



Oifig an Stúirthóra Náisiúnta, Acmhainní Daonna

Feidhmeannacht na Seirbhísí Sláinte

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Each Group Director of Nursing & Midwifery
Each Group Director of Midwifery
Each Clinical Director
Director National Ambulance Service

From: Anne Marie Hoey, National Director of Human Resources

Date: 30th June 2021

Re: HR Circular 025/2021 Guidance and FAQs for Public Service Employers during COVID-19 in relation to working arrangements and temporary assignments across the Public Service dated 16 June 2021.

Dear Colleagues

I wish to advise that the Department of Public Expenditure and Reform (DPER) has issued its revised **Guidance and FAQs for Public Service Employers during COVID-19 In relation to working arrangements and temporary assignments across the Public Service dated 16 June 2021 2021 (Appendix A)**. This guidance document consolidates and supersedes previous guidance and FAQs issued by DPER relating to Civil and Public Service working arrangements and temporary assignments during COVID-19. The FAQs have been prepared to assist employees and management to understand the process, rules and expectations associated with work arrangements during the COVID-19 recovery period across the public service. A copy of these FAQs is attached and is also available [here](#).

The updated/ new FAQs are:

- UPDATED FAQ 1.1 Who should attend the employer's work premises?
- UPDATED FAQ 2.2 Should employees who are at very high risk for COVID-19 attend the work premises?
- UPDATED FAQ 3.2 What arrangements apply if an employee has to restrict their movements following close contact with a confirmed COVID-19 case?
- UPDATED FAQ 3.6 What is the process for a return to the employer's work premises after a positive case of COVID-19
- UPDATED FAQ 3.7 What if an employee has had a negative test for COVID-19?
- UPDATED FAQ 4.2 Is special leave with pay available for caring responsibilities?
- UPDATED FAQ 4.5 What leave arrangements apply to civil and public servants on return from non-essential travel overseas?
- NEW FAQ 4.6 What arrangements are in place for employees to attend a COVID-19 vaccination appointment?
- NEW FAQ 4.7 What arrangements are in place where an employee may have a reaction to a COVID-19 vaccination?
- NEW FAQ 4.9 Do employers have a right to know if an employee has had COVID-19 or been vaccinated?
- UPDATED Appendix 4: Quick guide on working arrangements (various updates to the quick guide including new scenarios 7c and 7d)

The DPER FAQs should be read in conjunction with this Circular. Please note that the updated FAQs for the health sector are covered in the following sections of this Circular:

- UPDATED Section 1.Attendance in the work premises during COVID-19
- UPDATED Section 2Employees who are identified as being at very high risk for COVID-19
- UPDATED Section 4COVID-19 Special Leave with Pay Arrangements
- UPDATED Section 7 Employees who are required to restrict their movements or self-isolate following close contact with a confirmed COVID-19 case
- UPDATED Section 8 Return to the work premises after a positive case of COVID-19
- UPDATED Section 9 Employees with caring responsibilities
- NEW Section 11 Employees attending a COVID-19 vaccination appointment
- NEW Section 12 Employees who may have a reaction to a COVID-19 vaccination
- NEW Section 14 Requesting information on whether an employee has had COVID-19 or been vaccinated
- UPDATED Section 15 Availing of Annual Leave during COVID-19
- UPDATED Section 16 Leave Arrangements for employees who travel overseas
- UPDATED Appendix D: Quick guide on working arrangements (various updates to the quick guide including new scenarios 7c and 7d)

1. Attendance in the work premises during COVID-19

UPDATED 1.1 The *COVID-19 Resilience and Recovery 2021: The Path Ahead* plan- was published by the Government on 23 February 2021 and has been updated at various stages since [view here](#).

Within the revised plan there is a Framework for Restrictive Measures with five levels. It should be noted that the employer will determine the essential roles which require physical attendance by staff at the workplace throughout the levels, taking into account the differing requirements at each level of the Framework for Restrictive Measures. Regard should be had to any changes to work premises attendance that may be required at each level of the Framework and the most up to date guidance on [gov.ie](#). Workplace attendance plans and requirements should be communicated to employees.

1.2 The Resilience and Recovery Plan identifies many public services as being essential during this time. Employers need to enable employees to be as productive as possible at all times, both in the work premises and in a blended and distributed workplace. Employers need to continue to be innovative in terms of new ways of working including maximising and fully exploring distributed and hybrid work models, where applicable. Employees have a role to play by cooperating with employers and in being proactive in identifying how they can increase value and how their roles can be performed effectively in the new and changing environment. During COVID-19, in order to ensure maximum efficiency, employees may be assigned work outside their usual core duties/given a new role.

1.3 The Plan provides for home working to continue where possible. Home working will continue as and when deemed appropriate by the employer, having regard to the changes that may be required at each level of the Framework and based on current Government advice under the Plan. Home working must be balanced with the requirement to continue to provide the most effective and efficient healthcare services to the public, in line with the provisions of the framework and latest advice. Any continuation of working from home (WFH) arrangements will be kept under review. The *HSE Policy on Public Health Service Employees Working from Home during COVID-19* is available [here](#).

1.4 To continue to facilitate physical/social distancing and public health requirements in the work premises, employers may consider the continuation of temporary alternative arrangements or new temporary arrangements, e.g. flexible shifts, staggered hours, longer opening hours, blended working patterns, weekend working etc. where feasible.

1.5 Employers must ensure that all work premises have implemented robust pre-return to workplace procedures, where not already in place, and that all procedures comply with the **Work Safely Protocol** [view here](#). These procedures should be clearly communicated to employees. The Protocol, which is a revision of the previous Return to Work Safely Protocols, was published on 14 May 2021 and incorporates current public health advice. It outlines the measures needed to reduce the spread of COVID-19 and to facilitate the re-opening of workplaces following temporary closures. The Protocol notes that employees should be organised into pods or groups where possible. For further information on these and other health measures, employers should read the Protocol in detail. Employers should ensure that they have properly implemented the advice in the Protocol and ensure that it is tailored, where necessary, to meet the unique set of circumstances pertaining to each workplace location. The HSE's approach to the implementation of this revised Protocol can

be found [here](#). The DPER FAQ also includes a link to the HSA guidance for a return to the work premises. It is referenced in another section – Updated 3.6

1.6 Employers should ensure that the new Protocol is reviewed in respect of all employees i.e. employees required to return to the work premises and those employees who have continued to work on site. There may be additional issues to consider to ensure compliance with the Protocol for those employees who are already working on site.

1.7 All employees have a critical role in ensuring that the procedures of the Protocol are followed to suppress COVID-19 in their workplace. It is incumbent on all employees who are required to attend the workplace to fully comply with their organisation's COVID-19 response plan. Cooperation between employees, the lead worker representative(s) and the employer are fundamental to ensuring that the measures are adhered to.

1.8 HSE HR Memo dated 22 July 2020 sets out the principles for the nomination and appointment of Lead Worker Representative(s) which were agreed with the Health Service Trade Union Group.

1.9 The Work Safely Protocol COVID-19 Pre-Return to Work Form is one of the measures designed to assist with the safe return to the workplace. Any employees who were not present in the workplace prior to the introduction of the Return to Work Safely Protocol on 9 May 2020 are required to complete the organisation's Return to Work Form before returning to the work premises.

1.10 Whilst the Return to Work Form is only to be completed once and the form itself does not need to be resubmitted, employers may request employees to reconsider the questions in the pre-return to work form, for example, following an extended period of absence from the workplace due to annual leave or where the employee may only access the work premises infrequently. **Employees should have regard to any changes in their circumstances in relation to the questions and notify their manager/HR immediately.**

1.11 It should be noted that the content of the pre-return to work form is special category data under the General Data Protection Regulations (GDPR). Accordingly, sufficient safeguards must be put in place to ensure that the process for collection, processing and storing of the information is proportionate and secure¹. The form should be destroyed upon the employee's return to the work premises. Employers may wish to keep a log of employees who have completed the form for audit purposes. Any such log must not contain special category personal data.

1.12 The revised HSE Pre Return to Work Form and other guidance documents on the occupational safety and health implications of the Work Safely Protocol are available at this link: <https://healthservice.hse.ie/staff/coronavirus/safety-in-the-workplace/managing-employees-return-to-work-safely1.html>

1.13 It is important to emphasise that any employee who is feeling unwell should not attend the workplace. This applies to any transmissible illness during this Covid-19 emergency period. The health and wellbeing of employees is of utmost importance. If an employee becomes unwell in the work premises, arrangements should be in place in line with the requirements in the Protocol.

¹ <https://dataprotection.ie/en/news-media/blogs/data-protection-and-covid-19>

1.14 In line with the HSE Contact Tracing Process, if an employee is diagnosed with COVID-19, contact tracers will directly contact all relevant persons who have been in contact with the confirmed case, or the person will be notified through the COVID Tracker App. The instructions of the HSE should be followed and employee confidentiality is essential at all times.

1.15 Employees are encouraged to download the COVID Tracker App to their mobile device as this will assist with the contact tracing process. It should be noted that in incidents where a full Public Health Risk Assessment is undertaken, information from the COVID-19 tracker application is included as part of this assessment. Individuals should follow any actions which are advised by the Medical Officer of Health/Health Protection Medical Team. For information on management of a case or cases (an outbreak) in the workplace, please refer to Appendix 9 in the Protocol and the HPSC *Outbreak Management Guidance* [view here](#).

1.16 The latest release of the [COVID Tracker App](#) has a new feature which has been developed specifically for Health Care Workers. The new feature allows employees to pause contact tracing for a period of time and sends a reminder to switch it back on. Health care workers who are wearing appropriate PPE when providing care to patients can use the pause feature to stop them receiving a close contact alert relating to contacts that happen while wearing PPE.

1.17 The Protocol notes that temperature testing should be implemented in line with public health advice. At present there is no general public health requirement to undertake temperature testing/screening in the workplace, apart from in certain workplaces including healthcare settings. If undertaken, the results of temperature testing are considered special category data under GDPR.

1.18 Employees who are feeling unwell or have symptoms of COVID-19 should not attend the workplace. For those attending the work premises, observing physical/social distancing, appropriate hand hygiene and cough and sneeze etiquette are the most important measures individuals can take to protect themselves and others from COVID-19 in the workplace. Face coverings should not be used in lieu of following physical/social distancing or proper hand and cough etiquette, but they may be used in addition to these protective measures, especially where maintaining physical/social distancing is difficult.

1.19 Health service employees who work in clinical settings are required to wear medical face masks for work purposes and will be advised of this requirement where applicable. Office locations are not currently listed as locations where face coverings must be worn. However, health service employees for whom face coverings are not a mandatory requirement in their substantive role are expected to wear face coverings in places or situations where it may be difficult to achieve or maintain 2m physical/social distancing in line with the Government's advice [here](#). This includes but is not limited to the following:

- When entering and exiting buildings
- Public access areas of buildings, including receptions/foyers
- When moving throughout buildings to toilets, photocopiers, on stairwells etc.
- Canteens and kitchen areas (prior to and after eating) or when using facilities such as boilers, toasters etc.
- Travelling in a vehicle with someone you don't live with

HSE guidance on staff travel during COVID-19 is available at this link:
<https://healthservice.hse.ie/staff/coronavirus/safety-in-the-workplace/staff-travel-during-covid-19.html>

UPDATED 2. Employees who are identified as being at very high risk for COVID-19

2.1 The HSE has identified a category of persons who are at very high risk and the details of this group are available [here](#). Employees who are in this category can provide their manager with a letter from their treating specialist confirming their very high risk status².

2.2 Employees deemed to be very high risk, who do not yet have 'significant vaccine protection', should be facilitated to work from home to the maximum extent possible. . Managers are required to maintain regular contact with employees in this category who are WFH.

2.3 As our knowledge of COVID-19 has increased, some conditions that previously placed employees in the very high risk category now place them in the high risk category or in some instances in the normal risk category. In addition an employee's risk categorisation may now have changed due to vaccination and/or history of recent confirmed COVID infection. Therefore if an employee has previously been placed in the very high risk category, and their work activities now cannot be performed offsite, then referral to occupational health for updated COVID risk categorisation may be appropriate to see if they can resume onsite.

2.4 In instances where an employee is very high risk and has been advised to work from home, and their current role is not suitable for remote working, then they may be assigned work outside their usual core duties/given a new role.

2.5 Please refer to the HSE's Occupational Health guidance document: *Guidance on Fitness for Work of Healthcare Workers in the higher risk categories including Pregnant Healthcare Workers.*

The latest Occupational Health guidance documents for COVID-19 are available from the HSE's website [here](#).

3. Employees who are at high risk for serious illness from COVID-19

3.1 Employers should continue to facilitate employees in the high risk category, as defined in the HSE website, where possible in terms of flexible working arrangements.

<https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html>

This may include working remotely where the manager determines that such arrangements are appropriate to the service needs. Employers are working to implement measures to ensure the safety of the workplace for all employees, as provided for in the Return to Work Safely Protocol.

3.2 Employees in the high risk category who are required to attend the work premises, in accordance with [HSE advice](#), and current level of restrictions, should take extra care to practise social distancing where possible and wash their hands regularly and properly. Appropriate

² HSE Occupational Health COVID-19 Guidelines: *Guidance on Fitness for Work of Healthcare Workers in the Higher Risk Categories, including Pregnant Healthcare Workers* dated 2nd June 2021

measures may need to be considered for employees in the high risk category in the work premises where maintaining social distancing is difficult.

Please refer to the HSE's Occupational Health *Guidance on Fitness for Work of Healthcare Workers in the higher risk categories including Pregnant Healthcare Workers* [here](#).

UPDATED 4. COVID-19 Special Leave with Pay Arrangements **See updated Quick Guide for Public Service Employers (Appendix D)**

4.1 The COVID-19 special leave with pay (SLWP) arrangements apply to public servants only. Employers/managers will need to determine which workers fall into the category of public health service employees. The arrangements relating to the application of SLWP for COVID-19 are temporary and will be kept under regular review.

4.2 SLWP for COVID-19 will only apply when an employee is advised to self-isolate **and** is displaying symptoms of COVID-19, or had a positive test. Appropriate medical/HSE confirmation of the need to self-isolate and/or a diagnosis of COVID-19 will be required for the duration of the absence. The HSE website sets out the latest criteria for self-isolation [view here](#). SLWP **does not** apply to employees who are restricting their movements, or are self-isolating due to being a close contact of a variant of concern, or who are in the very high risk category and advised to WFH.

4.3 From 1 January 2021, in instances where an employee has a medical diagnosis/confirmed case of COVID-19, SLWP may continue for up to 28 days³ if necessary and where it is supported by a positive test for COVID-19 and ongoing medical certification. If an employee is still unwell after 28 days they will move to ordinary sick leave arrangements.

4.4 SLWP may be extended beyond 28 days for certified COVID-19 related illness in circumstances where a manager determines that all four criteria below are met:

- (i) An employee had been in the work premises at any time during the 14 days prior to commencing the self-isolation period of a positive case of COVID-19. The work premises includes any location, outside the home, an employer requires an employee to attend as part of their work role, e.g. in community settings, home visits. The attendance at the work premises/on site must have been known to and/or approved by the manager in advance.

³ This refers to 28 calendar days. Separate unrelated instances of absence due to HSE/medical advice to self-isolate due to COVID-19 are not cumulative for the purpose of determining whether the 28-day limit has been reached e.g. if an employee was medically advised to self-isolate in 2020 and was absent on SLWP for COVID-19 for a total of 14 days, this has no bearing on their SLWP entitlement if they are absent in January 2021 on foot of medical/HSE advice to self-isolate. Each instance of self-isolation based on HSE/medical advice is treated separately and the first day of absence in January 2021 would be treated as day 1 of the absence for the purpose of applying SLWP for COVID-19. Whilst there is no maximum limit on the number of instances for which SLWP may be granted, appropriate medical/HSE confirmation of the need to self-isolate and/or a diagnosis of COVID-19 will be required in order to be eligible for payment.

- (ii) The employee provides their employer with medical evidence of a positive COVID-19 test⁴ including the date of this test.

- (iii) In accordance with the employer's standard management referral process, the Occupational Health Physician (OHP) confirms that the employee is medically unfit to resume work. How this will work in practice in Section 38 organisations will be based on the normal arrangements that apply for medical referrals to determine an employee's fitness to resume work during sickness absence.

- (iv) The OHP confirms that the employee's absence relates primarily to ongoing COVID-19 illness, and that they are accessing medical care.

Please refer to [HR Circular 073/2020](#) for further details on the application of SLWP for COVID-19.

4.5 The general principles applying to the management of sick leave, as outlined in the HSE's *Managing Attendance Policy and Procedure* and *HSE Rehabilitation of Employees Back to Work after Illness or Injury Policy*, will continue to apply. This includes the requirement for managers and employees to maintain regular contact during the period of special leave with pay. Both policies are available [HERE](#). Section 38 organisations should refer to their relevant HR policies and procedures.

4.6 Employees who were tested because they had symptoms of coronavirus and receive a **negative test result** should continue to self-isolate until they have not had any symptoms for 48 hours. They can return to normal activities once 48 hours without symptoms.

Employees who are asymptomatic and well enough to work from home prior to and/or during the 48-hour self-isolation period should be facilitated to work from home.

If an employee is unfit to work due to a non-COVID-19 illness, the normal sick leave scheme will apply.

UPDATED 4.7 SLWP while absent from work due to COVID-19 is based on basic salary and fixed allowances only except for those employees who come within the scope of [HSE HR Circular 064/2020 Special Leave with Pay for COVID-19 Premium Payments](#). This Circular should be read in conjunction with [HSE HR Circular 13-2021](#) which sets out the two methodologies which may be applied, depending on the circumstances, for the purposes of calculating the unsocial hours premium pay element. Please note that "unsocial hours premium earnings" is an umbrella term that refers to a variety of premium payments/allowances based on an employee's rostered hours of work which vary depending on the roster worked in a specific period. It includes, but is not limited to, night duty (T1/4), time and one-sixth (T1/6), Saturday allowance, Sunday premium, regular on-call etc. The calculation excludes overtime payments with the exception of regular and rostered overtime payments.

⁴ It is recognised that at the start of the pandemic, universal COVID testing was not available. Thus, on a case-by-case basis, medical evidence that the clinical presentation indicated a high probability of COVID-19 may suffice.

4.8 The total payment is made by the employer. Public servants who can avail of SLWP for COVID-19 are excluded from claiming the special DEASP COVID-19 illness benefit payment. Any instances of public health service employees found to be in receipt of both special leave with pay and the COVID-19 illness benefit will be subject to disciplinary action and the appropriate amount shall be recouped from his/her salary.

4.9 When granting SLWP, health service employees are expected to comply at once with any directions which may be given by his/her employer 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.

4.10 In the event of non-compliance with the provisions of SLWP (including the requirement to provide bona fide confirmation of self-isolation/diagnosis of COVID-19) the disciplinary procedure may be invoked.

4.11 Employees are **not** entitled to days in lieu of any public/bank holidays that occur whilst in receipt of SLWP.

4.12 Note that at any stage if an employee states that they feel well enough to work, but have tested positive for COVID-19 or are self-isolating because they were symptomatic, the employer may facilitate working from home instead of special leave with pay, if this is feasible and agreeable to both parties.

UPDATED 4.13 In the case of employees who contracted COVID-19 and are on long-term absence due to long COVID, the Occupational Health Physician (OHP) may recommend a phased return to work as part of the employee's rehabilitation plan. If the employee is still in receipt of SLWP⁵ they continue to retain access to SLWP during the phased return to work subject to the following conditions:

- (i) In accordance with the employer's standard management referral process, the Occupational Health Physician (OHP) carries out a medical assessment and recommends a phased return to work, on a temporary basis, in line with the employer's Rehabilitation Policy (or equivalent policy). The specific time limit for the temporary phased return arrangement should be determined on a case-by-case basis.
- (ii) SLWP may apply, subject to defined time limits, to the portion of contracted hours that the employee is deemed temporarily unfit to work due to the medically certified COVID-related illness.
- (iii) During the phased return, the OHP confirms that the employee is accessing appropriate medical care and rehabilitation supports.
- (iv) The employee will be required at all times to comply with their employer's HR policies and procedures governing sickness absence, such as the organisation's Managing Attendance Policy and Rehabilitation Policy, and to co-operate with medical referrals by the employer.

⁵ The maximum 28-day limit for SLWP for COVID-19 does not apply to employees who satisfy the conditions set out in section 3 of [HSE HR Circular 73/2020](#).

5 Recording of medical/HSE advice to self-isolate

5.1 The DPER FAQs state that 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 may take the form of a self-declaration in certain circumstances, where it is accompanied by text message confirmation, for example. In such cases the employee will be required to complete the *Self-Declaration Form for Special Leave with Pay* and submit to his/her manager for approval. In instances where the employee has undertaken a COVID-19 test, they may be required to provide the results to their employer, for example for occupational health purposes and to determine eligibility for SLWP for COVID-19.

5.2 Please refer to the following documents which are available [at this link](#):

- Procedure for public health service employees and managers for absences due to COVID-19 Appendix B
- COVID-19 Self-Declaration Form for Public Health Service Employees for Special Leave with Pay⁶ Appendix C

5.3 Please refer to ***HR Memo re COVID-19 Revised Incident Reporting Requirements*** (dated 13 January 2021) for information on reporting certain cases of COVID-19 to the Health and Safety Authority (HSA).

6. Recording Special Leave with Pay for COVID-19

6.1 SLWP for COVID-19 is being used in place of normal sick pay for public servants and should be recorded separately as “**Covid-19 Paid Leave**”. This separate classification is important for the following reasons:

- (i) to ensure that periods of COVID-19 absences covered by SLWP do not impact on an employee’s entitlements under the public service sick leave scheme, and
- (ii) to comply with DPER/Department of Health directions to provide an aggregate summary of data/costings for the public health sector. The HSE and each Section 38 employer is required to ensure that relevant data⁷ and all expenditure in relation to special leave with pay for COVID-19 can be tracked separately in order to ensure that all exceptional spending on COVID-19 within the health sector is capable of being identified and reported on at national level.

6.2 Please refer to ***HR Circular HR Circular 016/2021- Revised arrangements for Monthly and Weekly Absence Reporting***

<https://www.hse.ie/eng/staff/resources/hr-circulars/hr-circular-016-2021-revised-arrangements-for-absence-reporting-.pdf>

6.3 Any non-COVID-19 illness will be recorded as ordinary sick leave and the usual rules governing the public service sick leave scheme will apply.

⁶ This Form is intended solely for those employees who meet the criteria for special leave with pay as set out in the DPER FAQs but do not have access to medical certification.

⁷ <https://dataprotection.ie/en/news-media/blogs/data-protection-and-covid-19>

UPDATED 7. Employees who are required to restrict their movements or self-isolate following close contact with a confirmed COVID-19 case

7.1 SLWP does not apply to employees who are required to restrict their movement, or self-isolate as a close contact of a variant of concern, as they are not ill. Where an employee is required to restrict their movements (or self-isolate as a close contact of a variant of concern), the employer must facilitate working from home. If remote working in an employee's current role is not feasible, then the assignment of work may be outside of their usual core duties. Employees must cooperate with all such flexibilities while they are required to restrict their movement or self-isolate. In all such cases, employees remain available for work whilst at home, where they have been advised to restrict their movements as a precautionary measure.

7.2 The HSE sets out the latest criteria for restricted movements including (i) following close contact with a confirmed case of coronavirus and (ii) living with someone who has symptoms of coronavirus:

<https://www2.hse.ie/conditions/coronavirus/managing-coronavirus-at-home/if-you-live-with-someone-who-has-coronavirus.html>

There have been a number of changes to the close contact information based on factors such as:

- Whether an individual is vaccinated or has had COVID-19 (no restriction of movement required in certain circumstances). Please refer [to this link](#) for further information.
- Whether an individual is a close contact of a variant of concern (self-isolation rather than restriction of movement is required in certain circumstances). Please refer [to this link](#) for further information.

Please see Appendix D for scenarios which may assist. Employers should ensure that they are aware of the most up to date information on gov.ie in relation to close contacts.

7.3 Individuals who are unvaccinated and are close contacts of a person that tested positive for COVID-19 must restrict their movements for 14 days, unless both of the following apply:

- the individual has had a negative test (COVID-19 not detected) 10 days after they were last in contact with the person who tested positive, and
- they do not have any symptoms of COVID-19.

Individuals who are close contacts of a person suspected or confirmed to have a variant of concern, whether vaccinated or not, must self-isolate for 14 days. They also require testing at day 0 and day 10 but must complete the full 14 day self-isolation period. Further information on Variants of Concern is available at this link: <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/sars-cov-2variantsofconcern/>

7.4 Managers should refer to the HSE Workplace Health & Wellbeing Unit's Guidelines:

- **Occupational Health Interim Guidance for Coronavirus.**
- **Derogation for the Return to Work of Healthcare Workers (HCW)**

The latest Occupational Health COVID-19 Guidance Documents are available [at this link](#).

7.5 This FAQ does not apply to employees who are required to quarantine in line with Government advice arising from travel abroad (see section 16).

8. Return to the work premises after a positive case of COVID-19

8.1 Please note that this FAQ relates to a return to work in the employer's work premises. These arrangements do not preclude employees from returning to work at home at an earlier stage if this is feasible, depending on the situation of each case.

8.2 The HSE advises that in cases of confirmed COVID-19 infection, an employee needs to be 10 days post onset of symptoms and also 5 days fever free (which may run concurrently) before returning to the workplace. Please note that the 10 days is

- (i) from the date of onset of symptoms, if the employee was **symptomatic**, and not the date of receiving a positive COVID-19 test result; and
- (ii) from the date of the swab being carried out, if the employee was **asymptomatic** during the course of self-isolation, and not the date of receiving the positive test result. If the employee becomes symptomatic during those 10 days, s/he must recommence the 10-day self-isolation from the date these symptoms began.

8.3 This 10-day period does not apply to close contacts of a confirmed case. In general, employees who are close contacts of a confirmed case will need to continue to restrict their movements for 14 days unless they meet certain criteria as set out by the HSE <https://www2.hse.ie/conditions/coronavirus/testing/if-you-are-a-close-contact.html>

Please note that in the case of healthcare workers, there is a requirement to adhere to the provisions set out in the HSE ***Interim Guidance for Coronavirus - Healthcare Worker Management By Occupational Health*** [here](#).

9. Employees with caring responsibilities

UPDATED 9.1 There is no special paid leave available for COVID-19 caring arrangements during this time.

9.2 Any employee who wishes to avail of existing leave allowances during this time should submit their request to their manager in the normal manner. This includes annual leave, parental leave and other leave schemes to which the employee may be entitled. Managers should consider such requests in light of service requirements and the employee's particular circumstances.

10 Employees who live with very 'high risk' individuals

10.1 Employees who are required to attend the workplace and who live with very high-risk individuals should follow the HSE guidelines to protect themselves and to minimise risk of transmission. The implementation of the Work Safely Protocol is intended to minimise the risk of transmission in the workplace.

NEW 11 Employees attending a COVID-19 vaccination appointment

Where an employee in the public service has an appointment to attend a COVID-19 vaccination during working hours, they will be facilitated to attend.

NEW 12 Employees who may have a reaction to a COVID-19 vaccination

12.1 Where there may be a reaction to a COVID-19 vaccination and the employee is unfit for work, then the provisions of the public service sick leave scheme apply.

12.2 Employees who display symptoms of COVID-19 after vaccination may be granted SLWP for COVID-19 provided they satisfy the qualifying criteria as set out in section 4.2 of this Circular.

13 Legal basis for processing employee data in relation to COVID-19

Health 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), 9(2)(b) and (g) of GDPR, 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](#).

New 14 Requesting information on whether an employee has had COVID-19 or been vaccinated

14.1 Please refer to the ***HSE Guidelines for Healthcare Workers on Risk Assessment for COVID-19 Vaccination (dated 28 May 2021)***.

14.2 Employers may ask employees for information in relation to their COVID-19 special category data in certain circumstances, for example:

- An employee who requests to avail of special leave with pay will be required to provide details of the results of their COVID-19 test.
- An employee who notifies their employer that they are a close contact of a confirmed case: The rules around restricted movement have changed for fully vaccinated people. In certain circumstances individuals are no longer required to restrict their movements on being a close contact of a confirmed case. If an employee is required to attend the work premises and is a close contact, in order for the employer to take a decision in relation to health and safety requirements and work premise attendance the manager or relevant person may need to enquire if the employee has had their vaccine, the date and type of vaccination, and other relevant health information.

The above examples are illustrative only. Managers will need to determine on a case by case basis the level of detail they need in order to make relevant decisions. At all times the data collection and processing must be necessary, proportionate and safeguarded.

15. Availing of annual leave during COVID-19⁸

15.1 Managers should ensure to the maximum extent possible that employees continue to avail of their total annual leave entitlement within the current leave year, subject to essential service requirements. Managers should forward plan based on service needs and consult with their employees on the scheduling of annual leave throughout the current annual leave year. This is to ensure that employees are afforded an opportunity to avail of their annual leave entitlement for health and safety reasons, in line with the Organisation of Working Time Act 1997. It is also important to ensure that annual leave is taken to avoid the unnecessary accumulation/carryover of untaken leave, which may have an impact on service continuity at a later date. Managers are required to ensure that, at a minimum, employees avail of their statutory annual leave entitlement and the carryover of leave (where deemed appropriate) is subject to service needs and prior management approval.

Please refer also to HR Circular [HR Circular 03/2021](#) – **Frontline Healthcare Employees and Carryover of Annual Leave during COVID-19.**

15.2 In the event that an employee falls ill during a period of annual leave, section 19(2) of the Organisation of Working Time Act 1997 provides as follows:

A day which would be regarded as a day of annual leave shall, if the employee concerned is ill on that day and furnishes to his or her employer a certificate of a registered medical practitioner in respect of his or her illness, not be regarded, for the purposes of this Act, as a day of annual leave.

This provision applies regardless of the nature of the employee's illness (including COVID-related illness) provided the employee submits a certificate from a registered medical practitioner in respect of the illness. If an employee satisfies this requirement, any period of pre-booked annual leave that occurs during the period of medically certified illness should be treated as postponed annual leave that the employee is entitled to avail of at another time.

UPDATED 16. Leave Arrangements for employees on return from travel overseas

16.1 There is a Government Advisory in operation against all non-essential international travel.

Please refer to [HSE Circular 22/2021 Arrangements for health service employees in relation to travel overseas.](#)

16.2 From 19 July, subject to the prevailing public health situation, Ireland will operate the EU Digital COVID Certificate (DCC) for travel originating within the EU/EEA.

16.3 Under the current situation the following applies:

A legal requirement to quarantine⁹ has been introduced for all travellers (except if the individual's journey originates in Northern Ireland) – with very limited exemptions. Further details are available [at this link.](#)

⁸ This applies to all employees including those who are working from home on a temporary basis due to COVID-19.

16.4 Anyone coming into Ireland (including those arriving from outside the Common Travel Area into Northern Ireland) is required to be in receipt of a negative PCR test, complete a passenger locator form and quarantine for 14 days.

16.5 In the case of individuals coming into Ireland from non-designated states, the quarantine period can finish earlier if the individual obtains a negative PCR test result taken no less than 5 days after arrival in the State.

Anyone who has been in any of the Category 2 (“designated states”) in the previous 14 days, even if only transiting through one of these countries and even if remaining airside, is legally required to quarantine at a designated facility (mandatory hotel quarantine) on arrival in Ireland. The period of quarantine is 14 days, beginning on the day of admission to the designated facility (the hotel).

16.6 This period of quarantine will end early, on receipt of a negative (‘not detected’) result following an RT-PCR test taken on day 10 of quarantine. If a person in these circumstances tests positive during quarantine, a further period of quarantine is required. For further information, please see the Government of Ireland website gov.ie. HSE employees returning from designated states cannot return to work on-site until the 14 days post travel quarantine has been completed (see section 16.11 below).

16.7 Individuals who are fully vaccinated with an approved vaccine and have documentary proof do not have to complete mandatory hotel quarantine on arrival in Ireland. HSE employees who are fully vaccinated with an approved vaccine and who return from a designated state cannot return to work on-site until the 14 days post travel quarantine has been completed (see section 16.11 below).

16.8 It is important to note that the list of designated states will be subject to change at short notice and individuals are required to check the list before travelling to Ireland, to be sure of their obligations. The list of designated states can be found [here](#).

16.9 In relation to HSE employees who return from travel overseas, HSE managers should refer to the following updated HSE Occupational Health Guideline documents:

- Interim Guidance for Coronavirus – Healthcare Worker Management by Occupational Health version.
- Derogation for the Return to Work of Healthcare Workers (HCW) who are essential for Critical Services.

The updated HSE Occupational Health guidelines are available at this [link](#).

16.10 As of 10 May 2021, in accordance with the provisions set out in the above HSE Occupational Health guidelines, HSE employees who travel from non-designated states and receive a negative PCR test result no less than 5 days after their arrival are no longer required by the HSE

⁹ Individuals who arrive from Category 2/designated countries are required to ‘self-isolate’ during the quarantine period and must complete the full 14 days of quarantine - regardless of whether they have a negative test result. Individuals who arrive from other countries may be required to restrict their movements during the quarantine period. Further details are available on the HSE website [here](#).

to remain away from the work premises until the 14 day period¹⁰ has ended, provided Government advice is adhered to.

16.11 HSE employees returning from a designated state(s) cannot return to work on-site until the 14 days post travel quarantine has been completed. This requirement also applies to HSE employees who have been fully vaccinated and who return from a designated state(s). As this is a precautionary measure that goes beyond the current Government advice HSE management must assign the employee work that can be carried out at home (WFH) for the intervening period until the 14 day period has expired. This may include assigning duties outside the HSE employee's normal role.

16.12 Please note that this WFH arrangement only applies from the date the employee receives the negative PCR test result (which brings the quarantine period to an end as per the Government website criteria) and covers the remaining period up to 14 days that the employee is required by HSE management to remain away from the work premises. Any period of quarantine that HSE employees are required to undertake upon arrival in Ireland, as per current Government advice, must be covered by annual leave or unpaid leave.

16.13 Employees should be aware of the testing and quarantine requirements in place at the time of travel, both for their intended destination and on return to Ireland. Responsibility to provide for the period of quarantine arising from travel overseas is a matter for each individual employee unless they fall into the very limited exemption categories as outlined here.

16.14 In order to protect public health, employees are required to advise their employer of any intention to travel overseas. Where there is an intention to undertake travel overseas, all employees must make provision by way of an annual leave or unpaid leave application (which may include parental leave where eligible) to cover any requirement for a period of quarantine that may be in place upon arrival in Ireland. This arrangement is applicable to all public health service employees regardless of whether they can work from home. The employee's leave application must be approved by the manager in advance and a record retained.

16.15 As set out above, employees should be aware that whatever quarantine requirements are in place on their date of return to Ireland will apply to them. Employees should be advised to log on to www.dfa.ie immediately prior to their return to Ireland to ensure they are fully apprised of the current Government advice, provide evidence of a negative/ 'not detected' result from a pre-departure COVID-19 RT-PCR test carried out no more than 72 hours before the individual's arrival (or have evidence that s/he is exempt from this legal requirement) and any necessary requirement to quarantine upon arrival in Ireland.

17 Management of employee relations processes during COVID-19

17.1 The operation of employee relations processes such as performance management, dignity at work, discipline and grievance should continue in accordance with CERS Memo 01/2021: *Operation of Grievance, Disciplinary and other HR processes – COVID-19*.

¹⁰ The additional measures for HSE employees who return from travel overseas and who normally attend the work premises, which have now been removed, were set out in Section 12.4 of HSE HR Circular 15/2021 linked [here](#).

The objective is to continue facilitating a fair and timely process whilst protecting the health and safety of the various parties involved.

18. Employees on Probation

18.1 A flexible and pragmatic approach to the management of staff on probation for both new entrants and promotions should be adopted. The assessment of a probationer's performance should continue and can take place remotely where necessary. Managers should ensure that they have set clearly defined objectives and duties that continue to be evaluated on an ongoing basis, in line with the usual probationary process. Managers should continue to provide support to enable the employee to perform to the required standards and demonstrate their suitability in the position to which they were appointed.

18.2 A probationary period which has been paused should be resumed when the probationer returns to duties that allow for probation to be assessed adequately. If a probation process has been paused, the manager should formally and clearly communicate to the employee a timeframe for resumption and a written record should be kept on the employee's file.

19. Flexi-time arrangements

19.1 The normal operation of flexi-time or equivalent attendance management systems, including any flexi-time accruals and deficits, continues to remain temporarily suspended for those employees who are working under different arrangements. This includes those who are working from home and working different shift patterns etc., which are required in order to support social distancing and public health requirements.

19.2 Flexi-time arrangements were re-introduced with effect from 24 August 2020 and/or commencement of the organisation's next viable flexi period. This arrangement applies only in circumstances where employees are attending the employer's work premises and are working their normal, pre-COVID work attendance patterns.

19.3 For those employees where flexi-time remains temporarily suspended, this arrangement does not preclude employers from using clocking-in and out arrangements for monitoring purposes. Any balances accrued by employees before the suspension of flexible working hours arrangements can continue to remain and be held over until the COVID-19 working arrangements are no longer in place.

20. Employees on unpaid leave

201 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. In the public health service, there exists a range of leave arrangements, underpinned by job security, which employees may avail of during this period e.g. parental leave etc. These leave arrangements, along with the flexible and innovative work attendance regimes and scope for temporary reassignment within the health service, mean that the pandemic unemployment payment is not available in such circumstances.

21 Remote working and claiming tax relief

21.1 Public service employees are not entitled to a daily allowance in respect of working from home during COVID-19. 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 from Revenue at www.revenue.ie Please refer to National HR Memo dated 19 May *Tax Relief for Expenses incurred working from home during the COVID-19 pandemic*.

Please ensure that this Circular and updated documents are brought to the attention of managers within your area of responsibility and that updated information is disseminated to all employees (including those who are absent from work on any type of leave).

Queries

Queries from individual employees or managers should be referred to local HR/Employee Relations Departments. Please note that the National HR Helpdesk is also available to take queries from employees Tel: 1850 444 925 Email: ask.hr@hse.ie .

Queries on the occupational safety and health implications of the Work Safely Protocol may be referred to the HSE National Health and Safety Function (NHSF). Log your request at:

<http://www.hse.ie/safetyandwellbeing> or go to:
<http://pndchssdweb02.healthirl.net/Health.WebAccess/ss>

Alternatively contact the National Health & Safety Helpdesk Tel: 1850 420 420

Queries on the HSE Workplace Health & Wellbeing Unit's Covid-19 Occupational Health Guidance Documents may be referred to hr.wellbeing@hse.ie or the HCW helpline Tel: 1850 420 420

Queries from HR/Employee Relations Departments on other aspects of this Circular and related documents may be referred to Anna Killilea, National Employee Relations, HR Directorate, 63-64 Adelaide Road, Dublin 2 Tel: 01 6626966 Email: anna.killilea@hse.ie

Yours sincerely



Anne Marie Hoey
National Director of Human Resources



Information and advice on COVID-19 Go to www.hse.ie/coronavirus