



Teachers' Union of Ireland

# Re-opening of Higher Education Institutions

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The TUI strongly urges members to read the Department of Further and Higher Education, Research and Innovation document:

*Implementation Guidelines for Public Health Measures Implementation Guidelines for Public Health Measures in Higher Education Institutions (HEIs)* [https://www.tui.ie/fileupload/Public-Health-Implementation-Guidelines-for-HEIs\\_05\\_08\\_20\\_Final.pdf](https://www.tui.ie/fileupload/Public-Health-Implementation-Guidelines-for-HEIs_05_08_20_Final.pdf)

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**\* This Guidance document will be updated on a regular basis so please continue to check the website (www.tui.ie), TUI's social media and the TUI App following the initial publication**

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## To whom do these guidelines apply?

These guidelines apply to all TUI members, irrespective of grade, working in third level institutions i.e. members in Institutes of Technology, Technological Universities, St. Angela's College, Sligo and the University of Limerick.

\*Given the range of grades at third level the document's references to "member", "TUI member", "staff member" etc. include all grades unless specified e.g. lecturer, assistant lecturer, researcher etc. Equally, line manager is used to include Head of Department/Faculty/Vice-President etc. as appropriate. Given the range of Third Level Institutions in which TUI members work, the words "HEI" and "workplace" comprehend Third Level institutions in which the TUI organises.

## What do the Implementation Guidelines Require of HEIs?

- 1. The HEI should have an ongoing communication plan to raise awareness amongst all members of its community about how COVID-19 spreads and how spread can be prevented on-campus and off-campus.*
- 2. The HEI should consider if there is a requirement to communicate with the wider community regarding potential fears regarding the student body contributing to spread of COVID-19 in the wider community. One important message is that after 2 weeks in a host country/city a person has the risk associated with that country/city. There is no enduring relationship between risk and geographical origin.*
- 3. Any communication campaign should emphasise the need to avoid exposing those at most risk of serious disease in the HEI community and wider community to COVID-19. Students or staff who are concerned that they may have symptoms should be particularly careful to avoid contact with older people or people who they know to have medical conditions that put them at particular risk of severe disease.*
- 4. Any communication campaign should provide information for members of the HEI community regarding where they should go to self-isolate if they develop symptoms of COVID-19 on-campus, in residences or elsewhere.*
- 5. Any communication campaign should provide information for members of the HEI community regarding who to contact if they develop symptoms of COVID-19.*
- 6. The HEI should encourage all members of its community to register with a GP (student health unit or other GP) to whom they have access if they require medical attention for COVID-19.*
- 7. The HEI should have a protocol in place to enable safe access to indoor space. Where practical a one-way system and or marked lanes should be used to separate flow of people into, out of and within the building.*
- 8. The HEI should control access to student accommodation. Students should not visit buildings other than the one where they live and should not invite guests to the residences. Students who are not residents in HEI accommodation should not access the buildings.*
- 9. HEIs should clearly communicate with all staff and students that they should not attend campus if they are showing COVID-19 symptoms. Such communication should be re-affirmed on an ongoing basis. The HEI should encourage all members of its community to download the COVID-19 Tracker App and to use the symptom checker on the App on a daily basis. Advice on using the COVID-19 Tracker App will be included in email communication to students, on the HEIs website and on noticeboards across the campus.*

10. *Monitoring of temperatures on access to campus facilities is not required.*
11. *Members of the HEI community who travel to Ireland from other jurisdictions should follow Government advice on restricted movement on arrival in Ireland and may require support to do this if they are new to the area and are alone.*

## **What quantum of resources have been committed by DFHERIS to address the Health Implementation Guidelines?**

*Minister Harris announced that his Department had secured €168 million with an indicative breakdown for Higher Education as follows:*

• <i>IT Devices for Higher Education</i>	<i>€10 million</i>
• <i>Health and Well-Being</i>	<i>€3 million</i>
• <i>Moving to online learning</i>	<i>€34 million</i>
• <i>PPE and equipment</i>	<i>€35.9 million</i>
• <i>Research Projects</i>	<i>€48 million</i>
• <i>Increased Student Supports</i>	<i>€10 million</i>
• <i>Promotional Campaign to attract International Students</i>	<i>€1.5 million</i>

*The HEA is due, shortly, to advise in respect of discrete budgets to be remitted to each of the HEIs.*

## **What is the status of the claim for additional staffing?**

*On 10<sup>th</sup> July, the TUI's President, Martin Marjoram, wrote to the relevant department/s and managements seeking significant additional staffing. The TUI has received commitment from the DFHERIS and managements that contracts will not be effected by the measures required for the Health Implementation Guidelines. As such, the TUI's position is that the workload of members must not be increased by any requirements of the Health Implementation Guidelines. As it is the view of the Union that members have an already onerous workload, the TUI will continue to campaign for additional staffing to ensure all measures required of the Health Implementation Guidelines can be achieved, for staff and students, while adhering to the provisions of existing contracts.*

## **What is the status of the discussions relating to Emergency Remote Teaching (ERT)?**

*The Union has concluded negotiations with THEA and TU Dublin in relation ERT. These documents are attached as appendices to this document.*

## **Social Distancing/Physical Distancing**

### **What is social distancing/physical distancing?**

*Social/physical distancing involves minimising contact between potentially infected individuals and healthy individuals. Members should avoid all social/physical contact in HEIs (for example, shaking hands) and also avoid sharing personal items such as pens, cups, etc.*

## Why is physical distancing so important?

*It is important because it is the single most effective protection against transmission of the virus. In the context of the busy, crowded setting of a workplace, it is a fundamental responsibility of management to provide and maintain this protection for staff and students.*

## What are the physical distancing requirements for my lecture hall/classroom etc.?

*The HEI Health Implementation Guidelines state: "Teaching space should be laid out and managed in order to safeguard the health of both staff and students. A physical distance of 2m should be maintained where possible. However, there are many situations where tuition can only be realistically delivered with less than 2m (but no less than 1m) distancing between students, and some exceptional circumstances (confined to laboratory and practical tuition) where 2 m distance cannot be maintained between staff and students."*

*The TUI has raised concerns with the DFHEIR and the relevant managements of HEIs regarding the interpretation of "exceptional circumstances" in the guidelines and will update members as this issue is clarified. The Union will, if required, have the matter referred to the NPHET for advice.*

## What is the physical distancing requirement for the staff canteen/staff meetings?

*In staff areas, the physical distance of 2 metres must be maintained.*

*Consideration should be given to formation of staff pods or teams who work together and who can take breaks together.*

*As part of the suite of public health measures, limits were placed on gatherings in other settings in order to support the re-opening of educational institutions which by their nature involve significant numbers of staff and students in buildings.*

*The public health guidance recommends 2m physical distancing between staff.*

*When organising staff meetings, management should make every possible effort to hold them remotely or in small groups while maintaining a 2m distance and to avoid large gatherings in one physical space.*

## Cleaning and Ventilation

### How often should rooms be cleaned?

*Each workplace setting should be cleaned at least once per day by workplace cleaning staff. Additional cleaning should be focused on frequently touched surfaces – door handles, hand rails, chairs/arm rests, communal eating areas, sink and toilet facilities.*

*TUI members and students are also responsible for wiping down their own individual work areas during the day.*

- *Students who move between classes should be given cleaning products to allow them to wipe down their own desk, chair and surface area before they leave the room.*
- *All members will have access to cleaning products and will also be required to clean and disinfect their work area each day/before they leave the room.*

### **What about ventilation? Is it important?**

*Yes, good ventilation is important in preventing spread of the virus. Lecture Halls, classrooms and other workplaces must be well ventilated. For example, the opening of all windows and doors is recommended.*

### **What practical measures should be used to ensure good ventilation?**

- *Open windows to introduce fresh air. If possible, windows should remain open during tuition hours.*
- *Partially opening a number of windows rather than fully opening one can help minimise discomfort. In colder weather, to minimise the chilling effect, windows nearest and above the radiator should be opened.*
- *Rooms should not be stuffy or have condensation on the window glass.*
- *Workplaces should ensure that all permanent ventilation openings in rooms are fully open and not blocked by wall hangings etc. These normally are either a circular or rectangle ventilation grill on the external classroom wall or linear slot type ventilators built into the window frames. All of these should be opened all the time, if they have been taped and sealed for decorating purposes then the tape/sealing should be removed.*
- *All mechanical ventilation systems and any air conditioning systems should be set to 100% fresh air, any air conditioning units that cannot operate on 100% fresh air should be left off. Check with unit suppliers if in doubt.*

## **Wearing of Face Coverings**

### **Why is wearing face coverings so important?**

*It is important because, combined with physical distancing, it is an effective protection against transmission of the virus. In the context of the busy, crowded setting of a workplace, it is a fundamental responsibility of management to maintain this protection for staff and students by insisting that staff, students and visitors to the workplaces wear appropriate face coverings.*

### **Am I required to wear a face covering in my workplace?**

*Yes. As a member of staff you must wear a face covering where it is not possible to maintain a physical distance of 2 metres, unless you have breathing difficulties.*

## **I have a breathing difficulty and cannot wear a soft face covering. What happens?**

*If you are medically advised not to wear a soft/cloth face covering, you should wear a clear visor and remain 2 metres from others at all times.*

## **What type of face covering should I wear?**

*As a general rule, cloth face coverings must be worn. This is in line with the advice of the public health authorities and has been established as a requirement by the Minister for Further and higher Education, Innovation and Research/Government.*

*Cloth face coverings should be washed, in a hot wash i.e. over 60 degrees with detergent, after every day of use and/or before being used again, or if visibly soiled.*

*Face coverings should not be worn if they are wet. A wet cloth face covering may make it difficult to breathe.*

*There are specified exceptions to the general rule. The public health authorities have stated that cloth face coverings should not be worn by any of the following group:*

- *Any person with difficulty breathing*
- *Any person who is unconscious or incapacitated*
- *Any person who is unable to remove the face-covering without assistance*
- *Any person who has special needs and who may feel upset or very uncomfortable wearing the face covering, for example persons with intellectual or developmental disabilities, mental health conditions, sensory concerns or tactile sensitivity.*

## **Can I wear a visor rather than a cloth face covering?**

*In certain situations, the use of clear visors should be considered; for example when staff are interacting with students with hearing difficulties. In all other instances, cloth face coverings must be worn. It is of course open to a member of staff to wear a visor as well as a cloth face covering.*

## **Do I have to provide my own face covering?**

*Members may wish to use their own cloth face coverings and are, in any event, expected to wash such coverings, in a hot wash i.e. over 60 degrees with detergent, after every day of use and/or before being used again, or if visibly soiled.*

*However, workplaces are expected to have additional disposable face coverings available on site.*

## **My workplace has put a perspex screen at my desk. Do I still have to wear a face covering?**

*Yes. Members, in many instances, will be moving from room to room and should therefore wear a soft face covering at all times. A perspex screen may be a useful additional protection*



*but it cannot and does not reduce or remove the requirement that members wear face coverings, nor does it reduce or remove the requirement for a minimum of 2 metre physical distancing between staff and students.*

### **My workplace has installed a perspex screen at my desk. Is it ok if I just wear a visor?**

*No, other than in the limited circumstances set out above. Based on public health advice, the Government has stated that all members must wear a soft face covering where it is not possible to maintain a physical distance of 2 metres, unless the member has breathing difficulties.*

*Members, in many instances, will be moving from room to room and should therefore wear a soft face covering as opposed to a visor unless working with a student with a hearing difficulty. It is of course open to a member of staff to wear a visor as well as a cloth face covering.*

### **Am I required to wear face coverings in other areas of the workplaces outside of my classroom, for example, in the staff room?**

*Yes. All members of staff must wear a face covering where it is not possible to maintain a physical distance of 2 metres.*

### **Am I required to wear face coverings on public transport?**

*Yes. All members of staff and students must wear face coverings when traveling to and from workplace via public transport.*

### **Will I ever be required to wear additional PPE?**

*Some work activities will require the wearing of additional PPE, including, but not limited to:*

- *In some tuition settings i.e. laboratories and practicals*
- *Where a suspected case of COVID-19 is identified while at your workplace*
- *Where a member is particularly vulnerable to infection but not categorised as being in the Very High Risk Group*
- *Where a member may be living with someone in the Very High Risk category*
- *When administering first aid*

### **Will students (including those in laboratories/practical rooms) be required to wear face coverings?**

*Yes. Cloth face coverings must be worn by every student unless s/he:*

- *Has a difficulty breathing*
- *Is unconscious or incapacitated*
- *Is unable to remove the face-covering without assistance*



- *Has special needs and may feel upset or very uncomfortable wearing the face covering, for example persons with intellectual or developmental disabilities, mental health conditions, sensory concerns or tactile sensitivity.*

### **Will students/staff be required to wear face coverings throughout the day?**

*Yes. All members of staff and all students must wear a face covering where it is not possible to maintain a physical distance of 2 metres.*

### **What happens if a student, other than those set out above, refuses to wear a face covering?**

*A refusal by a student to wear a face covering should be referred to the management of the HEI.*

### **So there are two key measures to protect staff and student – physical distancing and the compulsory wearing of face coverings?**

*Yes, that is right. These are required and complementary. They both apply – not one or the other; both.*

### **Does reliance on compulsory face covering allow a workplace to abandon physical distancing or reduce it to less than one metre?**

*No. Absolutely not. Both measures are required.*

### **Does reliance on physical distancing allow a workplace to abandon compulsory face coverings?**

*No. Absolutely not. Both measures are required.*

## **Hand Hygiene**

### **How often should members of staff and students wash their hands/use hand sanitiser in work?**

- *On arrival at work*
- *When moving between rooms*
- *Before eating or drinking*
- *After using the toilet*
- *After petting animals*
- *After being outdoors*
- *When their hands are physically dirty*
- *When they cough or sneeze*

## Temperature Checks

**Is it appropriate for my workplace to take the temperature of staff and students and refuse entry to those with a high temperature?**

*There is currently no provision in the guidelines for taking the temperature of staff and/or students at workplaces. Students and staff should be reminded regularly by the HEI authorities that if they feel unwell and/or have ANY COVID-19 symptoms they should not attend work.*

## Underlying illnesses/conditions

**I have a pre-existing illness and do not feel safe returning to work. What do I do?**

*The HSE has classified underlying illnesses/conditions as putting persons at either Very High Risk or High Risk. You will need to establish which category you are in as different procedures apply to each. Therefore, you should consult the HSE lists of illnesses in advance of returning to work. The list of illnesses/conditions is available at <https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html>*

*Members should also read*

*Circular Letter 51/2020 – Coronavirus (COVID-19): Arrangements for all Public Service employees available at [https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0051\\_2020.pdf](https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0051_2020.pdf)*

**I have a condition/illness that puts me in the Very High Risk Category. What happens?**

*The HSE advice on the 'very high risk' groups can be found at: <https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html>*

*If a member believes that s/he is in the Very High Risk Category, s/he must complete an online Occupational Health Service COVID-19 Risk Assessment immediately and submit it to the OHS (e.g. Medmark) as well as advising the employer (HEI) that they may fall into this category. The member does not have to disclose to management the nature of the underlying illness/condition.*

*Having considered the medical information provided with the OHS Risk Assessment, the OHS will provide the employee with a 'COVID-19 Risk Assessment Report' which advises whether he/she is at a very high risk of serious illness from contracting COVID-19.*

*For members where the 'OHS Risk Assessment Report' advises that they are at a very high risk of serious illness from contracting COVID-19 and cannot attend the workplace, the Declaration Form at Appendix C of CL51/2020 must be completed by the member and returned immediately to the employer (i.e. the specific HEI) accompanied by the OHS COVID-19 Risk Assessment Report. Where a medical diagnosis changes, the employee must inform the employer immediately.*

*If the OHS advises that you can work from home, the HEI must facilitate that request and you will continue to be paid as normal.*

*If the OHS advised that you are medically unfit for work due to a **non**-COVID-19 illness, the normal terms and conditions of the Sick Leave Scheme apply.*

### **I am in the High Risk Category. What do I do?**

*The HSE advice on the 'high risk' groups can be found at: <https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html>*

*A member in the 'high risk' group who is not otherwise ill must attend the workplace, unless advised not to do so by the OHS.*

*If a member remains concerned, s/he may complete the Declaration Form at Appendix C of CL51/2020 and return it immediately to the employer (i.e. the specific HEI) accompanied by the OHS COVID-19 Risk Assessment Report.*

*If a member in this 'high risk' group has been advised by OHS not to go to work, s/he will be facilitated to work from home.*

*If a member has been advised to go to work by OHS and s/he still has concerns and has been certified by a GP not to go to work, normal sick leave rules apply.*

### **I have been advised by OHS to work from home. What can my management ask me to do?**

*The work assigned should be determined by your employer, in consultation with you, and may include relevant duties that support the work of the programmes delivered by the HEI - in developing and delivering its programmes.*

## **Caring/Childcare Responsibilities and Pregnancy**

### **I am a lecturer. Can I apply for Parental Leave or Carer's Leave if I have caring or childcare responsibilities or am living with a person/s with a high risk or very high risk of contracting COVID 19?**

*Yes. You are entitled to have a request to avail of existing, relevant leave entitlements considered by your HEI. In considering such applications, your HEI will take account of its policy on employee absences where the welfare and educational needs of the students must take precedence over all other considerations.*

### **I am pregnant. Am I required to attend work?**

*Under the current HSE guidelines, a pregnant employee is not deemed to be at very high risk of serious illness from contracting COVID-19, unless suffering from a serious heart condition, in which case alternative working arrangements will be put in place.*

*If a pregnant member remains concerned, she may complete the Declaration Form at Appendix C of 51/2020 and return it immediately to the employer (i.e. the specific HEI) accompanied by the OHS COVID-19 Risk Assessment Report.*

*If a pregnant member has been advised by OHS not to go to work, she will be facilitated to work from home.*

*If a pregnant member has been advised to go to work by OHS and she still has concerns and has been certified as ill by a GP not to go to work, normal sick leave rules apply.*

*If a member has a pregnancy-related illness the normal rules for such illness apply.*

## **I am pregnant. What are my general health and safety rights while at work?**

*The Safety, Health, and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) place an obligation on the employer, as soon as it is notified by the member that she is pregnant, to assess any specific risk in the workplace to that member and to ensure that the pregnant, post-natal, or breastfeeding member (within a 26 week period after the birth of the child) is not exposed to any agents, processes or working conditions that will damage either the safety or health of the pregnant member and/or that of the developing child.*

*A member should be informed of the results of the risk assessment and the measures to be taken. The detailed arrangement regarding the respective responsibilities of the employer and the member in relation to Health and Safety Leave are contained in Sections 17 – 20 of the Maternity Protection Act 1994.*

*Where a risk has been identified and it is not possible to remove it, protective and preventive measures should be taken by the employer to safeguard the health and safety of any member to whom the provisions apply. Such measures may include:*

- a temporary adjustment in the working environment of the member concerned so that exposure to the risk is avoided, or*
- moving the member to suitable alternative work which does not involve the risk in the event that such adjustment is not possible, or*
- granting the member Health and Safety Leave in the event that such alternative work is not available, having consulted with and received certification from the OHS. The member is entitled to receive, on request, a certificate stating the reasons she has been granted leave. The certificate must also state the start date and expected end date of the leave.*

*Health and Safety Leave will cease when:*

- the member concerned commences Maternity Leave, or*
- the member is no longer an employee to whom Part III of the Maternity Protection Act, 1994 applies (i.e. she notifies the employer that she is not pregnant, has not given birth within the last 14 weeks or is not within 26 weeks of the birth and breastfeeding, as defined in the Act); or*
- the risk ceases.*

*A member who makes PRSI contributions at the modified rate (Class D), and has no entitlement to Health and Safety Benefit from the DEASP, will be entitled to full pay while on Health and Safety Leave.*

*A member who makes PRSI contributions at the full rate (Class A) and who is entitled to Health and Safety Benefit from the DEASP will be paid full salary by the Paymaster for the first 21 days and thereafter will be paid full salary less any benefit paid by DEASP HSB1 Form.*

## **COVID-19 Response**

### **What specific measures should the HEI take in responding to the COVID-19 threat?**

- 1. The HEI should enhance programmes to promote a healthy lifestyle to the greatest extent possible.*
- 2. The HEI should encourage members of the campus community to signal to a central point in the HEI early if they are diagnosed with COVID-19 (Note: Confidentiality and data protection issues must be considered in how this is done). The intention is to support the HEI in identifying early if there is evidence of transmission of COVID-19 related to HEI community activity so that it can respond appropriately in association with public health authorities.*
- 3. Pathways for access to healthcare should be clear so that people know who to contact for access to healthcare at any time if they develop symptoms of illness.*
- 4. Staff who consider themselves specifically at risk of severe illness, or with vulnerable members of their household, should engage with the HEI as their employer to manage that risk as appropriate.*
- 5. The HEI should advise teaching staff who are very high risk (as per HSE guidance) that they are not required to teach face to face and facilitate such staff to work remotely, including offering teaching and learning online, where this is necessary. This is crucial in ensuring the safety of such staff. The HEI will ensure that staff living with very high risk individuals or staff in the high risk category will be risk assessed on a case-by-case basis with appropriate measures implemented accordingly.*

## **Prior to returning to work**

### **What do I have to do before I return to work?**

*Members must complete any Return to Work (RTW) Form required by your HEI, which will be available from your HEI. This form must be returned to your HEI at least 3 days before returning to work.*

*You must also complete any COVID-19 induction training for HEI staff as instructed by your HEI.*

# Lead Worker Representative

## What is a Lead Worker Representative?

*A Lead Worker Representative is a person, selected by staff, to assist management to implement a range of measures to prevent the spread of COVID-19 in workplaces.*

## Is a Lead Worker Representative the same as the Safety Representative?

*No. Both roles are separate although they may be undertaken by the same person.*

## How many Lead Worker Representatives (LWRs) should my workplace have?

*The number of LWRs on a campus will be determined by the HEI's management having regard to the geography and the daily population of the campus.*

## Does a LWR have any legal responsibilities?

*No. A Lead Worker Representative does not have any legal responsibilities in relation to COVID-19 other than those that apply to employees generally.*

## Who selects the LWR?

*There is a nationally agreed process that must be followed. The first step in the process requires management to seek expressions of interest from all staff. If more people are interested in the position than there are LWR positions on offer, an election by all staff must take place.*

## I have been selected by staff to be the Lead Worker Representative. What exactly do I do?

*You are required to:*

- *Represent all staff in your workplace i.e. academic staff/ administrative staff/ caretakers etc.*
- *Keep up-to-date with the latest COVID-19 public health advice*
- *Liaise and work with management to ensure, insofar as is practicable, the safety, health and welfare of all staff in the workplace including consulting on COVID-19 control measures implemented in workplaces.*
- *Promote good hygiene practices*
- *Assist management to implement measures to suppress COVID-19 in workplaces*
- *Monitor, in conjunction with management, compliance with measures introduced to prevent the spread of COVID-19*
- *Conduct safety reviews including a walk around of the workplace at least twice a week to ascertain if safety measures are being complied with*
- *Report any concerns immediately to management*
- *Keep records of any issues of concerns*
- *Keep records of actions taken by management to rectify concerns*

- Consult with management on the workplace's COVID-19 response plan
- Consult with colleagues on all matters relating to COVID-19 in the workplace
- Make representations to management on COVID-19 related matters

### **Should all staff know who the LWR is?**

*Yes. All staff should be advised of the name and contact details of the LWR. Management is required to provide this information.*

## **COVID-19 Diagnosis**

### **I have COVID-19 symptoms, should I attend work?**

*No, absolutely not. You have no discretion in this matter. You must not attend work.*

### **What should I do if I develop symptoms of COVID-19 at work?**

*You must advise your management immediately and follow the relevant instructions provided to you.*

### **What are the symptoms of COVID-19?**

- High temperature
- Cough
- Shortness of breath or breathing difficulties
- Loss of smell, of taste or distortion of taste

### **What happens if a student presents with COVID-19 symptoms during the day?**

*Staff should inform the management of the HEI immediately. Each HEI will have a response plan to deal with such a scenario. All staff must be advised of the procedure that applies in their workplace.*

### **I have been diagnosed with COVID-19. Will I still get paid?**

*Yes. Special leave with pay will be granted by the HEI, for those members who have been diagnosed with COVID-19 or those who have been advised to self-isolate.*

*To apply for special leave with pay, a member must complete Appendix A of CL51/2020 and return it to the HEI immediately. The completed form, which can be signed digitally, must be accompanied by appropriate HSE/medical certification to include the estimated date of fitness to return to work. The certification can be scanned and emailed to the line manager/HEI until you are fit to return to work and are in a position to provide the original version.*

### **I have been diagnosed with COVID-19. Must I advise my Employer/HEI?**

*Yes. A member must provide HSE/medical certification to the employer, to include estimated date of fitness to return to work.*



## **If I have been diagnosed with COVID-19. Will it affect my normal sick leave?**

*No. Special leave with pay is separate to the normal sick leave scheme.*

## **How much special leave with pay am I entitled to?**

*Special leave with pay commences on the day that you develop symptoms of COVID-19 and notify your employer/HEI.*

*It is considered by the Occupational Health Service (OHS – e.g. MedMark) that most recoveries will happen 14 days after the onset of symptoms. You must be 5 days fever free (which may run concurrently) before returning to work. It should be noted that the 14 days is from the onset of symptoms and not the date of receiving a positive COVID-19 test result.*

*Nonetheless, if symptoms persist you must keep in touch with your employer regarding the need for further leave which may be considered in consultation with the OHS e.g. MedMark.*

*These arrangements do not preclude an employee working from home at an earlier stage, if this is feasible, depending on the individual case.*

*When you return to work, you must be informed by the employer of the procedures in the workplace regarding social distancing, use of personal protective equipment and hand washing techniques.*

## **Self-isolation**

### **What is self-isolation?**

*Self-isolation means staying indoors and completely avoiding contact with other people. This includes other people in the household, as much as possible. A member with COVID-19 symptoms will be medically/HSE advised to self-isolate while he/she waits for a COVID-19 test appointment and test results.*

### **I have been advised to self-isolate. Will I still get paid?**

*Yes. Special leave with pay will be granted by the HEI for members who have been advised to self-isolate pending a COVID-19 test. A member must seek a COVID-19 test immediately upon experiencing symptoms of COVID-19 and/or being advised to self-isolate.*

*To apply for special leave with pay, a member must complete Appendix A of CL51/2020 and return it to the HEI immediately. The completed form, which can be signed digitally, must be accompanied by appropriate HSE/medical certification to include estimated date of fitness to return to work. The certification can be scanned and emailed to the HEI until you are fit to return to work and are in a position to provide the original version.*

*If the COVID-19 test is positive the member remains on special leave with pay.*

*If the COVID-19 test is negative, following the period of self-isolation, and the member remains unwell, s/he reverts to the normal sick leave scheme.*

## **Am I required to tell my employer/HEI if I have been advised to self-isolate?**

*Yes. All members have a responsibility to adhere to Government guidelines as they relate to COVID-19. If management becomes aware that a member attended work when s/he should have been self-isolating, they are expected to report this to the HSE. The matter may also have to be dealt with at local level.*

## **Close Contact**

### **Whose responsibility is it to advise me that I have been in contact with a confirmed COVID-19 case/person? Is it the responsibility of the HEI or the HSE?**

*If you are a close contact of someone who has tested positive for COVID-19 you will receive either:*

- *a call from a Contact Tracer*
- *an alert on your mobile phone, if you're using the COVID Tracker app*

*Calls from contact tracers come up as a private number. You cannot contact a contact tracer directly or return a missed call. If you don't answer a call from a contact tracer, s/he will leave a message, if voice mail is working. Contact tracers will let you know that they have tried to contact you. They will call you a few times, if necessary.*

*If you are advised that you are a close contact, you will have to get tested for COVID-19. A contact tracer will arrange a COVID-19 test for you, even if you do not have symptoms.*

***It is not the responsibility of the HEI to conduct contract tracing. However, HEIs are required to keep a contact log of all persons attending/visiting the workplace.***

### **I have been in contact with a confirmed COVID-19 case/person. Should I attend work?**

*No. You should not attend.*

### **I have been advised that I am a close contact of a confirmed COVID-19 case/person and have been advised to restrict my movement. What happens?**

*If you have no COVID-19 symptoms you may still be medically/HSE advised to restrict your movements for 14 days if you have been in close contact with a person who has a confirmed case of COVID-19 or if you live with someone who has COVID-19 symptoms. The 14 day period is from the last date of contact with the diagnosed person.*

*As with a diagnosis, you are advised to restrict your movements and you must arrange a COVID-19 test as soon as possible.*

*If you are advised to restrict your movements, you must complete the Declaration Form at Appendix B of Circular Letter 51/2020 and return it immediately to your employer/HEI, accompanied by medical certification (GP/HSE) including the date of fitness to return to work. Where medical diagnosis changes, you must inform the employer immediately.*

## **Am I required to deliver online while restricting my movements?**

*If you are advised to restrict your movements and are not, yourself, symptomatic, you are medically fit for work and remain available for work. You will be assigned work, which can be completed remotely, for the 14 day period and your employer must therefore facilitate alternative working arrangements to the maximum extent possible e.g. working from home.*

*As there is a contractual obligation to work while well, all employees must co-operate with all such flexibilities while they are restricting their movements. Where an employee on restricted movement tests positive for COVID-19, the provisions set out above apply.*

## **Travel Abroad**

### **What happens if I wish to travel abroad before going back to work or during Christmas or other closures?**

*The current Government advice is to avoid all non-essential travel.*

### **What happens if I need to travel abroad, i.e. if it is essential travel?**

*Any person coming into Ireland, (apart from those arriving from Northern Ireland and individuals arriving in Ireland from locations with a security rating of normal precautions - "Green List"), is required to restrict her/his movements for 14 days.*

*It is your responsibility to provide for the period of restricted movements arising from non-essential travel overseas. Therefore, if you intend to undertake non-essential travel overseas, you are required to make provision for the 14 day period of restricted movement. This may require an application to your employer/HEI for Unpaid Leave, in line with the normal terms and conditions.*

*When you are absent on approved Unpaid Leave, you will not be paid. You must advise your employer in advance, in writing, of any travel abroad and include the travel details.*

### **If I travel abroad and am required to restrict my movements when I return, will I be paid?**

*No. You will be required to take unpaid leave.*

## Access to the Workplace

### Can visitors be permitted entry to my workplace?

*Attendance by visitors to workplaces is restricted to those attending for essential reasons only and will only be allowed with prior arrangement with senior management of the HEI.*

### Is my workplace required to keep a contact log for all those attending or visiting the workplace?

*Yes.*

## Compliance issues

### I have a student who deliberately flouts the COVID-19 response plan; for example, by refusing to comply with hand hygiene or social distancing. What should I do?

*You should, immediately, refer the matter to the management of the HEI.*

### What are my Health and Safety (H&S) responsibilities in terms of COVID-19?

*Employers and all employees in a workplace have responsibilities and duties. An employee, must:*

- Comply with the workplaces measures for dealing with COVID-19, for example, by maintaining physical distancing, wearing face coverings and practising good hand hygiene*
- Comply with safety and health legislation*
- Take reasonable care to protect her/his own safety, health and welfare and that of any other person who may be affected by her/his acts or omissions at work*
- Co-operate with the employer and any other person to enable them to comply with health and safety legislation*
- Not engage in improper conduct or other behaviour which could endanger his or her safety, health and welfare or that of any other person.*

### What is the procedure for dealing with COVID-19 Health & Safety concerns?

*The COVID-19 response plan makes provision for a workplace to have a Lead Worker Representative (LWR). In the first instance, concerns or issues that arise are processed in accordance with the procedures specified in the COVID-19 response plan.*

*However, if those procedures are not applied in a fair and prompt manner or if the issue is not satisfactorily resolved, the TUI reserves the right to act on behalf of members to protect their health and safety, as outlined in the following steps.*

### **Step one:**

*If a TUI member wishes to raise a COVID-19 related health and safety issue in a workplace s/he should, in the first instance, inform the Lead Worker Representative (LWR). The member should also advise the TUI Workplace Committee (WPC) and the WPC should keep a record of this.*

### **Step Two:**

*The LWR will deal with issues that arise in line with the procedure set out in the workplace COVID-19 Response Plan. This includes raising the matter with workplace management/employer immediately and keeping a record of all COVID-19 problems, areas of non-compliance or defects that the LWR has identified or that have been reported to her/him.*

*Under this procedure the employer is expected to act promptly on these representations. If unable or unwilling to do so, the employer (for example, workplace management) must detail the reasons why, in order that the LWR can escalate the issue of concern, in the manner specified in the COVID-19 Response Plan.*

*If a concern is resolved, the LWR must record any actions taken to rectify the concern and inform staff.*

### **Step Three:**

*If, notwithstanding the efforts of the LWR, a concern has not been addressed to the satisfaction of the TUI member/s, the matter should then be referred as an industrial relations issue/grievance to the TUI Workplace Committee (WPC).*

*The TUI WPC can seek advice from the local Branch Officers and/or Area Rep. The contact details for Area Reps can be found in the TUI Diary and Handbook that issues to all members in September. Contact details are also available by contacting TUI Head Office on 01-4922588 or [tui@tui.ie](mailto:tui@tui.ie).*

*The TUI WPC will meet with management immediately and seek to resolve the matter. In an HEI, if a satisfactory resolution is not provided by local management, the WPC will advise the local Branch who will contact the management of the HEI to seek an immediate resolution of the matter.*

### **Step Four:**

*If a satisfactory resolution is not provided, following the steps as outlined above, the WPC will:*

- *Lodge a collective grievance using the nationally agreed grievance procedure*  
**and**
- *Report the matter to the Health and Safety Authority. If the HSA sends an inspector to the workplace, the LWR is entitled to accompany them during the inspection and to get a copy of any recommendations or orders. This should, in turn, be provided to the TUI WPC.*  
**and**
- *Where relevant, report the matter to the Health Service Executive (HSE).*

## Supporting Documentation

*The return to Work Protocol was published for employees and workers on the 8th May 2020*  
<https://www.gov.ie/en/publication/22829a-return-to-work-safely-protocol/>

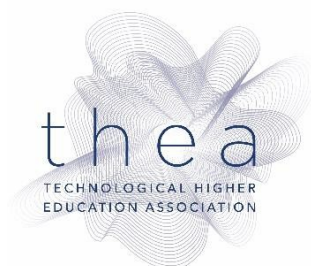
*Guidance for Further and Higher Education for returning to on-site activity in 2020: Roadmap and COVID-19 Adaptation Framework*  
<https://www.gov.ie/en/publication/fc7a0-guidance-for-further-and-higher-education-for-returning-to-on-site-activity-in-2020-roadmap-and-covid-19-adaptation-framework/>

*Practical Guidance for Further and Higher Education for Returning to On-site Activity in 2020*  
<https://www.gov.ie/en/publication/a7d05-practical-guidance-for-further-and-higher-education-for-returning-to-on-site-activity-in-2020/>

*Public Health Implementation guidelines for HEIs*  
[https://www.tui.ie/\\_fileupload/Public-Health-Implementation-Guidelines-for-HEIs\\_05\\_08\\_20\\_Final.pdf](https://www.tui.ie/_fileupload/Public-Health-Implementation-Guidelines-for-HEIs_05_08_20_Final.pdf)

*Circular Letter 51/2020 for HEIs on return to work issues*  
[https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0051\\_2020.pdf](https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0051_2020.pdf)

## **Appendix 1: ERT Agreement with THEA**



### **Emergency Remote Teaching for the academic year 2020**

#### **Final THEA/TUI Agreement 31<sup>st</sup> August 2020**

Both sides wish to acknowledge the manner in which staff across the technological higher education sector have risen to the demands of the emergency situation over the last couple of months. This has witnessed a move to academic delivery online, new modes of assessment, and, not least, support of the efforts of the HSE through establishment of contact tracing sections, sharing of facilities for testing, expertise, manufacture of PPE etc. There is no doubt that staff in our Higher Education Institutions, both individually and collectively, have contributed readily to the current national effort.

As we move to the commencement of a new academic year, there is a need to set out some general principles, guidelines, and parameters regarding emergency temporary arrangements to apply from September 2020.

The health, safety, and wellbeing of students and staff is the paramount concern for the sector. Institutional leaders will ensure that the planning for the delivery of programmes in 2020/21 is informed by this principle at every stage.

Institutions will endeavour to maintain and protect as fully as possible the quality of the student experience and the academic integrity of programmes and awards against the backdrop of the necessary public health measures.

Each Institution is best placed to evaluate its operational needs in consultation with staff and students, and the possibilities and limitations of its facilities, resources and academic needs, in delivering its academic portfolio. This means that in practical terms, the extent and nature of emergency remote teaching



will vary from institution to institution and will be determined by those parameters

It is recognised that scientific knowledge about the COVID-19 virus is steadily growing and that, in response, public health measures to combat it are subject to constant review and adaptation. In this context, the parameters for planning and delivering the 2020/21 academic year are necessarily fluid and will change over time in accordance with health expert advice.

Institutions, in these circumstances, will adopt a flexible approach to their provision in the 2020/21 academic year, in which they will adjust and adapt teaching, learning, and assessment approaches as and when necessary, and in a manner that

- is appropriate and proportionate
- is linked to public health advice
- supports all learners in meeting the learning outcomes of each programme
- ensures the safest possible environment for their communities, while prioritising the student experience
- moves towards maximising onsite provision and the resumption of the regular academic calendar
- includes normal engagement and consultation with academic staff

It is expected that a blended learning approach will be necessary in 2020/21 to maintain the quality of the student experience, preserve academic integrity and to ensure the safe delivery of programmes. This may entail replacing some face-to-face or in-class delivery with online through emergency remote teaching. The relative volumes of face-to-face and online/remote delivery will vary across institutions, and will be dependent on such factors as:

- the identified needs of individual learners and groups of learners, including those at particular stages of programmes (First Year, Final Year etc.) and those with special needs
- the particular teaching and learning needs of individual academic disciplines
- supports and resources available to staff
- the overall student population
- the available physical spaces

- the general layouts of individual campuses.

Training will be provided to staff and students — including specifically tailored COVID-19 induction programmes for students, academic staff, support staff, and management — to help the college community adjust to the altered campus experience, and to support the wellbeing of all members of that community.

Appropriate and proportionate measures will be adopted to assure the quality of re-fashioned programmes. Where extended emergency remote teaching forms a part of the blended delivery arrangements, it is recognised that emergency remote teaching poses different challenges to staff and that this work is done on a voluntary basis and as a contribution towards the national emergency effort. The following principles apply to emergency remote teaching as appropriate during the next academic year, including that:

- *“any actions, arrangements or other undertakings given or operated by employees during this national crisis are on an absolute without-prejudice basis and will not be used in any way by THEA or its members as a precedent or example in any subsequent industrial relations discussions.”*

The following are a list of further principles that should form part of an **emergency remote teaching** strategy;

1. Intellectual property provisions for emergency remote teaching will be in accordance with existing intellectual property arrangements in institutions and subject to the relevant legal provisions. The institutions will ensure that all GDPR regulations are complied with in relation to the usage of such materials.
2. The parties note section four of the PCW in terms of class sizes. Both sides recognise that the Covid-19 crisis may give rise to additional health and safety issues that should be addressed through normal health and safety protocols, and arrangements put in place in response to the COVID-19 situation.

3. Academic matters will be governed by local regulations of Academic Councils which will take account of the Covid-19 situation. If emergency remote teaching is required, the mode of delivery will be decided by the lecturer in consultation with the head of department as appropriate. The mode of delivery can be reviewed and adjusted by the individual lecturer in consideration of module and programme learning outcomes which adhere to the Institution's quality assurance procedures.
4. Facilities will be made available on campus in accordance with return-to-work protocols and subject to health and safety regulations for lecturers who are unable to deliver emergency remote teaching from their home.

This framework agreement is agreed nationally and will inform any necessary additional conversations toward implementation at local level. Both sides commit to engaging constructively at local level in a solution-focussed and flexible manner to address any issues.

The parties will have regular meetings to monitor the implementation of this agreement and seek to resolve issues that arise. This agreement will be reviewed no later than December 2020 to determine whether or not it needs to continue into semester two in accordance with public health expert advice.

## Appendix 2: ERT Agreement with TU Dublin



### Final Agreement between TUI and TU Dublin in relation to Emergency Remote Teaching (ERT)

Date: 23<sup>rd</sup> July 2020

Both parties agree that:

*“any actions, arrangements or other undertakings given or operated by employees during this national crisis are on an absolute without prejudice basis and will not be used in any way by TU Dublin as a precedent or example in any subsequent industrial relations discussions.”*

The following principles in relation to emergency remote teaching are also agreed.

1. The local agreed IP policy applies. Content and materials developed for a module remain the property of the lecturer(s) as set out in the agreed IP Policy. Staff should be re-assured that the use of content which includes their images/voice or recording can only be allowed with the permission of the creators.
2. Lecturers should be allocated their modules prior to the 20th of June where feasible.
3. No existing lecturer should be expected to teach more than one new module in the following semester.
4. The Academic Calendar has been published for 20/21 but both sides note that it is subject to amendment.
5. If adjustments to approved programme schedules are deemed necessary by individual lecturers/programme boards, in order to deliver the learning outcomes to students, these amendments will be expedited and approved through the appropriate quality assurance procedures.
6. If a lecturer cannot deliver lectures from home a safe facility will be provided on-campus within return to campus protocols.
7. If emergency remote teaching is required, the mode of delivery will be decided by the lecturer as appropriate. The mode of delivery can be reviewed and adjusted by the individual lecturer in consideration of module and programme learning outcomes which adhere to the University's quality assurance procedures. In the case of tutorials and/or labs, it is not always possible to deliver these remotely in the same way that a lecture can be delivered. Lecturers can make whatever arrangements are feasible and aligned with best practice to achieve the module and programme learning outcomes. This may or may not include using the timetabled hours for face-to-face contact with the students.

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8. Practical/Workshop activities will need to be addressed and agreed in conjunction with the programme board/committee and School/HoD in consultation with the lecturer.
9. Academic staff will continue to be available during the normal working day unless otherwise agreed. HSA remote working requirements should be followed.
10. The necessary and appropriate resources shall be provided to lecturers to facilitate work duties.
11. Both parties will collectively endeavour to deliver the learning and programme outcomes of our academic programmes. We will consult, review and reflect after the emergency period is over on the effectiveness and efficacy of the alternative assessment arrangements. This will inform and shape best practice moving forward.
12. TU Dublin does not authorise any third party to illegally use or distribute any University material and note that GDPR regulations apply.

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**This document will be updated on a regular basis so please continue to check the website ([www.tui.ie](http://www.tui.ie)), TUI's social media and the TUI App following the initial publication.**