

# The Transitional Protocol: revised guidance on the return to work in Ireland

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## Summary: The "Protocol"

On 31 January 2022, the government published the Transitional Protocol: Good Practice Guidance for Continuing to Prevent the Spread of Covid-19 (the "Protocol"), previously referred to as the "Work Safety Protocol." The Protocol is a welcomed publication as the government announced the easing of nationwide COVID-19 restrictions on 21 January 2022. The Protocol provides revised and updated guidance on the phased return to work, with an emphasis placed on the needs of individual workplaces and employer/employee circumstances.

## Key changes in the Protocol

The Protocol is considered good practice guidance and should be followed by all employers and employees when returning to work. Some of the key changes introduced by the Protocol include:

- the removal of social distancing in workplaces;
- the removal of the requirement to operate pods of 6 people for indoor events;
- the wearing of face coverings in the workplace is no longer required, with the exception of certain workplaces such as healthcare, transport, retail and hospitality; and
- employers are no longer required to collect contact details of people / visitors, but may need to provide attendance information to public health authorities in the event of the investigation of an outbreak in the workplace.

## Maintaining infection prevention measures

The Protocol advises employers to:

- continue to enforce good infection control practices;

- keep a COVID-19 response plan;
- take into account the needs of high-risk employees
- appoint a designated isolation area, should it be required; and

## What should employers do next?

The Protocol encourages employers to consult with their employees in developing / implementing long-term return to work arrangements. Given the recently agreed Right to Request Remote Working Bill 2021 (the “**Bill**”), employers should also seek to introduce a remote working policy, where one does not already exist, or run the risk of facing fines of up to €2,500 or summary proceedings by the Workplace Relations Commission. You can find more information about the Bill by reading our article [here](#).

The Protocol continues to permit the use of antigen testing in the workplace, provided that employees and their representatives, where appropriate, are consulted and that the testing is carried out on a voluntary basis only. Employers are also urged to keep up to date with information on the national strategy regarding vaccination against COVID-19 and to provide updated information regarding vaccines to their employees.

It may be necessary for employers to carry out a risk assessment and update their safety statement as soon as reasonably practicable, to ensure compliance with their health and safety obligations, before implementing a return to work.

## Conclusion

The Protocol is a positive step towards leaving the harsh restrictions imposed by the COVID-19 pandemic behind. Employers should familiarise themselves with the updated Protocol and continue to adopt and develop workplace policies in line with government advice. The Protocol is considered as good practice guidance and should be followed in order to provide a safe working environment for all employees.

*For further information on how your business can prepare for these changes, please contact Marianne Norton by emailing [marianne.norton@ogier.com](mailto:marianne.norton@ogier.com).*

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