



8 May, 2020.

Ms. Patricia King,
General Secretary,
ICTU.

Dear Patricia,

I would first of all like to thank you for your genuine engagement with my Department and the Health and Safety Authority on the development of the National Return to Work Safely Protocol.

As you know, this has been a real collaborative effort between my own Department, the Department of the Taoiseach, the HSA, the Department of Health, the HSE and the social partners.

I am pleased to tell you that there was a very positive discussion at the Cabinet meeting earlier today, when the Protocol was discussed and its publication noted.

The Government sees this Protocol as being a key part of our Roadmap to opening society and the economy. I am very conscious that once the Protocol is published, the focus will understandably be on its oversight and compliance. In that regard, I would like to emphasise to you that this is also my own focus.

The Health and Safety Authority (HSA) is vested with national responsibility for occupational health and safety in the workplace and will be the lead State body in the oversight and enforcement of the COVID-19 Return to Work Safely Protocol.

The HSA takes its powers from the Health, Safety and Welfare at Work Act 2005. While COVID-19 is not identified as an occupational illness nor is it reportable under occupational safety and health (OSH) legislation, the HSA does have the power under the 2005 Act, to advise, offer guidance, monitor, inspect and/or enforce adherence to COVID-19 measures within a place of work as defined under the Safety, Health and Welfare at Work Act, 2005.

The HSA has a risk based occupational health and safety inspection programme across all sectors of the economy. As part of its OSH inspection programme, Authority inspectors will provide advice and support to employers and employees on how they are implementing the COVID-19 measures in the workplace, based on the Return to Work Safely Protocol. The inspector can address and advise on any shortcomings in relation to the COVID-19 measures in the Protocol through a Report of Inspection which is left with the employer at the end of the visit and can include timelines/follow-ups needed.

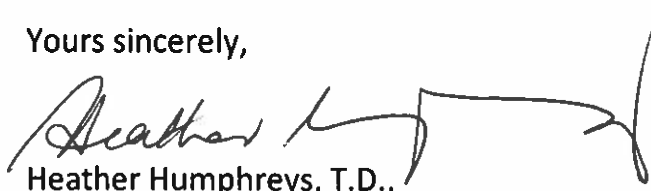
The Inspector can take the appropriate enforcement action under the Safety, Health and Welfare at Work Act 2005 and associated regulations. Enforcement action includes an Improvement Notice (IN) or Prohibition Notice (PN).

If, following an inspection, the inspector forms the opinion that further action is required, the appropriate action, including the closure of a workplace, will be taken using the relevant powers.

It is recognised that the HSA will need additional resources to oversee compliance with the COVID-19 Return to Work Safely Protocol. The Government has agreed that relevant officers of other Government Department and Agencies will, working with the Health and Safety Authority, oversee compliance with the Protocol. This will include personnel from across Government who have health and safety, environmental health or other workplace/business inspection responsibilities. The appropriate training, protocols etc. are being developed and agreed between the relevant Departments and bodies.

I look forward to seeing you tomorrow as we publish this important national protocol.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Heather Humphreys', followed by a long horizontal flourish.

Heather Humphreys, T.D.,
Minister for Business, Enterprise and Innovation.