

Role of Lead Worker Representative

1. Background

The COVID-19 pandemic has impacted severely on every part of our society and our economy. Because of our strict adherence to the public health advice we have all contributed to the progress that Ireland has made, and we are now moving to the next stage which involves the re-opening of workplaces.

A **Return to Work Safely Protocol** was developed at the Labour Employer Economic Forum (LEEF), involving the Irish Congress of Trade Unions, government and employers. It sets out the principal and practical steps required in order that employers and employees can keep themselves and their workplaces safe following a return to work. A key piece of this protocol is the requirement for each workplace to appoint at least one Lead Worker Representative (LWR). The purpose of this document is to support workers who take on this role.

During the COVID-19 crisis some workplaces have remained open and workers have continued to provide services throughout the restrictions. The protocol applies to these workplaces and also to workplaces opening up again in the phased return to work.

2. Collaborative Approach

Strong communication and a shared collaborative approach between us all is key to protecting against the spread of COVID-19 in our workplace, and looking after the health, safety and wellbeing of our colleagues. Adherence to the Return to Work Protocol will only be achieved if employers and workers have a shared responsibility in implementing the measures contained within the protocol in their place of work.

Each workplace will appoint at least one Lead Worker Representative (LWR) charged with ensuring that COVID-19 measures are strictly adhered to in their place of work. The person(s) undertaking the role must receive the necessary training and have a structured framework to follow within the organisation to be effective in preventing the spread of the virus. This means that proper and meaningful discussions need to take place and a structure needs to be in place whereby a LWR can raise concerns and have them addressed by Management within a short period of time. There is a responsibility on Management to address these concerns without delay.

It is important that we remember that these roles are mandatory and that the consultation that takes place is also mandatory and is not the subject of negotiation. This does not remove the employer's responsibility to consult with their Safety Representatives, Safety Committees and/or their recognised Trade Union about the measures being put in place to prevent the occupational exposure to COVID-19 in the workplace.

3. Selection of Lead Worker Representative

Employees are entitled to select the Lead Worker Representative or, where necessary, more than one LWR. Given their prior training and experience this is an ideal role for a Safety Representative and there is no reason why the person selected cannot also be a Safety Representative provided the employees select him/her.

The number of representatives appointed will, ideally, be proportionate to the number of workers in the workplace and these key personnel will be clearly identifiable in the workplace and receive the relevant and necessary training by their employer. Every workplace will, however, have at least one worker representative in place to address these COVID-19 requirements.

In determining whether more than one LWR is required the following should be considered:

- The number of employees to be represented
- The nature of the work
- The operation of shift systems
- The number of workplaces under the employer's control spread over many locations,
- The constituency of the employees to be represented, including variations between different occupations and distinct locations within the place of work, e.g. a large hospital, where a wide variety of different work activities take place within a single workplace, or places of work where conditions and workforce change regularly, such as construction.

4. Role of Lead Worker Representative

The LWR role is to work with the employer to assist in the implementation of measures and monitor adherence to these measures to prevent the spread of COVID-19.

The LWR should, together with the COVID-19 response management team, support the implementation of the measures identified in this national protocol.

It is recommended that the LWR should:

- Keep up to date with the latest COVID-19 advice and be afforded time off normal duties to obtain such updated advice and perform their functions

- Consult with the employer on the control measures required to minimise the risk of workers being exposed to COVID-19. To assist with this the HSA has prepared a series of checklists which are available at https://www.hsa.ie/eng/topics/covid-19/return_to_work_safely_templates_and_checklists/return_to_work_safely_templates_and_checklists.html
- Set up a regular communication channel with their employer or manager which includes an escalation process if they cannot reach agreement on any issue
- On a daily basis walk around their workplace/work area and check that the control measures are in place and are being maintained
- Keep a record and report immediately to their employer/manager any problems, areas of non-compliance or defects that they see. Record any actions taken to rectify them
- Consult with the employer/Manager on the company response plan in the event of someone developing COVID-19 while at work including the location of an isolation area and a safe route to that area
- Following any incident assess with their employer/manager any follow up action that is required
- Ensure that the contact log is being maintained
- Make themselves available to their fellow workers in order to listen to any COVID-19 concerns or suggestions they may have and raise these where necessary with their Employer/Manager

5. What can a Lead Worker Representative Do?

A LWR may consult with, and make representations to, the employer on any issue of concern in relation to COVID-19. These include issues in relation to

- Hand Hygiene Facilities including their location and whether they are stocked and maintained
- Hand sanitising
- Employee awareness around hand hygiene in the workplace
- Respiratory hygiene
- Physical Distancing including the layout of the workplace
- Implementation of one-way systems in workplaces to ensure social distancing including when entering and exiting the workplace
- Personal Protective Equipment
- At Risk Groups
- Visitors/Contractors

The employer is expected to act on these representations and if unable or unwilling to do so they should detail the reasons why, in order that the LWR can escalate the issue of concern. If the HSA send an inspector, you are entitled to accompany them during the inspection and to get a copy of any recommendations or orders. A Lead Worker Representative is also entitled to consult or seek advice and information from the Health and Safety Authority.

They can also consult and liaise with other LWR's in the same undertaking whether or not they work in the same place of work , in different places of work under the control of the employer, or at different times at the place of work i.e. different shifts.

6. Does a Lead Worker Representative have any legal responsibilities?

No. A LWR does not have any duties in relation to COVID-19 other than those that apply to employees generally. In other words the LWR is not responsible for the control measures within an organisation, which remains the employer's responsibility.

7. Daily Workplace Inspections

The LWR should on a daily basis carry out an examination of the workplace and check that all the control measures agreed are in place, maintained and working well. HSA Checklist number 2 can be used to assist in this regard. It would be useful if at least on a weekly basis the employer / manager would accompany the LWR. This would make the examination more meaningful and would also be helpful in ensuring that any necessary improvements are made. As part of the daily examination the LWR should take the opportunity to discuss with workers any concerns they may have.

8. What kind of information must the employer give to the Lead Worker Representative?

The LWR should be provided with the necessary training to fulfil their role. They should be aware of and consulted in relation to all the measures the employer has put in place to minimise the risk of workers being exposed to COVID-19. They should also have access to any risk assessments prepared or carried out in relation to COVID-19 and be provided with details of incidents of suspected COVID-19 cases, where they occurred and any actions taken.

9. Is the Lead Worker Representative entitled to facilities from the employer?

Yes. The employer should provide the LWR with the necessary facilities to enable them to consult with employees or prepare any submissions or reports. These might include access to a meeting room, photocopier, communications and equipment.

10. Process for making Representations

A key part of making representations is to be prepared in advance of any meetings. Ensure that you have all the facts and that you have detailed any concerns or issues in relation to potential breaches of the COVID-19 guidelines. Ensure that you are fully briefed and have all the supportive data you require to raise these concerns with management. In making representations on COVID-19 there are clear steps that need to be followed which include an escalation process both internally through management structures and externally to the HSA, and ultimately through your Trade Union or Congress.

It is good practice to have a written record of any discussions and actions agreed as these may be required in the future. This can be done by either agreeing a concise record of the meeting when completed or by writing an email subsequently outlining your understanding of any agreement or disagreement.

Record the detail of any agreement or disagreement and ensure that the outcome is communicated to all those workers impacted by the issue and anyone else who needs to know the nature of the agreement. If your employer/manager indicates that they need some time to address the concerns raised, agree a timescale with them to address the concern and ensure that it is dealt with within the timescale agreed. In the event of a disagreement, record the detail of the disagreement and the reasons your employer/manager has given for the disagreement and ensure this is escalated.

Step 1

Arrange a daily meeting with your employer/manager where you can discuss issues of concern. Even if you have nothing to raise it is good practice to have this daily meeting as it allows the LWR and the employer/manager discuss any changes or updates on Government advice.

Following this meeting agree any action points and review implementation of any control measures or amendments made to the control measures. Advise the workers concerned of the outcome of the meeting.

If agreement cannot be reached and your employer/manager refuses to accept the case or agree that action needs to be taken, then you need to escalate the matter. You should record disagreement and the reasons management have given for not addressing the concerns you have raised. This disagreement should include the date and time of the meeting.

Step 2

How you may escalate the issue will depend on the nature and size of the organisation or company, and whether it is unionised. Subject to this, you should as a first step raise the concern with a higher-level manager or head office, while at the same time advise your Union Representative and Safety Representative of the potential issue and that you may require assistance. You can also seek advice from the Union Representative.

You should advise your Employer/Manager of your intention to escalate the matter and the reasons for this escalation. You should also remind them that the Return to Work Protocol is mandatory and the employer must follow these protocols. If the issue is addressed with Senior Management, record agreement and ensure that the outcome is communicated to all those workers impacted by the issue and anyone else who needs to know the nature of the agreement. Advise your Union Representative that the issue is now addressed.

Step 3

If at this stage the issue cannot be resolved and the Senior Manager either refuses or is unable to address your concern, the issue should be referred to the Workplace Contact Unit at the Health and Safety Authority. They can be contacted at wcu@hsa.ie. If the HSA sends an Inspector then you are entitled to accompany them during any inspection and they will provide you with a copy of any reports or recommendations made.

Step 4

If the matter still isn't resolved and you still have concerns then you need to bring these concerns to the attention of your Union. In doing so ensure you have the full details of the issue, the interactions with management and the workplace contact unit, the number of individuals affected and the potential impact of the breach.

You should also advise the workers impacted of your discussions with your employer and their response and how you have escalated the issue.

Your Union should pursue this matter in the first instance directly with the employer. If agreement can be reached, then the details of any agreement should be forwarded to the LWR. If agreement still cannot be reached then the details of the issue, the interactions with management and the impact on employees should be detailed and forwarded to the dedicated email address in ICTU i.e. covid@ictu.ie who will then take up the issue as appropriate.

Further information about resources to assist workers in this role is available on the Congress website at <https://www.ictu.ie/healthandsafety/covid-19/>

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