



Circular Letter 0022/2020

To: The Higher Education Authority for dissemination to all Institutes of Technology, Technological University Dublin, the National University of Ireland, the Royal Irish Academy, Mary Immaculate College of Education, the National College of Art and Design and St. Angela's College

COVID-19 (Coronavirus)

The following arrangements apply to all Public Service employees.

The Minister for Education and Skills directs you to implement the regulations and procedures regarding the special arrangements to cater for COVID-19 for staff employed in approved posts funded by monies provided by the Oireachtas.

These procedures are to be implemented by each employer with immediate effect and all staff must adhere to the special arrangements.

The Department reserves the right to change these arrangements at any time to reflect updated public health advice from the HSE.

Please ensure that copies of this Circular are provided to all members of your organisation and its contents are brought to the attention of all staff in your employment including those on leave of absence.

This Circular can be accessed on the Department's website at www.education.gov.ie

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1. Introduction

- 1.1 COVID-19 (Coronavirus) is a virus that can cause illness affecting the lungs and airways.
- 1.2 The employer has obligations under the Safety, Health and Welfare at Work Act, 2005 to ensure the safety and welfare of staff at work.
- 1.3 Employers and employees should follow the guidance set out by the HSE and/or their doctor.

2. Purpose of this Circular

- 2.1. The purpose of this Circular is to advise employers of the arrangements for employees who have contracted COVID-19 including those who have not got the virus but have been advised to self-isolate to prevent the spread of the virus.

3. Special Leave

- 3.1 Under this Circular, an employer has the discretion to grant special leave with pay to an employee where appropriate medical or HSE confirmation of COVID-19 diagnosis or recommendation to self-isolate is provided, in accordance with the HSE Guidelines.
- 3.2 Special Leave with pay for employees who are not required to come to work for COVID-19 should be based on **basic salary and fixed allowances only**. This excludes premium payments.
- 3.3 Any special leave with pay granted for the purpose of self-isolation or diagnosis of COVID-19 will not be counted as part of the employee's Sick Leave record. The special leave with pay entitlement will apply for the number of days advised by the HSE/doctor.
- 3.4 When granting special leave with pay compliance with provisions of special leave with pay shall apply. In the event of non-compliance with the provisions of special leave with pay (including the requirement to provide bona fide confirmation of self-isolation/diagnosis of COVID-19) existing procedures, including disciplinary measures may be invoked.
- 3.5 The approved special leave should be recorded by employers as the Department may require statistical data.

4. Self-Isolation

- 4.1 The HSE sets out the criteria for self-isolation at:-
<https://www2.hse.ie/conditions/coronavirus/self-isolation-and-limited-social-interaction.html>.
- 4.2 The current HSE advice is that it can take 14 days from exposure to COVID-19 for the symptoms to appear.
- 4.3 Where medical advice is that the employee who is not ill should self-isolate, then the employer should consider flexibility for alternative working arrangements, if this enables the employee to continue working e.g. encouraging working from home, where possible. Where alternative working arrangements are not feasible, then special leave with pay may be granted by the employer.
- 4.4 Where the employee is already on special leave with pay due to self-isolation and subsequently contracts the COVID-19 virus, then the special leave with pay may continue for the duration of the illness, subject to medical certification being provided to the employer.

4.5 Similar to the general principles applying to the management of Sick Leave, the employee must contact the employer where any of these circumstances apply. Also, there should be appropriate contact between the employer and the employee during the period of special leave.

4.6 When the recommended period of self-isolation has passed, medical advice and HSE Guidelines should be followed regarding return to work.

5. Ordinary Sick Leave

5.1 Under the terms and conditions of the Sick Leave Scheme, ordinary illness e.g. viral type respiratory illness should be recorded by the employer on the relevant system. If the employee is subsequently diagnosed with COVID-19, the special leave with pay can be retrospectively applied in lieu of Sick Leave.

6. Application Procedures

6.1 Public Service employers are encouraged to review their business continuity plans in light of the emerging situation.

7. Data Protection

7.1 All documentation relating to special leave with pay must be retained by the employer with the relevant personnel records in a safe and secure manner and in line with the employer's data protection policy and data protection regulations.