

HEALTH AND SAFETY

HSA Advice on COVID-19 – Frequently Asked Questions (Updated)

12 May 2020

As the restrictions imposed by the Government in response to the outbreak of COVID-19 continue, adapting to the health and safety risks created by COVID-19 continues to be a challenge for employers and employees. In response to the outbreak, 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 which can be accessed [here](#). We outline some key messages below.

What are Employers' Duties in the Workplace?

Employers' duties regarding the risk of COVID-19 are the same as for any other workplace risk. The HSA has reminded employers of their general duty to ensure, as far as reasonably practicable, the safety, health and welfare at work of their employees and others who may be present at the place of work.

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 workplaces where potential exposure to COVID-19 is increased, such as healthcare and laboratory settings, detailed biological agents risk assessments are required and will require regular review and updating based on current best practice in relation to infection prevention and control. The HSA has published specific information on employers' duties to carry out risk

assessment under the Biological Agents Regulations which can be found [here](#).

For other workplaces, for example retail premises and offices, we advise employers to follow the most up to date official public health advice from the Department of Health and the Health Protection Surveillance Centre (HPSC). The HPSC has gathered resources for businesses on how to mitigate the health risk posed by COVID-19 which can be found [here](#).

What are Employers' Duties to Remote Workers?

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, equipment already in use in the workplace could be used for temporary home-working. Any equipment provided by an employer must be in good condition and suitable for work activity. Where relevant, technical support should also be provided remotely for any IT issues encountered by employees.

The HSA advice states that employers should:

- agree a means of contact with employees;
- contact employees regularly by phone or email;
- keep employee contact details on file;
- provide employees with emergency contact numbers;
- provide employees with information detailing when it is important for them to contact their employer;
- ensure that work is organised in such a way that employees can take regular breaks and can separate their work life and personal life;
- provide regular feedback on work; and

- encourage employees to maintain contact with their colleagues to prevent employees from feeling isolated.

Special consideration should be given to employees from sensitive risk groups, for example, employees with disabilities, pregnant employees and older or younger workers.

Do employers need to provide sanitary and washing facilities for visiting workers?

Although there is no specific legislative requirement to provide sanitary and washing facilities for visiting workers, there is a general duty on employers to cooperate with other employers. The HSA has emphasised that, in light of the present public health crisis and the need for critical supply chains to continue operating, companies that are relying on visiting workers to make deliveries from their sites should provide adequate and appropriate arrangements on their premises.

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

No.

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.

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;
- contact their employer if any equipment provided requires maintenance; 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.

Should employees be provided with facemasks by employers?

The HSA's current advice on this issue 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's current advice indicates 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.

Should employees be provided with respirators by employers?

Respirators will normally be required for workers who are considered at higher risk from occupational exposure to COVID-19, for example healthcare workers, paramedics or other occupations deemed at higher risk. The HSA advises that employers should put a respiratory protective programme in place, incorporating education and practical training and any requirement to use respirators should be based on an appropriate occupational risk assessment and should be task specific. The HPSC has published guidance on the selection and use of personal protective equipment including respiratory protection for healthcare workers [here](#).

What next?

The relaxation of the restrictions in due course will present new challenges as employers endeavour to implement social distancing measures in the workplace. The Health and Safety Group continues to monitor developments and the advice emerging from the HSA and Government in this regard.

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](#).

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