



Circular Letter 0040/2022

To: The Managerial Authorities of Recognised Primary, Voluntary Secondary Schools in the Free Education Scheme, Community and Comprehensive Schools and The Chief Executives of Education and Training Boards

COVID-19:

Working Arrangements for Certain Higher Risk employees of Recognised Primary and Post Primary schools in the Free Education Scheme and of ETBs, Employed Using Grant Funding for the 2022/23 school year

1. Introduction

The Minister for Education directs employers to implement the terms in this Circular for certain employees of recognised Primary and Post Primary schools in the Free Education Scheme and in Community National Schools under the patronage of ETBs, employed using grant funding provided by this Department, who are employed in the following posts:

- School Secretary
- Caretaker
- Cleaner
- Bus Escort

These arrangements are to be implemented by each employer with effect from 1st July 2022. All employees must adhere to the arrangements.

- 1.1 This circular supersedes and rescinds [Circular 0054/2020](#) titled 'Coronavirus (COVID-19): Arrangements for certain employees of recognised Primary and Post Primary schools in the Free Education Scheme and of ETBs, employed using grant funding' as well as letters from the Department in relation to staff at risk of 29 June 2021 and 7 July 2021.

2. Working Arrangements for Higher Risk Employees – 2021/22 school year

- 2.1 Arrangements are in place for the following employee categories to be facilitated by the employer to work remotely:-

- (a) an employee currently categorised by the Occupational Health Service (OHS) as 'Very High Risk' of serious illness from contracting COVID-19.
- (b) a pregnant employee currently categorised by the OHS as 'High Risk' of serious illness from contracting COVID-19, and working in a special education setting.

- 2.2 Where an employee had been advised by the OHS that he/she is at a very high risk of serious illness from contracting COVID-19 and is not attending the workplace, the employee remained on their normal salary and the employer appointed a substitute. Similarly, where an employee in the high risk group had been advised by the OHS not to attend the workplace, the employee remained on their normal salary and the employer appointed a substitute.
- 2.3 An employee in the 'high risk' group, as defined by the [HSE](#) attends the workplace, as normal.

3. Working Arrangements for Very High Risk Employees from 1st July 2022

- 3.1 From the 1st July 2022 (in most cases this will come into effect from the commencement of the 2022/23 school year), an employee in the [very high risk group](#) as defined by the HSE, as well as pregnant employees defined in paragraph 2.1(b) above, must attend the workplace if they are medically fit for work. The employer has a role in supporting the employee's return to the workplace.
- 3.2 An employer therefore can no longer facilitate remote working for an employee in the very high risk group. On this basis, OHS COVID-19 Health Risk Assessments are no longer available.
- 3.3 As these employees' OHS health risk categorisation status of 'Very High Risk' are due to expire before the 2022/23 school year, the employer is advised to ensure they carry out a workplace risk assessment, (as detailed at paragraph 4 of this Information Note), ahead of their return to the workplace at the commencement of the 2022/23 school year.
- 3.4 Employees whose OHS health risk categorisation status of 'Very High Risk' is due to expire and who consider they are medically unfit for work, must notify the employer immediately.
- 3.5 The arrangements referred to in 2.2 above will not apply from 1 July 2022 and any substitute staff will no longer be funded.

4. Risk Assessments

- 4.1 The employer has obligations under the Safety, Health and Welfare at Work Act, 2005 to ensure the safety and welfare of staff at work. It is the duty of the employer to carry out a risk assessment to meet these obligations, including workplace pregnancy risk assessments. For specific questions on health and safety and for updated legislation, please refer to the Health and Safety Authority (HSA) at link: <https://www.hsa.ie>.

5. Occupational Health Service

- 5.1 The Occupational Health Service is available to provide medical advice to an employer who has concerns about an employee's medical fitness for work (including COVID-19).

**Mark Bohan
Principal Officer
External Staff Relations**

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