

HEALTH AND SAFETY

Covid-19 Practical Considerations: HSA Advice on 5 Key Questions

March 2020

Ireland's response to the outbreak of COVID-19 (Coronavirus) has evolved rapidly culminating in the closure of schools, colleges, pubs and bars. The Health and Safety Authority (**HSA**) has issued advice and responses to FAQs for employers and employees regarding the health risks presented by COVID-19. The full advice / FAQs can be accessed [here](#).

1. What are Employers' Duties in the Workplace?

Employers' duties regarding the risk of COVID-19 are the same as for any other workplace risk. In particular, the HSA has emphasised that employers are required to ensure, so far as is reasonably practicable, that an appropriate risk assessment is carried out in respect of the health risk presented by potential exposure to COVID-19. Employers must identify and implement suitable control measures to mitigate the risk of COVID-19 infection and to communicate these measures to employees and others at the place of work. The necessary control measures will depend on the level of risk and type of workplace. For example, in workplaces where COVID-19 presents an increased risk, such as healthcare establishments, detailed biological agents risk assessments are required and will require regular review and updating.

2. What are Employers' Duties to Remote Workers?

On Government advice, many employees are working from home

where it is possible to do so. The HSA has reminded employers that their duties to ensure employees' health, safety and welfare extends to an employee's workspace even when an employee is working from home. Amongst other advice, the HSA has indicated that employers should consult with their employees to assure themselves that:

- the employee is aware of any specific risks regarding working from home,
- the work activity and the temporary workspace are suitable,
- they provide suitable equipment to enable the work to be done, and
- there is a pre-arranged means of contact.

The HSA has published a list of [FAQs for employers](#) on the practicalities of facilitating remote working including what equipment should be provided, what questions employers should ask employees about their workspaces and what other supports and means of communications should be put in place to protect employees. For example, the advice indicates that an agreed means of contact should be in place and employees should be updated

regularly via phone or email. Technical support should be accessible remotely and employers should ensure that work is organised in such a way that the employee can take regular breaks and can separate his/her work life and personal life. Special consideration should be given to employees from sensitive risk groups, for example, employees with disabilities, pregnant employees and older or younger workers.

3. Do you need to notify the HSA if an employee contracts COVID-19?

The HSA has clarified that there is no requirement for an employer to notify the HSA if an employee contracts COVID-19. However, a medical practitioner who becomes aware or suspects an instance of COVID-19 is required to report to the relevant Medical Officer of Health and this will be then relayed to the HSE's Health Protection Surveillance Centre. COVID-19 was added to the list of reportable diseases by the Infectious Diseases (Amendment) Regulations 2020 introduced on 28 February 2020.

4. What are Employees' Duties?

The HSA has reminded employees that they also have a responsibility to take care of themselves and others that may be affected by their work. The HSA has indicated that employees must:

- cooperate with their employer and follow their instructions;
- protect themselves and others from harm while working from home;
- report any injuries arising from work to their employer immediately; and
- follow the procedures established by their employer.

The HSA has published a list of [FAQs for employees](#) on the practicalities of remote working including how best to set up your workspace and keep in contact with your employer.

5. Should employees be provided with facemasks by employers?

The HSA refers to advice from the European Centre for Disease Prevention and Control (ECDC) that there is no evidence that using facemasks is of any benefit to people who are not sick. On this basis, the HSA has indicated that facemasks are only recommended to be worn by symptomatic individuals (advised by a healthcare worker) to reduce the risk of transmitting the infection to other people and facemasks are not recommended for people working with the general public who are feeling well and do not have symptoms. The HSA refers to recommendations from the World Health Organisation (WHO) that healthy people should only wear facemasks if caring for a person who is suspected as having COVID-19 and the

most important action workers can take to protect themselves from COVID-19 is regular hand-washing, good respiratory hygiene and avoiding direct or close contact (closer than 2 metres) with any potentially infected person.

This is an outline of some key questions addressed by the HSA. The full advice / FAQs from the HSA can be accessed on the HSA's website [here](#). For specific assistance or advice, please contact your usual Arthur Cox contact or any member of the Health and Safety Group.

See also responses to the most frequently asked questions regarding COVID-19 prepared by our Employment and Privacy teams [here](#).

KEY CONTACTS

Please contact your usual Arthur Cox contact



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