



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

COVID-19 FAQs

For Public Service Employers in
relation to working arrangements and
leave associated with COVID-19

INCLUDING UPDATES ON CHANGES FROM THE CONTAINMENT TO
DELAY PHASE

13TH MARCH 2020

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Background – updated

Following the Taoiseach's announcement on 12 March 2020, an update on COVID-19 working arrangements for civil and public servants was issued. [Please visit this link](#) to view that document.

Ireland has now moved **from containment to delay phase** of COVID-19 and we have updated our FAQs accordingly.

The following arrangements apply to all Civil and Public Service employees.¹

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

1. Obligations under the Safety, Health and Welfare at Work Act, 2005 to ensure the safety and welfare of employees at work.
2. Flexibility for alternative working arrangements, for example home working, is to be encouraged where possible. This may enable employees, who are not ill, to continue working.
3. [Circular 2/1976, which covers special leave with pay](#)² should apply to periods of medically/HSE recommended self-isolation or self-quarantine where flexible working arrangements are not possible, and also to medical diagnoses of COVID-19 infection. **Sectors will need to amend these FAQs to refer to their own special leave circulars or arrangements as necessary.**
4. 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.
5. 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 confirmation/advice of the need to self-isolate and/or a diagnosis of COVID-19 will be required. See below FAQs for further details.
6. 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

¹ Individual employers will need to identify which staff fall into the category of public service employees.

² 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.

may be given by his 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”.

7. In the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide³ confirmation of self-isolation/diagnosis of COVID-19) existing procedures, including disciplinary measures may be invoked.
8. 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.
9. These arrangements apply in the case of COVID-19 as a notifiable infectious disease.
10. Civil and Public Service employers need to ensure that special category health data is processed legally within data protection legislation.

³ 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.

FAQS for HR in relation to COVID-19 – updated

Updated: Who should self-isolate?

13th March 2020:

The HSE sets out the latest criteria for self-isolation for anyone who has symptoms of coronavirus at:

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

Updated: What happens if employees need to self-isolate?

13th March 2020:

Employees should follow the guidance set out by the HSE and/or their doctor.

This includes those with symptoms before being tested, awaiting testing or following a positive result. Special leave with pay should apply when an employee is advised to self-isolate. Medical or HSE advice should be followed.

Updated: Should self-isolation be recorded as special leave with pay or sick leave?

13th March 2020:

Special leave with pay should apply when an employee is advised to self-isolate. Medical or HSE advice should be followed.

New: Who should self-quarantine?

13th March 2020:

The HSE sets out the latest criteria for self-quarantine for those who are a close contact of a confirmed case of coronavirus at:

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

If medical/HSE advice is that the employee should self-quarantine, and they are not ill, then the employer should implement a working from home arrangement.

Updated: What if an employee who is required to self-quarantine does not have the facility to work from home?

13th March 2020:

If an employee has been advised to self-quarantine, and they are not ill, but they do not have access to remote working, employers should explore every possible avenue of making a suitable arrangement. Managers should maintain regular contact with employees in self-quarantine and continue to explore opportunities for work which can be performed at home both inside and outside the organisation as critical services comes under increasing pressure.

As a last resort, on a case by case basis, special leave with pay for employees who are not displaying symptoms but are required to self-quarantine may apply.

Updated: Should employees in self-quarantine return to work if a negative result for coronavirus is returned following testing but still have symptoms?

13th March 2020:

Medical or HSE advice should be followed. If employees are still feeling unwell following a negative diagnosis, they should notify their manager and apply for certified or un-certified sick leave under existing rules and guidelines.

New: How should advice of the need to self-isolate and self-quarantine be recorded?

13th March 2020:

Appropriate medical/HSE confirmation of the need to self-isolate/ self-quarantine 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/ self-quarantine will take the form of a self-declaration. This does not mean that employees can voluntarily choose to self-isolate/ self-quarantine. 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 form⁴ 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 should be retained 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.

New: An employee is on special leave with pay, can they claim the DEASP⁵ Illness Benefit for COVID-19?

13th March 2020:

No. 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.

What if an employee contracts COVID-19 whilst on special leave with pay?

If the employee was already on special leave with pay as a preventative measure, and subsequently falls ill, then the special leave with pay will continue, rather than sick leave, if the employee is medically diagnosed (including a medically presumptive diagnosis) with COVID-19. However, the continuation of special leave with pay will require medical confirmation from a doctor for the duration. Special leave with pay should continue to be recorded, however the rules of sick leave (for example, in relation to contact with manager or local HR) will apply.

⁴ See Appendix for example of self-declaration form

⁵ DEASP is the Department of Employment Affairs and Social Protection

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.

New: What happens if a colleague in my workplace is diagnosed with COVID-19?

13th March 2020:

The HSE will inform any employees via the contact tracing process who have come into close contact with a diagnosed case. The HSE will also advise the relevant employer. The instructions of the HSE should be followed and employee confidentiality is essential at all times.

Updated: What if an employee does not have COVID-19 but has another illness?

13th March 2020:

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

Updated: What if an employee has returned from travel in a DFA⁶ advised restricted area?

13th March 2020:

A decision as to whether or not an employee should attend the workplace should be based on [HSE advice/guidelines](#) and/or medical advice.

Updated: Can the employer ask employees not to attend work?

13th March 2020

It is reasonable in certain circumstances that employers may ask employees to go home and/or stay at home as a precaution. If an employee develops 'flu-like symptoms they should immediately be separated from others and sent home (not using public transport, if possible). In these instances this would be treated as

⁶ DFA is the Department of Foreign Affairs and Trade

special leave with pay. Please see the [Department of Health guidelines](#) for the most up to date information on this.

In some instances employees can work from home but if they do not have access to remote working, employers should explore every possible avenue of making a suitable arrangement. This includes assignment to other work which would more effectively facilitate temporary home working. As a last resort, on a case by case basis, special leave with pay for employees who are not displaying symptoms but are required to self-quarantine as a precaution may apply.

Updated: What about employees who are at high risk for serious illness from Covid-19?

13th March 2020:

There are groups of people who may be at more risk of serious illness from COVID-19. The current advice on this group is available from the [HSE for the current delay phase of COVID-19](#). Protective self-separation is recommended for a person who is at high-risk of severe illness from COVID-19, when the virus is circulating in their community. This means being extra vigilant with washing hands and avoiding large groups of people both indoors and outdoors.

Under [Section 8](#) Health, Safety and Welfare at Work Act the employer has a duty to ensure employees' safety, health and welfare at work as far as is reasonably practicable. On this basis, employers are advised in the first instance to provide employees with advice in relation to social distancing and to encourage staff to take every day preventative actions to minimise their risk. Employers should advise employees to self-declare if they believe that they are at higher risk and priority should be given to facilitate this group in terms of flexible working arrangements, including working from home.

Updated: What if an employee advises that their child's school or childcare service is closed due to COVID-19?

13th March 2020:

The FAQs issued on 4 March 2020 for the containment phase of COVID-19 contained guidance related to [individual](#) cases of employees impacted by school closures. That FAQ was relevant for the containment phase. Ireland has now moved into the delay phase. The FAQ has now been updated (see below) given the Taoiseach's announcement on 12 March 2020 that all schools and childcare facilities are to close from 6pm on 12 March until 29 March 2020.

New: What are flexible working arrangements?

13th March 2020:

TEMPORARY HOME WORKING

Where employees can work from home this should be facilitated to the maximum extent feasible. Steps should be taken to increase the scope for remote working and all opportunities and flexibilities need to be exploited. This, amongst other things, will decrease the numbers in places of work which will facilitate social distancing. The Health and Safety Authority (HSA) has produced new guidance for temporary home working arrangements. This is very useful information and provides practical guidance for both employers and employees in managing temporary home working during COVID-19. You can find the [HSA guidance here](#). The Data Protection Commission have also issued useful guidance on protecting personal data when working remotely. You can find the [Data Protection Commission guidance here](#).

OTHER FLEXIBLE WORKING OPTIONS

There are other flexible working options that employers can offer to employees in addition to home working arrangements. (It is important to note that this is based on the HSE advice as of 12/03/2020. This advice may change as the situation evolves). These arrangements can support employees to manage caring responsibilities at home (including facilitating shared caring arrangements with partner) and can support segregation of the workforce and social distancing measures. For example, this could include flexible shifts; staggered shifts; longer opening hours and weekend working. These measures will help to keep employees working while they are also managing caring responsibilities.

New: Will public service employees be moved to other essential roles during the COVID-19 emergency?

13th March 2020:

COVID-19 is potentially the most significant crisis faced by our country for many years. 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 crucial services to society, especially the most vulnerable and at-risk, we need to come together and work as a unified public service.

As part of the national response to COVID-19, all public servants must work together to meet critical needs which are evolving as the situation unfolds. We need to be flexible in how we tackle this and find ways to deliver the critical public services needed to support our communities. 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.

Employees may be asked on a temporary basis to work in a different role, or even for a different organisation in order to meet critical work needs. This will also apply to employees who need to be at home for caring responsibilities (for example due to primary school/crèche closure), where temporary assignment to other duties would more effectively facilitate temporary home working or other flexible working options and help deliver critical services.

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

13th March 2020:

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](#).

New: Guidance for public service employees in relation to COVID-19 self-isolation and self-quarantine notifications

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

1. Telephone your manager⁷ before 10am on the first day of isolation/self-quarantine to update them on the situation.
2. If you are advised to self-isolate/self-quarantine you will be required to give your manager the following information:
 - a. Date of commencement and number of days advised to self-isolate/self-quarantine
 - b. Advice received from:
 - GP
 - HSE
 - Hospital
 - Other (you will be required to specify what that is)
3. If you have been advised to self-isolate/self-quarantine as a precaution but you are well, you will be asked to work from home where possible.
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 fide⁸ confirmation of self-isolation/self-quarantine/diagnosis of COVID-19) existing procedures, including disciplinary measures may be invoked.

⁷ 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.

⁸ 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.

New: Guidance for managers when notified of COVID-19 self-isolation or self-quarantine

1. If a manager receives a call from an employee advising that they may need to self-isolate/self-quarantine the manager should in the first instance ask if the person has to self-quarantine 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 – Example of self-declaration form

SAMPLE COVID-19 SELF DECLARATION FOR 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/self-quarantine

Number of days advised to self-isolate/ self-quarantine	
Commencing on (DD/MM/YYYY)	
Starting back at work on (DD/MM/YYYY)	

Advised to self-isolate/self-quarantine by (✓)

GP	☐	HSE	☐
Hospital	☐	Other (please specify) _____	☐

Advice received via (✓)

Telephone	☐	Letter/email/text (please attach copy to this form)	☐
In person	☐	Other (please specify) _____	☐

Details of Advice to Self-Isolate/self-quarantine

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

I have read and understand the provisions of Special Leave with Pay as set out in Part IX of Circular 02/1976	Yes	☐
I understand that in the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide ⁹ confirmation of self-isolation/diagnosis/ self-quarantine of COVID-19) existing procedures, including disciplinary measures may be invoked.	Yes	☐
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	☐
I have attached relevant documentation (where applicable)	Yes	☐
Employee signature		
Date		

Manager Approval

Manager signature	
Date	

⁹ 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.

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.



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