be forwarded by managers to and retained by Local HR on the individual's personnel file and should be subject to audit. NSSO customer group employees should be advised not to forward these forms to the NSSO but rather to their own organisation.

## 4.8 What is the legal basis for processing employee data in relation to COVID-19?

Civil and Public Service employers are obliged to provide a safe workplace, which may include the processing of health data in order to ensure that safety. Articles 6(1)(c), Articles 9(2)(b) and (g), along with section 53 of the Data Protection Act, 2018 (which permits the processing of special categories of personal data for purposes of public interest in the area of public health) will likely be the most appropriate legal bases for processing this data. For further information please visit the [Data Protection Commission website](#).

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## **5. Leave and other arrangements during COVID-19**

### **5.1 Is special leave with pay available for caring responsibilities?**

There is no special paid leave available for COVID-19 caring arrangements during this time. All forms of flexible working must be considered including working from home and/or working adjusted hours to facilitate employees to balance work and caring responsibilities. If employees are not set up for remote working at present, they need to continue to remain available to work, and their employer should identify work that can be given to them. Employers should be looking at alternative arrangements e.g. staggering hours, wider opening hours including weekend work, looking at temporary assignment etc. This will be a standard approach across the entire public sector.

If the person cannot work outside the home and cannot perform their current role remotely, the employee is still to be considered as actively on duty and available to work. Employers need to be flexible and innovative in terms of ensuring that their employees remain as productive as possible during this time. If the employer cannot assign work to them remotely, then the employee can/will be assigned work outside of their usual core duties i.e. potentially a new role. This should be continuously reviewed by management to ensure that employees are placed where they are most needed to deliver critical services. There will be temporary assignments in the public sector under the principle of one Public Service to deal with this crisis. What this means is that any employee can be assigned work outside their usual core duties/a new role as required by the Public Service.

Any employee who wishes to avail of existing leave allowances during this time is entitled to have such requests considered by their employer, as always, including parental leave, annual leave etc.

### **5.2 What arrangements are in place for childcare for essential healthcare workers?**

In circumstances where one parent/guardian/partner is an essential healthcare worker, the other parent/guardian/partner will be supported by their public sector employer to remain at home to care for the child(ren) so as to ensure that the essential healthcare worker is able to go to work.

In the first instance, flexible working arrangements will be put in place for the other parent/ guardian/partner such as working from home or working adjusted hours/ shifts. Though not anticipated, in the event that flexible arrangements do not allow the essential healthcare worker to attend work it will be dealt with on a case by case basis.

### **5.3 Living with high risk individuals – should employees be granted special leave with pay?**

Special leave with pay does not apply in such circumstances. Employers should facilitate flexible working including working from home where possible in these circumstances. Where it is not possible to perform one's role at home and the employee is required to attend a workplace as an essential worker, they should follow the HSE guidelines on social distancing to minimise risk of transmission.

Please refer to the HSE advice at

<https://www2.hse.ie/conditions/coronavirus/protect-yourself.html>

There are other flexible working options that employers can offer to employees in addition to home working arrangements e.g. staggered hours, wider opening hours. These measures can help facilitate segregation of the workforce and social distancing as well as support employees in managing caring responsibilities at home (including facilitating shared caring arrangements).

As always, any employee who is seeking to avail of existing leave allowances during this time is entitled to have such requests considered by their employer including annual leave, carer's leave, etc.

### **5.3 How should annual leave be taken during COVID-19?**

Although social distancing and COVID-19 is expected to continue for a number of months, managers should realise the importance of making sure that employees are still using their annual leave entitlement. Taking a break from work from a health and wellbeing perspective is a chance to recover from the demands of work. The benefits of taking annual leave are not limited to going on holiday; it can also be the taking time away from work to spend on personal interests. Even without COVID-19, time away from work is directly correlated with reducing stress. Regular breaks from work have been shown to reduce ill health and overall absenteeism. Managers should ensure that their team members are availing of annual leave in a way that supports wellbeing, and also ensures that their team is supported to take their statutory minimum entitlement.



Employers should facilitate requests for annual leave where possible so that once the crisis passes, organisations can meet increased demand without having to cater to a large volume of annual leave requests. Section 20 (1) of the Organisation of Working Time Act provides that the times at which annual leave is granted are determined by the employer. In that regard, the employer should have regard to the opportunities for rest and recreation available to the employee but also the need for the employee to reconcile work and any family responsibilities.

#### **5.4 Requests to cancel or reschedule pre-booked leave (e.g. parental or annual leave)**

Where an employee wishes to cancel pre-booked leave (e.g. parental or annual leave) this may be facilitated once it is in line with the normal rules applying in the relevant sector. Flexibility during this time, from both employers and employees, is advisable. This flexibility should be based on the individual circumstances of each case, with regard to balancing the needs of the business and the employee.

#### **5.5 Can Shorter Working Year be rescheduled/cancelled during the COVID-19 crisis period?**

The expectation is that any shorter working year arrangement that is scheduled will go ahead as planned. Where there is a business requirement, it may be possible for employers to cancel/postpone shorter working year with the agreement of the employee. In exceptional circumstances employers may agree to defer at the employee's request, subject to business requirements.

#### **5.6 How should probation be managed during COVID-19?**

A flexible and pragmatic approach to the management of probation for both new entrants and promotions should be adopted at this time. If possible and practical, the assessment of a probationer's performance should continue. This can take place remotely. For those staff whose probation process continues, managers should ensure that they have clearly defined objectives and duties that continue to be evaluated on an ongoing basis, as part of the usual probationary process. Managers should continue to support and develop these individuals in their roles.

If in exceptional circumstances it is not possible to proceed with the probation process it may be paused. A probationary period which has been paused will be resumed when the probationer returns to their original role. If a probation process



is to be paused, local HR Units should formally and clearly communicate this to these individuals from the outset.

## **5.7 Can public sector employees on unpaid leave (e.g. parental leave etc.) claim the COVID-19 Pandemic Unemployment Payment?**

No. The COVID-19 pandemic unemployment payment is designed as a short-term response to those who are fully unemployed as a result of the pandemic. As outlined above there exists a range of leave arrangements, underpinned by job security, which employees can avail of in these circumstances. These, along with the flexible and innovative work attendance methods available from Public Service employers, mean that the pandemic unemployment is not available in such circumstances.

## **5.8 How should employers treat requests for a working from home allowance?**

Following the dramatic rise in working from home (WFH), as a result of the COVID-19 crisis, queries have arisen on WFH policies for public service employees. The following represents the current position, having regard to existing public service arrangements on WFH.

Public service employers should not pay a daily allowance (e.g. €3.20 per day) to their employees in respect of WFH. It is open to employees to make claims directly from Revenue in respect of actual costs incurred in working from home at the end of the relevant tax year, in accordance with the relevant tax laws. Any claim in this regard is solely a matter for the individual concerned. Further details for individuals on how to claim expenses on tax returns are available at: <https://www.revenue.ie/en/tax-professionals/tdm/income-tax-capital-gains-tax-corporation-tax/part-05/05-02-13.pdf>

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## **6. How should public service employers implement the ‘Return to Work Safely Protocol’?**

The [Return to Work Safely Protocol](https://www.hsa.ie/eng/topics/covid-19/covid-19_coronavirus.html) (“the Protocol”) was launched by the Department of Business Enterprise and Innovation on 9th May 2020 to support employers and workers in the measures that will help to prevent the spread of COVID-19 in the workplace. The Protocol outlines the steps that employers and workers must take in order to ensure a safe workplace. Support materials, including checklists can be obtained from the HSA website at the following link:

[https://www.hsa.ie/eng/topics/covid-19/covid-19\\_coronavirus.html](https://www.hsa.ie/eng/topics/covid-19/covid-19_coronavirus.html)

### **6.1 When should employers ask employees to return to the physical workplace?**

Remote working continues throughout the five stages, and beyond, for all employees who can do so. Only those workers who are required to physically attend the workplace should do so. As outlined in the Protocol, any decisions to re-open a workplace shall be done in compliance with Government and public health advice.

The civil and public service must show leadership and support those members of society who need to attend the workplace outside the home by enabling as many of their own employees to continue working from home for as long as possible.

Whilst the Roadmap for Reopening Society and Business outlines a time period for the five phases, it also notes that the phases are not necessarily linear in their trajectory. The civil and public service needs to ensure that we have the potential to increase and decrease measures in response to the changes that may need to be made to the Roadmap based on public health advice. This in turn means that the public service needs to be as productive as possible in the new ways of working. This is to ensure that we, as a public service, are resilient against any future waves of COVID-19 and that we have a blueprint for the future and any new pandemics.

Employers need to ensure that all workplaces have implemented robust return to workplace procedures, where not already in place, and that all procedures comply with the Roadmap and Protocol.

## 6.2 What measures do employers need to take?

The [Protocol](#) and [HSA guidance](#) sets out the steps employers need to take in order to ensure the workplace is safe during COVID-19.

Employers should ensure that they have properly implemented the advice in this guidance document and ensure that it is tailored, where necessary, to meet the unique set of circumstances pertaining to each sector and workplace location.

Some workplaces have been open and employees providing services in the workplace throughout the restrictions. Employers should ensure that the Protocol is reviewed for any additional issues that should be considered to ensure compliance with the Protocol for those employees who are already working onsite.

## NEW 6.3 Who has responsibility for implementing the Return to Work Safely Protocol?

**15 June 2020**

All employees have a critical role in ensuring that the procedures of the Protocol are followed to suppress COVID-19 in their workplace. Cooperation between employees, the lead worker representative(s) and the employer are fundamental to ensuring that the measures are adhered to, including maintaining contact logs, completing induction training and answering the pre-return to work questions.

## NEW 6.4 When should the pre-return to work form be completed?

**15 June 2020**

The pre-return to work form is one of the measures designed to assist with the safe return to the workplace following the COVID-19 lockdown.

Any employees who were not present in the workplace prior to the introduction of the Protocol on 9<sup>th</sup> May are required to complete the pre-return to work questions outlined in the Protocol. The form must be completed at least three days before an initial return (the three day timeframe can include weekends). The questions that should be included are:

- Do you have symptoms of cough, fever, high temperature, sore throat, runny nose, breathlessness or flu like symptoms now or in the past 14 days? Yes/No

- Have you been diagnosed with confirmed or suspected COVID-19 infection in the last 14 days? Yes/No
- 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 2m for more than 15 minutes accumulative in 1 day)? Yes/No
- Have you been advised by a doctor to self-isolate at this time? Yes/No
- Have you been advised by a doctor to cocoon at this time? Yes/No

Employees should have regard to any changes in their circumstances in relation to the questions and notify their manager/HR if there are any changes.

It should be noted that the contents of the pre-return to work form is considered special category data under GDPR and accordingly sufficient safeguards should be put in place to ensure that the process for collection, processing and storing of the information is proportionate and secure.

## **NEW 6.5 How should employers appoint lead worker representative(s)?**

**15 June 2020**

The process for the selection and appointment of lead worker representative(s) should be discussed at an organisational level between employers, employees and employee representatives. There should be engagement between management and unions/associations, in line with appropriate arrangements, for engagement on the implementation of the Protocol. The lead worker representative may be a union member, or another member of staff, and will be appointed by the employer. Any arrangements should have the confidence of all parties.

## **NEW 6.6 What is the role of the lead worker representative(s)?**

**15 June 2020**

The Protocol requires that each workplace should appoint at least one lead worker representative who will assist employees and together with the employer be responsible for ensuring safety measures are being followed. Lead worker representatives should be clearly identifiable, and the employer should ensure they receive the necessary training to carry out the role.

Lead worker representative(s) should:

- Work collaboratively with the employer to ensure, so far as is reasonably practicable, the safety, health and welfare of employees in relation to COVID-19.
- Promote good hygiene practices such as washing hands regularly and maintaining good respiratory etiquette along with maintaining social distancing in accordance with public health advice.
- Assist with the implementation of measures to suppress COVID-19 in the workplace.
- Monitor adherence to measures put in place to prevent the spread of COVID-19.
- Consult with colleagues on matters relating to COVID-19 in the workplace.
- Make representations on behalf of their colleagues on matters relating to COVID-19 in the workplace.

## **NEW 6.7 Is temperature testing required?**

**15 June 2020**

Whilst the Protocol notes that temperature testing should be implemented in line with public health advice, the HSE currently does not recommend temperature testing in the workplace, with the exception of certain healthcare settings. If undertaken, the results of temperature testing are considered special category data under GDPR.

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## Appendix 1: Circular 07/2020

### Arrangements for temporary assignments across the Civil and Public Service in response to the challenge of COVID-19

17<sup>th</sup> March 2020

#### Circular 07/2020

Dear HR Managers/Personnel Officers

As you are aware, the Government's priority is to ensure the health of the public, whilst at the same time ensuring the continuation of public services, especially essential public services. We all have a part to play in seeing this crisis through, and this will involve finding creative and innovative ways to deliver public services.

COVID-19 has already had an impact on many of our public services. As the situation develops, we must prepare as best we can to ensure the continuity of essential services including, but not limited to, health and social protection.

As part of these preparations, staff who are not working in roles that are currently deemed as essential by their organisations may be temporarily assigned to critical public service roles to deal with the current crisis.

Where possible, organisations are required to facilitate the immediate release of staff, subject to the critical business needs identified in their own organisation's Business Continuity Plan(s).

#### Key Principles

All assignments will be temporary in nature and:

- Assigned staff will continue to remain staff members of their parent organisation;
- Assigned staff will continue to be paid by their parent organisation;
- Staff skills and experience may be factored into any temporary assignment;
- Local HR will be responsible for the identification and release of staff;
- Appropriate HSE recommended social distancing will be adhered to in the context of workplace assignments;
- Training and up-skilling will be provided as necessary; and

- On completion of the temporary assignment, staff will return to their parent organisation.

It is envisaged that the temporary assignments may be for an initial period of up to three months with a possible extension if required.

You will appreciate that the challenges we are currently facing are unprecedented, and your continued cooperation is vital to ensure that critical services are provided.

Civil Service HR Division

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## Appendix 2: Guidance for Public Service employees in the instance that they become unwell in the workplace showing symptoms of COVID-19

Note: Sectors may need to refer to their own emergency protocols or arrangements as necessary where these exist.

If, in the course of your working day, you experience [symptoms](#) associated with COVID-19 (e.g. cough, shortness of breath, breathing difficulties, fever or chills), you should immediately:

1. Report your health concerns, preferably by telephone or email, to your manager. If your manager is unavailable, contact your HR unit.
2. You will be asked to isolate yourself from your colleagues in the first instance – in most circumstances this will mean going home; however, where this is not immediately possible then you should move to a designated space away from colleagues until transport home can be arranged. If possible arrange for someone in your household to collect you rather than using public transport or a taxi – this is for your own welfare as well as the welfare of others. If you must use the latter options practice good hygiene etiquette to limit any potential spread of the virus.
3. Avoid engaging in any direct contact with colleagues and practice good hygiene etiquette as you make your exit.
4. You should immediately contact your GP for further advice.
5. You must call your manager to let them know the outcome of the medical advice. This advice will inform your next steps.
6. If you are advised by your GP that you are well enough to continue working you should do so.
7. If you are required to self-isolate, you should follow all HSE guidelines and keep your manager/HR rep informed, adhering to your organisation's procedures.



8. *Before you return to work you will need to complete a self-declaration and a pre-return to work form.*
9. *You need to inform your employer if there are any other circumstances relating to COVID-19, not included in the form, which may need to be disclosed to allow their safe return to work.*
10. *You will need to participate in any induction training provided by the employer on their return to the workplace.*

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## **Appendix 3: Guidance for managers in the instance that an employee becomes unwell in the workplace showing symptoms of COVID-19**

Note: Sectors may need to refer to their own emergency protocols or arrangements as necessary where these exist.

If you are notified by an employee that they are experiencing [symptoms](#) associated with COVID-19, please do the following:

1. Reassure the employee that their health and safety and that of their colleagues is the primary concern.
2. Isolate the employee and follow the procedure to accompany the individual to the designated isolation area via the isolation route, keeping at least 2 metres away from the symptomatic person and also making sure that others maintain a distance of at least 2 metres from the symptomatic person at all times.
3. Provide a mask for the individual presenting with symptoms if one is available. The employee should wear the mask if in a common area with other people or while exiting the premises.
4. Facilitate the individual presenting with symptoms remaining in isolation if they cannot immediately go home and facilitate them calling their doctor. The individual should avoid touching people, surfaces and objects. Advice should be given to the person presenting with symptoms to cover their mouth and nose with the disposable tissue provided when they cough or sneeze and put the tissue in the waste bag provided.
5. Assess whether the unwell individual can immediately be directed to go home and call their doctor and continue self-isolation at home.
6. Advise the employee to isolate themselves from colleagues immediately – ideally they should return home or to hospital for medical assessment; however, where this is not immediately possible they should move to a

designated private space away from colleagues until transport home can be arranged.

7. Arrange transport home or to hospital for medical assessment. Public transport of any kind should not be used.
8. Advise the employee that they must call their GP for advice. Advise the employee to call you straight away with the outcome of this advice – you should provide them with your phone number if they don't already have it.
9. Carry out an assessment of the incident which will form part of determining follow-up actions and recovery.
10. Arrange for appropriate cleaning of the isolation area and work areas involved.
11. Ask the employee about their movements around the building in order to identify areas which may require cleaning.
12. Notify HR as soon as practically possible.
13. Contact Facilities Management and request that the employee's workstation and any other relevant areas be cleaned as soon as possible.
14. Await the update from the employee concerned, but do not discuss the case with other colleagues at this stage in order to protect dignity and confidentiality.
15. If the employee concerned has been advised by their GP to return to work, they should do so. You should discuss with them a suitable arrangement to ensure business continuity. Working from home should be implemented where possible. In all instances refer to your organisations return to work arrangements.
16. It is up to managers to discuss with the employee whether they should return immediately or the following day or work from home. If they have been advised to self-isolate, then at all times you should follow all HSE guidelines and adhere to your organisation's procedures.

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## Appendix 4: Guidance for Public Service employees in relation to COVID-19 self-isolation and restricted movement notifications

If you fall into any of the self-isolation categories as published by the HSE:

1. Telephone your manager<sup>6</sup> before 10am on the first day of isolation/restricting your movements to update them on the situation.
2. If you are advised to self-isolate/restrict your movements you will be required to give your manager the following information:
  - a. Date of commencement and number of days advised to self-isolate/restrict movements
  - b. Advice received from:
    - GP
    - HSE
    - Hospital
    - Other (you will be required to specify what that is)
3. If you have been advised to restrict your movements as a precaution but you are well, you will be asked to work from home.
4. Please note that Public Service employees cannot claim DEASP COVID-19 illness benefit in cases where they are receiving special leave with pay. Any claim for DEASP COVID-19 illness benefit whilst on special leave with pay will be treated as a disciplinary matter.
5. You may be asked to sign a self-declaration on return to work, including written confirmation of the above details.
6. By applying for special leave with pay, you agree that in the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide<sup>7</sup> confirmation of self-isolation/ /diagnosis/restricting your movements for COVID-19) existing procedures, including disciplinary measures may be invoked.

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<sup>6</sup> If your manager is not available, please contact another manager in your area or your HR team. In rare situations where that is not possible, make a note of the date and times of call made and continue to try to contact your managers until contact is made.

<sup>7</sup> Bona fide in relation to a representation or communication means in good faith and well founded in fact. The employer reserves the right to request further confirmation.

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## **Appendix 5: Guidance for managers when notified of COVID-19 self-isolation or restricted movement**

1. If a manager receives a call from an employee advising that they may need to self-isolate/restrict their movements, the manager should in the first instance ask if the person has to restrict their movements as a precaution and if they are well enough to work. If they are well enough to work they should be asked to work from home.
2. If the employee has been notified to self-isolate and is not well enough to work, the manager should ask the employee the questions below. The manager should take note of the details provided. The arrangements for the recording of this will vary based on each organisation's payroll/HR facilities.
3. Questions:
  - a. Date of commencement and number of days advised to self-isolate
  - b. Advice received from:
    - GP
    - HSE
    - Hospital
    - Other (you will be required to specify what that is)
4. Managers should make employees aware of the need to stay in regular contact and advise them of any employee assistance programmes available to them.
5. Managers should alert the employee to any follow up actions that are required on their return to work (for example, self-declarations).

## Appendix 6 – Example self-declaration form

### SAMPLE COVID-19 SELF DECLARATION SPECIAL LEAVE WITH PAY

#### Employee Details

First name	
Surname	
Grade	
Department	
Business Unit	

#### Dates of Special Leave with Pay for COVID-19 related self-isolation

Number of days advised to self-isolate	
Commencing on (DD/MM/YYYY)	
Ending on (DD/MM/YYYY)	

#### Advised to self-isolate by (✓)

GP	<input type="checkbox"/>	HSE	<input type="checkbox"/>
Hospital	<input type="checkbox"/>	Other (please specify) _____	<input type="checkbox"/>

#### Advice received via (✓)

Telephone	<input type="checkbox"/>	Letter/email/text (please attach copy to this form)	<input type="checkbox"/>
In person	<input type="checkbox"/>	Other (please specify) _____	<input type="checkbox"/>

### Details of Advice to Self-Isolate

Name of adviser (e.g. name of GP, HSE worker)	
Date and time advice given	
Details provided to the adviser by you (e.g. places and dates of exposure etc.)	

### Declaration for Special Leave Pay

I confirm I have read and understand the provisions of Special Leave with Pay as set out in Part IX of <a href="#">Circular 02/1976</a>	Yes	<input type="checkbox"/>
I understand that in the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide <sup>8</sup> confirmation of self-isolation/diagnosis of COVID-19) existing procedures, including disciplinary measures may be invoked.	Yes	<input type="checkbox"/>
I understand that any overpayment of salary which may arise from non-compliance with the provisions of special leave with pay will be repaid.	Yes	<input type="checkbox"/>
I have attached relevant documentation (where applicable)	Yes	<input type="checkbox"/>
Employee signature		
Date		

### Manager Approval

Manager signature	
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<sup>8</sup> Bona fide in relation to a representation or communication means in good faith and well founded in fact. The employer reserves the right to request further confirmation.

Date	
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***Data Protection***

*The data requested in this form will be used to process your application for Special Leave with Pay (COVID-19 related) and will be retained as part of your personnel record for the appropriate period of time. The employer will treat all information and personal data you give according to the law.*





**An Roinn Caiteachais  
Phoiblí agus Athchóirithe**  
Department of Public  
Expenditure and Reform

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