Interim Guidance for Employers on Fitness for Work following COVID-19 Absence

This guidance is for non-Healthcare workers.
Please refer to any specific sectoral guidance where it has been produced.

NOTE: This is interim guidance and it will be reviewed and updated as public health and government advice change. Refer to https://gov.ie for the most current information on government restrictions and keep up to date with public health advice here

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Contents

Introduction

This guidance sets out the steps involved in determining/assessing Fitness for Work of any worker (or self-employed person), after an absence due to COVID-19 Infection or possible/suspected infection. This Guidance should be considered within an organisation's existing sickness and absence management procedures and policies and/or the occupational health service, which may be available to workers. The Guidance applies to Non-Healthcare workers. Specific Guidance for Healthcare workers can be found here.

Fitness for Work (FFW) refers to a state of (physical and psychological) health and wellbeing, which enables a worker to perform assigned tasks, reliably, safely and effectively, and in a manner, which does not affect their safety and /or the safety of others.

The Guidance outlines general return to work criteria for workers returning after an absence from work due to COVID-19 Infection or testing which allows for the timely and safe return of the worker to their normal role and responsibilities where possible.

Most workers who contract the COVID-19 virus will recover with no long-term health effects. Some workers, however, may suffer serious or on-going health effects and need additional support to return to work.

Note: GP/Occupational Health advice is referred to throughout this guidance. This will also include advice given by a Medical Consultant.
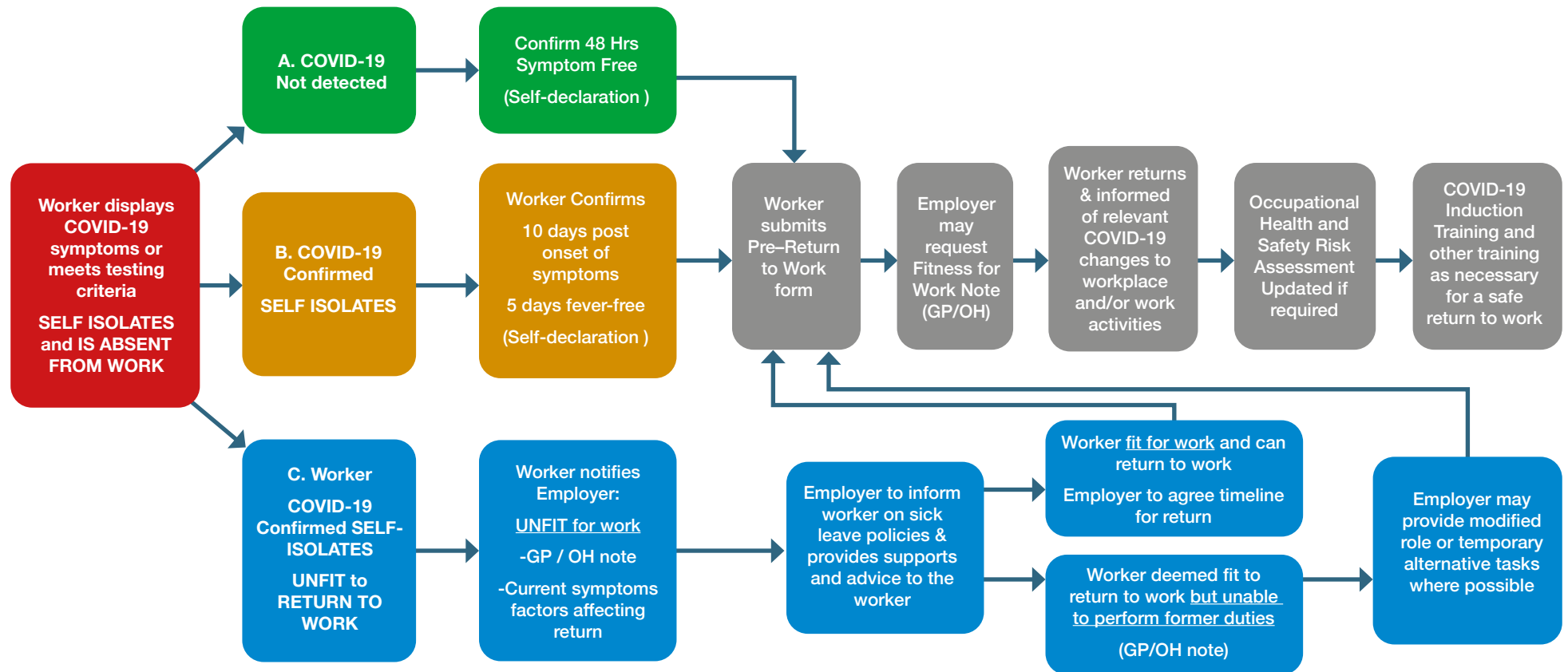
The Guidance should be read alongside the Government's Work Safely Protocol and Resilience and Recovery: Plan for living with COVID-19 and Covid-19 Resilience and Recovery 2021-The Path Ahead. Government protocols have been put in place to guide and support employers and workers to help prevent the spread of COVID-19 in the workplace. COVID-19 can spread rapidly through the workplace causing outbreaks. Employees or management may be the first to recognise that there is a potential outbreak in the workplace and therefore play a crucial role in its containment. A confirmed outbreak will be managed by the local Department of Public Health and may be assisted by an Outbreak Control Team, relevant to the setting. It is important to remember that COVID-19 transmission can arise in both community and workplace settings. General guidance on management of COVID-19 outbreaks in the workplace can be found here.

The following scenarios are outlined in this guidance:

A. Returning to work following a **suspected case of COVID-19**

B. Returning to work following a **confirmed case of COVID-19** without health complications

C. Worker **unfit to return to work** following a confirmed case of COVID-19

Fitness for Work Flow Chart

The flow chart below outlines the three scenarios A, B, and C above. Further information is provided on each scenario below.

A. COVID-19 Not detected

Confirm 48 Hrs Symptom Free (Self-declaration)

Worker displays COVID-19 symptoms or meets testing criteria
SELF ISOLATES and IS ABSENT FROM WORK

B. COVID-19 Confirmed
SELF ISOLATES

Worker Confirms
10 days post onset of symptoms
5 days fever-free
(Self-declaration)

Worker submits Pre–Return to Work form

Employer may request Fitness for Work Note (GP/OH)

Worker returns & informed of relevant COVID-19 changes to workplace and/or work activities

Occupational Health and Safety Risk Assessment Updated if required

COVID-19 Induction Training and other training as necessary for a safe return to work

C. Worker COVID-19 Confirmed SELF-ISOLATES
UNFIT to RETURN TO WORK

Worker notifies Employer:
UNFIT for work
-GP / OH note
-Current symptoms factors affecting return

Employer to inform worker on sick leave policies & provides supports and advice to the worker

Worker fit for work and can return to work
Employer to agree timeline for return

Worker deemed fit to return to work but unable to perform former duties
(GP/OH note)

Employer may provide modified role or temporary alternative tasks where possible

Communication is maintained between Employer and Worker

Fitness for Work

Scenario A: Returning to work following a suspected case of COVID 19

Workers who were tested for COVID-19 and received a negative test result: COVID-19 not detected, can return to work and to normal roles / responsibilities.

Before returning to work, the worker is required to :

- confirm to their employer that they are 48 hours without any symptoms of COVID-19 (self-declaration).

- complete and submit a pre-return to work form to their employer.

The employer may ask the worker to confirm the details of their self-declaration (being 48 hours symptom free), by obtaining a fitness for work note from their general practitioner or occupational health practitioner where available. Requesting a fitness to work note is at the discretion of the employer.

Employees should have the opportunity to discuss their fitness for work with the occupational health service, on a confidential basis, where such a service is available.

On returning to work, the employer should inform the worker of any relevant changes in the COVID-19 response plan made at the workplace, e.g. specific COVID-19 infection prevention and control measures or any other changes to work practices. The Lead Worker Representatives can assist in implementing and monitoring any necessary measures, including the provision of relevant health advice to workers on COVID-19 in the workplace.

Where COVID-19 alterations present new hazards or risks in the workplace, the employer may need to update the relevant occupational health and safety risk assessment.

The employer should ensure that returning workers have any necessary information and COVID-19 induction training / other training deemed necessary to ensure their safe return to work.

Employers may find it useful to use the following checklist when assessing workers' fitness for work, following a period of absence, after a test result: COVID-19 not detected. See also 'Assisting Workers Return to Work' below following COVID-19 infection.

Employer Checklist: Fitness for Work
Scenario A: Returning to work following a suspected case of COVID-19

		Yes	No
1.	Did you confirm that the worker is **48 hours without any symptoms** of COVID-19?		
2.	Did you need to ask the worker to confirm the details of their self-declaration (being 48 hours symptom free), by obtaining a fitness for work note from their general practitioner or occupational health practitioner where available?		
3.	Did you ask the worker to complete and submit a pre-return to work form, in advance of returning to work? See template Pre Return to Work Form		
4.	Have you informed the worker of any new COVID-19 infection prevention and control measures that might affect them?		
5.	Have you made made any changes to the workplace or work practices, due to COVID-19, that require an update to your occupational health and safety risk assessments?		
6.	Have you asked the worker to undertake the **HSA Work Safely Induction online course** and any other training deemed necessary to ensure their safe return to work? See here.		
7.	Have you confirmed that a worker (with a negative test result: COVID-19 not detected) who is a close contact of a confirmed case of COVID-19 in the workplace, has restricted their movements for 14 days before returning to the workplace?		

(Checklists are also available as interactive forms at Appendix 1)

Fitness for Work

Scenario B: Returning to work following a confirmed case of COVID-19 without health complications

When a worker notifies their employer that they are ready to return to work, following a period of absence (self-isolation) after a positive test for COVID-19, the employer, in determining fitness for work, should take account of the following:

Before returning to work, the worker is required to confirm to their employer that they are:

- 10 days after the onset of symptoms (or 10 days from the day of their test if they had no symptoms (asymptomatic), or if the test was carried out as part of serial testing in an asymptomatic workplace) **and**

- five days fever-free (have not had a high temperature of 38°C (celsius) or above for 5 days before returning to work). This may be included in the ten day period.

- The worker must complete and submit a **pre-return to work** form to their employer.

The employer may ask the worker to confirm the details of their self-declaration, by obtaining a fitness for work note from their general practitioner or the occupational health practitioner where available. Requesting a fitness for work note is at the discretion of the employer.

Employers should consider the capacity of a worker to carry out their work activities safely and productively and assess if the worker is able to safely return to their pre COVID-19 roles. Employers should take the following factors into account in this regard:

- **safety**: the worker can complete the task/s safely and without risk to health

- **capacity**: the worker has the required skills, knowledge or attitudes to complete a given task/s safely

- **tolerance**: the worker's ability to make sound decisions regarding risk relating to a task.

Fitness for Work

Scenario B: Returning to work following a confirmed case of COVID-19 without health complications *cont'd*

On returning to work, the employer should inform the worker of any relevant changes in the COVID-19 response plan made at the workplace, e.g. specific COVID-19 infection prevention and control measures or any other changes to work practices. The Lead Worker Representatives can assist in implementing and monitoring any necessary measures, including the provision of relevant health advice to workers on COVID-19 in the workplace.

Where COVID-19 alterations present new hazards or risks in the workplace, the employer may need to update the relevant occupational health and safety risk assessments.

The employer should ensure that the returning worker has any necessary information and COVID-19 induction training / other training deemed necessary to ensure their safe return to work.

Employers may find it useful to use the following checklist when assessing workers' fitness for work, following a period of absence, after a positive test result: COVID-19 found. See also 'Assisting Workers Return to Work' below following COVID-19 infection.

Employer Checklist: Fitness for Work
Scenario B: Returning to work following a **confirmed case of COVID-19** without health complications

		Yes	No
1.	Did you confirm with the worker that it has been 10 days since they first displayed symptoms of COVID-19, and that they have been 5 days without a fever (a high temperature of 38°C (celsius) or above), before returning to work? (these criteria can run at same time)		
2.	Did you ask the worker to complete and submit a **pre-return to work form**, in advance of returning to work? Pre Return to Work Form		
3.	Are you aware that the above details can be confirmed by seeking **a fitness for work note** from a GP/occupational health specialist? (at the discretion of the employer)		
4.	Have you made made any changes to the workplace or work practices, due to COVID-19, that require an update to your occupational health and safety risk assessments?		
5.	Have you confirmed that the worker can complete the task/s safely and without risk to their health?		
6.	Have you asked the worker to undertake the **HSA Work Safely Induction online course** and any other training deemed necessary to ensure their safe return to work? See here.		

(Checklists are also available as interactive forms at Appendix 1)

Fitness for Work

Scenario C: Worker unfit to return to work following a confirmed case of COVID-19

If a worker notifies their employer, that they are unfit to return to work after a period of absence, following a positive test result (COVID-19 found), the employer should take the following steps. These steps can be framed within existing absence and sickness management policies and procedures, which are designed to support workers during their illness, facilitate recovery and early return to work.

It is important that the employer maintains appropriate communication with the worker throughout the period of absence, which may be a stressful and distressing time for the worker.

The employer should make the worker aware of any updated COVID-19 sick leave policies and procedures and any other sickness and absence management policies that are relevant to the worker.

The employer should identify any other advice, practical information or service that may assist and support the worker, for example: an employee assistance programme, health promotion information, information on applying for any COVID-19 pandemic-related entitlements, etc.

The employer will request that the worker obtains a note from a general practitioner (GP) or occupational health practitioner (OH) where available, advising that the worker has been assessed and is **unfit to return to work** until a specified time and the reason for their opinion, giving a description of current symptoms and or factors affecting the worker from returning to their role.   An OH practitioner, where available, may liaise with the treating GP to give the employer guidance on the likely length of absence and any occupational interventions advisable.

If, following a medical assessment, the worker is deemed fit to return to work, then the employer will agree a timeline for their return. The employer should then follow the steps outlined in **Scenario B above**. If the worker is deemed fit for work but unfit to return to their former duties, whether on a temporary or permanent basis, the employer should give consideration to a modified role or temporary alternative tasks (where possible).

Employers may find it useful to use the following checklist where a worker is unfit to return to work, following a confirmed case of COVID-19. See also section below on 'Assisting Workers Return to Work', following COVID-19 infection.

Employer Checklist: Fitness for Work
Scenario C: Worker unfit to return to work following a confirmed case of COVID-19

		Yes	No
1.	Have you maintained appropriate communication with the worker throughout their period of absence?		
2.	Did you ask the worker to provide a self-declaration indicating that they are unfit to return to work and why?		
3.	Did you ask the worker to obtain a note from a general practitioner (GP) or occupational health (OH) practitioner advising that they have been assessed and are unfit to return to work, in line with organisational policy and procedures?		
4.	Have you made the worker aware of any relevant COVID-19 sick leave policies and procedures /absence entitlements?		
5.	Have you provided advice, and information on any available employee supports, to the worker?		
6.	If a medical assessment indicates that the worker is fit for work, but unable to carry out former duties, whether on a temporary or permanent basis, have you considered the provision of a modified role or temporary alternative tasks (where possible)?		
7.	If a medical assessment indicates that the worker is fit for work and a start date is agreed, did you ask them to complete and submit a pre-return to work form? See template Pre Return to Work Form. If Yes, you can proceed to complete Employer Checklist: Scenario B.		

(Checklists are also available as interactive forms at Appendix 1)

Worker who is a Close Contact of a Suspected or Confirmed Case of COVID-19

A **close** contact can mean:

- a person who has been within 2 meters of a someone who tested positive for COVID-19, for 15 minutes or more over a 24-hour period

- living in the same house or shared accommodation as someone who has COVID-19

- sitting within 2 seats of someone who has COVID-19 on public transport or an airplane

Further information can be found here.

If a worker is not fully vaccinated and is a close contact of a **suspected or confirmed case of COVID-19**, they must stay at home from work, or work from home where possible, and restrict their movements for 14 days.

If the **suspected case has a negative (COVID-19 not detected) test result**, the worker, who is a **close contact can then return to work** once they are 48hrs symptom free.

If **the suspected case has a positive (COVID-19 found) test result**, then the worker (the close contact) needs to get tested for COVID-19 and restrict his/her movements (stay at home) for 14 days, even if their test comes back negative. Testing is arranged by the national contact tracing system.

If a worker is fully vacccinated and is a **close contact of a suspected or confirmed case of COVID-19**, they may not need to restrict their movements or have a COVID-19 test if they do not have symptoms of COVID-19. This applies where the worker:

1. is not immuno-compromised due to disease or treatment

2. is not a cancer patient

3. does not have chronic kidney disease.

These groups may not get the same level of protection from the vaccine as other people.

More information on what fully vaccinated means can be found here.

Worker who is a Close Contact of a Suspected or Confirmed Case of COVID-19 *cont'd*

If the close contact had a previous **positive COVID-19 test** (tested positive more than 2 weeks and less than 6 months ago) and does not now have symptoms of COVID-19, that person does not need to take another test or restrict their movements.

If, however, the close contact, that previously tested positive, **has new symptoms**, that person must self-isolate and get tested. If the test is negative they can stop restricting their movements once they are 48 hours without symptoms.

If a worker is a close contact of a person that tests positive for a COVID-19 **variant of concern (a variant of concern is a more infectious strain of the virus)** the worker must:

1. get tested for COVID-19, and,

2. self-isolate (stay in your room) for 14 days

A close contact of a confirmed case can **stop restricting their movements** when **both** of the following apply:

- they have a negative test (COVID-19 not detected) 10 days after they were last in contact with the person who tested positive, **and**,

- they do not have any symptoms of COVID-19.

People who have **arrived to Ireland from abroad** during the pandemic need to follow different advice, which can be found here.

The employer should facilitate the worker in making the right decision to stay away from the workplace if they have any symptoms of COVID-19. It is important for employers and workers to follow public health advice and to be aware of any changes in this regard.

Where employers provide **shared accommodation** to workers, additional rooms must be provided for early isolation of infected persons. You will find more information on the duties of employers who provide collective shared accommodation to employees in the Work Safely Protocol.

In situations where workers cannot self-isolate at home, there is a self-isolation facility at City West which provides safe place for those with mild illness. More information can be found here.

Vulnerable Workers

Some workers are at greater risk from COVID-19. Workers at greater risk need to take extra precautions. Learn more about these here.

Workers in the **high risk** category are advised to work from home, where possible. Employers should engage and communicate with vulnerable workers seeking to return to the workplace, following infection with COVID-19. Employers should follow sector-specific advice, where provided, for workers in the high risk category attending at the workplace.

Workers in the **very high risk (extremely vulnerable)** category are advised to stay at home as much as possible and also work from home. If workers in this category cannot work from home, advice from an occupational health practitioner or general practitioner may be necessary to ensure their health is protected from COVID-19 in the workplace. Employers should maintain contact with and be aware of concerns that workers in the very high risk categories have in seeking to return to work following COVID-19 infection. If the employer has an essential worker in the Very High Risk (extremely vulnerable) category, the employer should determine that the worker's presence in the workplace is absolutely necessary. Essential workers are those workers providing essential services. See the full list of essential services here.

Employers can establish a worker's vulnerable status by confirmation through the occupational health service, where available, and/or the worker's GP or treating specialist. In planning a return to work for workers in the very high risk (extremely vulnerable) category, a fitness for work medical risk assessment may need to be completed with the worker and Occupational Health practitioner (where available) and/or the worker's medical advisors.

Workers in the very high risk (extremely vulnerable) category should also be considered in the context of the national vaccination programme. Workers in the very high risk (extremely vulnerable) category may not get the same level of protection from the vaccine if they are: immuno-compromised due to disease or treatment, a cancer patient or have chronic kidney disease. Employers should keep up to date with public health advice and any new information regarding the return to the workplace of vaccinated workers in the high risk and very high risk (vulnerable) categories.

Employers should remember that control measures will still be required, where staff are vaccinated. Vaccination should only be seen as a useful supplement to the correct use of engineering controls, safe working procedures, personal protective equipment, instruction, information and training and should not replace these measures.

It is important that the employer considers the risk profile of the workplace, the ability to maintain physical distancing in the workplace, public facing tasks and/or tasks that might bring vulnerable workers in contact with others and whether the tasks involved expose the worker to a higher risk of infection.

See the HSA Guidance on Working from Home for Employers and Employees here.

Assisting workers to return to work after COVID-19 infection

Maintaining communication with the absent worker is important and will help you in assessing whether the worker is fit / unfit to return to work.

A range of personnel within some organisations such as managers, human resources (HR), the occupational health service (OH) where there is one, Lead Worker Representative(s) and health and safety personnel all have a role to play in ensuring a safe return to work for workers following COVID-19. Employers should apply existing policies and procedures to encourage workers back to work, after a longer absence due to COVID-19, in the same way that return to work following any long illness is managed.

Employers should establish whether workers, who are returning to work following COVID-19 infection, are fully fit to return to their pre-COVID-19 roles and responsibilities. In some instances, workers may be unable to resume their pre-COVID-19 roles and responsibilities and may require both transition arrangements or altered responsibilities. This can be done in line with the organisation's existing policies and procedures.

Employers should make workers aware of worker assistance programmes and or wellbeing initiatives that have been put in place by the employer, that may help workers adjust to returning to work after absence due to COVID-19.

On the return to work, the employer should inform the worker of any relevant changes in the COVID-19 response plan made at the workplace, e.g. specific COVID-19 infection prevention and control measures or any other changes to work practices.

The Lead Worker Representatives can support the provision of relevant health advice to workers on COVID-19 in the workplace on an on-going basis.

Employers may consider the following, where possible, when considering a worker who may be unable to return to their pre COVID-19 roles / responsibilities:

- **relocation**: same job in an alternative location (remote working arrangements) where the risk assessment indicates control measures can be put in place

- **change in tasks**: modification, adaptation or removal of higher risk tasks

- **change in role and / or retraining** – alternative roles such as office-based role with the required controls in place or the ability to work from home in the new role.

Data protection (GDPR) and COVID-19

As an employer, you may be processing personal data (such as name, address, workplace, travel details) of workers, including in many cases sensitive, 'special category' personal data (such as data relating to health), for the purposes of COVID-19 management. In these circumstances where organisations are acting on the guidance or directions of public health authorities, the Data Protection Act, 2018 will permit the processing of personal data, including health data, once suitable safeguards are implemented.

It is important to make clear to workers why and for what purposes employers are seeking this data and how it will be processed. The employer should only ask and store minimal necessary information that is essential to ensure the health, safety and wellbeing of the workforce. Where an occupational health service is provided, workers can discuss individual health concerns and privacy and confidentiality is maintained.

The employer should work with the Lead Worker Representative(s) to build good working relations and trust so that the worker and employer can keep the workplace as safe as possible from COVID-19.

You will find further information from the Data Protection Commission here: COVID-19 and data protection

Further Information, Supports and resources

Section 1 COVID-19 Information

Signs and symptoms of COVID-19

HSE very high risk and high-risk category

How to Self-isolate (stay in your room)

Restricted Movement (stay at home)

Returning to Work Safely

Travelling to Ireland during COVID-19

Section 2 General Guidance

Work Safely Protocol

Outbreak Management Guidance

Guidance for workers in Higher Risk Categories

Guidance on cocooning and the extremely medically vulnerable from COVID-19

Coronavirus and pregnancy Guidance

HPSC COVID-19 A-Z

Section 3 Health and Safety Authority Guidance and Support

The HSA's Work Safely online courses include a course to help understand the requirements of the Work Safely Protocol and a course on the Lead Worker Representative.

The HSA's COVID-19 templates and checklists, have been prepared to help employers, business owners and managers to get their business up and running again and to inform workers about what they need to do to help prevent the spread of COVID-19 in the workplace.

Returning to work under COVID-19 podcasts here.

Work-related Stress: HSA free online risk assessment tool: workpositive.ie

Work Related Stress- A guide for employers here.

The Government's "in this together" campaign also provides information on minding one's mental health as well as tips on staying active and connected and may be useful for use by employers and workers here.

Appendix 1 - Interactive Employer Checklists PDF

Employer Checklist: Fitness for Work
Scenario A: Returning to work following a suspected case of COVID-19

		Yes	No
1.	Did you confirm that the worker is **48 hours without any symptoms** of COVID-19?		
2.	Did you need to ask the worker to confirm the details of their self-declaration (being 48 hours symptom free), by obtaining a fitness for work note from their general practitioner or occupational health practitioner where available?		
3.	Did you ask the worker to complete and submit a pre-return to work form, in advance of returning to work? See template Pre Return to Work Form		
4.	Have you informed the worker of any new COVID-19 infection prevention and control measures that might affect them?		
5.	Have you made made any changes to the workplace or work practices, due to COVID-19, that require an update to your occupational health and safety risk assessments?		
6.	Have you asked the worker to undertake the **HSA Work Safely Induction online course** and any other training deemed necessary to ensure their safe return to work? See here.		
7.	Have you confirmed that a worker (with a negative test result: COVID-19 not detected) who is a close contact of a confirmed case of COVID-19 in the workplace, has restricted their movements for 14 days before returning to the workplace?		

Appendix 1 interactive checklists are also available to download as a separate pdf.

Appendix 1 - Interactive Employer Checklists PDF

Employer Checklist: Fitness for Work **Scenario B**: Returning to work following a **confirmed case of COVID-19** without health complications	Yes	No
1.	Did you confirm with the worker that it has been 10 days since they first displayed symptoms of COVID-19, and that they have been 5 days without a fever (a high temperature of 38°C (celsius) or above), before returning to work? (these criteria can run at same time)		
2.	Did you ask the worker to complete and submit a **pre-return to work form**, in advance of returning to work? Pre Return to Work Form		
3.	Are you aware that the above details can be confirmed by seeking **a fitness for work note** from a GP/occupational health specialist? (at the discretion of the employer)		
4.	Have you made made any changes to the workplace or work practices, due to COVID-19, that require an update to your occupational health and safety risk assessments?		
5.	Have you confirmed that the worker can complete the task/s safely and without risk to their health?		
6.	Have you asked the worker to undertake the **HSA Work Safely Induction online course** and any other training deemed necessary to ensure their safe return to work? See here.		

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Appendix 1 - Interactive Employer Checklists PDF

Employer Checklist: Fitness for Work **Scenario C**: Worker unfit to return to work following a confirmed case of COVID-19	Yes	No
1.	Have you maintained appropriate communication with the worker throughout their period of absence?		
2.	Did you ask the worker to provide a self-declaration indicating that they are unfit to return to work and why?		
3.	Did you ask the worker to obtain a note from a general practitioner (GP) or occupational health (OH) practitioner advising that they have been assessed and are unfit to return to work, in line with organisational policy and procedures?		
4.	Have you made the worker aware of any relevant COVID-19 sick leave policies and procedures /absence entitlements?		
5.	Have you provided advice, and information on any available employee supports, to the worker?		
6.	If a medical assessment indicates that the worker is fit for work, but unable to carry out former duties, whether on a temporary or permanent basis, have you considered the provision of a modified role or temporary alternative tasks (where possible)?		
7.	If a medical assessment indicates that the worker is fit for work and a start date is agreed, did you ask them to complete and submit a pre-return to work form? See template Pre Return to Work Form. If Yes, you can proceed to complete Employer Checklist: Scenario B.		

Appendix 1 interactive checklists are also available to download as a separate pdf.