



## **AGREEMENT BETWEEN TRADE UNION FEDERATION (TUF) AND CIF COVID-19: RETURN TO WORK SAFETY PROTOCOL**

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### **1. BACKGROUND**

On the 9 May 2020 Government published the “National Return to Work Safely Protocol”. This protocol was developed in conjunction with the Irish Congress of Trade Unions and the Construction Industry Federation. The protocol is mandatory, requires employers and workers to co-operate to ensure workplaces are safe and requires strict adherence to public health guidelines. The Protocol is to be continuously reviewed in light of public health advice. The National Protocol encourages the development of sectoral agreements to further ensure safe workplaces. The following has been agreed by the Construction Industry Federation and the Trade Union Federation, comprising of BATU, Connect and SIPTU, to support the Covid-19 Specific National Protocol for Employers and Workers.

### **2. BEFORE RETURNING TO WORK**

The National Protocol requires that before returning to work each worker must be provided with a short questionnaire. Workers are required to complete this questionnaire before returning to work. Before a worker commences work the employer is required to provide induction training on measures that have been put in place on that site to comply with public health advice.

### **3. INDIVIDUAL WORKER CONSIDERATIONS**

In accordance with normal custom and practice in the industry, workers will be recalled to work from temporary lay-off when work becomes available. The National Protocol obliges employers to take into account workers’ individual risk factors (e.g. older workers, presence of underlying medical conditions, etc) and to ensure that an at risk or vulnerable worker is preferentially supported to maintain a physical distance of 2 metres. While recognising all national regulations in place, where individual issues arise, these can be dealt with on a case-by-case basis.



#### **4. RETURN TO WORK CRITERIA**

The lockdown announced on 27 March 2020 resulted in a blanket shut-down of all sites and, therefore, workers were not selected for lay-off in accordance with the traditional custom and practice. It is likely that workers will return to work on a phased basis commencing on 18 May 2020, and the number of workers recalled from temporary lay-off will increase as time goes on.

The following criteria will be used when selecting workers to return to work:

Workers will be recalled to work on a site-by-site basis in accordance with the needs of the site. While it is the prerogative of the employer to take a decision in any particular case, where all things are equal having regard to experience and skills, those with the longest service on site will be recalled first. Where possible, direct employees will be recalled before sub-contractors.

#### **5. ALTERNATIVE WORKING ARRANGEMENTS OUTSIDE TERMS OF SEO**

The parties recognise that work patterns outside the normal working hours provided for in the SEO may be temporarily required to ensure safety on site. Section E3 of the national Return to Work Safety Protocol provides that employers *“should agree through negotiation with workers/trade unions any temporary restructuring of work patterns that may be required to implement the Covid-19 prevention measures in the workplace”*

#### **6. TEMPERATURE TESTING**

The national protocol provides that *“employers must .... Implement temperature testing in line with Public Health advice”*. Public health advice currently does not advocate temperature testing in the workplace. Should this advice change temperature testing on site should only be carried out by a trained individual and in accordance with public health guidelines. In the event that temperature testing becomes a requirement, the parties to this agreement will reengage to agree support protocols for workers who present with a high temperature.



## **7. WORKER REPRESENTATIVE**

The National Protocol provides that employers must appoint a worker representative in each workplace and the worker representative must receive the necessary training to ensure Covid-19 safety on site. The cost of providing training will be borne by the employer. Site personnel may raise concerns with the worker representative who is required to raise these concerns with management.

## **8. TUF / CIF / HSA FORUM**

Ongoing and regular engagement between TUF and CIF is required to ensure adherence to the National Protocol. Where a complaint has not been dealt with locally in accordance with 7 above, it may be referred to TUF who will engage with CIF where relevant. It is agreed that every effort will be made to deal with all complaints promptly. In the event that the complaint cannot be satisfactorily resolved in a timely manner, the matter will be referred, jointly or individually, by TUF/CIF to the COVID 19 department of the HSA. A record of the complaints notified and what action taken will be kept jointly by TUF/CIF.

## **9. ACCESS TO UNION MEMBERS ON SITE**

Access to site is under the control of the main contractor who has responsibility for ensuring the safety and security of all workers and contractors on site. Accordingly, access must be restricted. The exceptions to this are those with statutory authority such as Health and Safety Inspectors, etc. A union official must have the express permission of the main contractor prior to accessing their members on site. Where permission has been granted, the main contractor will provide a suitable facility for meetings in the following circumstances:

- To attend a pre-arranged meeting with the main contractor management and subcontractor management where a concern relating to Covid-19 has been clearly stated.
- To attend meetings with union members who raise a grievance associated with Covid-19 on the site.
- Each signatory trade union to this agreement will designate an official of that union as the relevant official for the purpose of this clause.



## 10. BREACHES OF NATIONAL PROTOCOL – COMPLAINTS

The parties are supportive of all efforts to ensure a safe working environment in the current circumstances as set out in the Standard Operating Procedures and the National Protocol. Workers who have concerns regarding compliance with Covid-19 safety protocols on site should raise them with the appointed worker representative whose role will be to deal with safety issues as they arise. Ongoing engagement on site between workers and employers is also provided for in the National Protocol and it is anticipated that any issues arising will be dealt with speedily and promptly. No worker should be penalised for raising a concern regarding compliance with the National Protocol. Any worker who believes he/she has been penalised as a result of raising a complaint may invoke their rights under health and safety legislation, and/or may report it to their trade union under clause 9 above.

Signed: *Randall O'Sullivan*  
On Behalf of BATU

Date: *21/05/20*

Signed: *Dein Aden*  
On Behalf of Connect

Date: *21<sup>st</sup> May 2020*

Signed: *John Regan*  
On Behalf of SIPTU

Date: *21/5/2020*

Signed: *P. H. Smith*  
On Behalf of CIF

Date: *21/5/20*

Signed: *Paul Winter*  
On Behalf of CIF

Date: *21/5/2020*