

## **Appendix 3 Lead Worker Representative – Post-Primary Schools**

The COVID-19 Return to Work Safely Protocol is designed to support employers and workers to put measures in place that will prevent the spread of COVID-19 in the workplace. The Protocol was developed following discussion and agreement between the Government, Trade Unions and Employers at the Labour Employer Economic Forum.

The Protocol provides for the appointment of a Lead Worker Representative (LWR) in each workplace. The LWR will work in collaboration with the employer to assist in the implementation of measures to prevent the spread of COVID -19 and monitor adherence to those measures and to be involved in communicating the health advice around COVID-19 in the workplace.

The purpose of this section is to set out the provisions in respect of the LWR in schools. These arrangements will operate for the 2020/21 school year and will be kept under review by the parties.

This document should be read in conjunction with:

- the [COVID-19 Return to Work Safely Protocol](#);
- the [Guidance and FAQs for Public Service Employers during COVID-19](#);
- COVID-19 Response Plan for Post-primary Schools (available on the Department of Education website).

### **1. Collaborative Approach**

Responsibility for the development and implementation of the Covid-19 Response Plan and the associated control measures lies with the Board of Management/ Education and Training Board and school management.

Strong communication and a shared collaborative approach is key to protecting against the spread of COVID-19 in schools, and looking after the health, safety and wellbeing of staff and students. Adherence to the Return to Work Protocol will only be achieved if everyone has a shared obligation in implementing the measures contained within the Protocol in their place of work.

If a staff member has any concerns or observations in relation to the Covid-19 Response Plan, control measures or the adherence to such measures by staff, students or others, they should contact the LWR who will engage with school management.

### **2. Role of the Lead Worker Representative**

The role of LWR is separate to that of the Safety Representative under the health and safety legislation. However the Safety Representative may act as the LWR if selected to do so by the staff.

In summary, the role of the LWR is to:

- Represent all staff in the workplace regardless of role, and be aware of specific issues that may arise in respect of different staff cohorts;
- Keep up to date with the latest COVID-19 public health advice;
- Work collaboratively with school management to ensure, so far as is reasonably practicable, the safety, health and welfare of employees in relation to COVID-19;
- Consult with school management on the control measures required to minimise the risk of staff and students being exposed to COVID-19;
- Promote good hygiene practices, in conjunction with school management, such as washing hands regularly and maintaining good respiratory etiquette along with maintaining social distancing in accordance with public health advice;
- Assist school management with the implementation of measures to suppress COVID-19 in the workplace in line with the Return to Work Safely Protocol and current public health advice;
- Monitor, in conjunction with school management, adherence to measures put in place to prevent the spread of COVID-19;
- Conduct reviews of safety measures that are in place to address and suppress Covid-19 in the workplace. Reviews (including an examination of the workplace) should be conducted on a regular basis (at least twice per week);
- Report any issues of concern immediately to school management and keep records of such issues and actions taken to rectify them;
- Consult with the school management on the school's COVID-19 Response Plan in the event of someone developing COVID-19 while in school including the location of an isolation area and a safe route to that area;
- Following any incident, assess with the school management any follow up action that is required;
- Consult with colleagues on matters relating to COVID-19 in the workplace;
- Make representations to school management on behalf of their colleagues on matters relating to COVID-19 in the workplace.

### **3. What can a Lead Worker Representative Do?**

The LWR may consult with, and make representations to, school management on any issue of concern in relation to COVID-19. These include issues in relation to:

- Cleaning protocols and their implementation
- Physical Distancing
- Configuration/re-configuration of the school facilities, including classrooms, corridors, halls, open areas, entry and exit points, school grounds etc.

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

#### **4. Does a LWR have any legal responsibilities?**

**No. A Lead Worker Representative 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.**

#### **5. Lead Worker Representative(s)**

Every school will appoint one Lead Worker Representative.

In schools with more than 40 staff, a second Lead Worker Representative will be appointed.

#### **6. Selection of Lead Worker Representative(s)**

The school staff are entitled to select staff members for the LWR position(s). The LWR(s) represent all staff in the workplace regardless of role and must be aware of specific issues that may arise in respect of different staff cohorts. In this regard, where a school has two LWRs, the roles should be spread between teaching and non-teaching staff where feasible e.g. where there is a significant number of non-teaching staff in the school and one or more expressions of interest are received from that cohort (this will be discussed further between the parties).

The process for the selection and appointment of the LWR(s) is that management will seek expressions of interest from all staff in the first instance. A template email for this purpose is attached. If an election is necessary, all school staff have a vote to select the LWR(s).

The LWR(s) will, following selection by the school staff, be formally appointed by the BoM/ETB. The LWR(s) will be required to confirm, prior to taking up the role, that they have been provided with and have completed the requisite training and that they are fully aware of the requirements of the role.

#### **7. Supports for the Lead Worker Representative/s**

The LWR(s) shall be entitled to:

- Be provided with information and training in respect of their role [*further detail to be provided*];
- Be consulted by school management on the control measures being put in place by the school to minimise the risk of being exposed to COVID-19;
- Regular communication with school management on issues related to COVID-19;
- Be informed of changes in practice arising from COVID-19 response measures;
- Have access to any risk assessments prepared or carried out in relation to COVID-19 and to details of incidents of suspected COVID-19 cases that have been notified to the HSE, where they occurred and any actions taken.
- Be provided 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.**

Where the LWR is a teacher, the LWR will receive protected time of 2 hours per week from timetable to enable them to carry out their duties in that role. In the rare instances where the appointment of a teacher selected for the LWR would cause curricular/timetabling difficulties which cannot be resolved, school management will examine internal and external possibilities to enable the teacher's appointment as LWR. Where the matter cannot be resolved, management will set out the reasons why this is the case. In this circumstance, an alternative individual must be appointed as LWR.

Where the LWR is an SNA, 66 of the "72 hours" will be utilised by the LWR to carry out their duties in that role.

Where the LWR is a Secretary or Caretaker, a re-prioritisation of duties by school management should be carried out to afford the staff member sufficient time to carry out their duties in that role within the scope of their normal contracted hours.

## **8. Procedure for dealing with issues that arise**

Where a COVID-19 control concern is identified by the LWR (or is notified to the LWR by a staff member), the LWR should bring this to the attention of the Principal. Action points for addressing the issue should where possible be agreed between the LWR and the Principal as a matter of urgency. Staff should be informed of the outcome. It is envisaged that issues will be resolved at school level to the maximum extent possible.

If agreement cannot be reached, the LWR should notify the Board of Management (Chairperson in the first instance)/ Education and Training Board head office of the issue. Action points for addressing the issue should where possible be agreed between the LWR and the BoM/ETB head office as a matter of urgency. Staff should be informed of the outcome.

If, having exhausted the process above, a serious issue of concern remains outstanding, the LWR may have recourse to the [Health and Safety Authority](#).

## 9. Glossary of Terms

- **COVID-19 Response Plan:** plan designed to support the staff and BOM/ ETB in putting measures in place that will prevent the spread of Covid-19 in the school environment. The plan details the policies and practices necessary for a school to meet the Return to Work Safely Protocol, the Department of Education plan for school reopening and to prevent the introduction and spread of COVID-19 in the school environment. COVID-19 Response Plans for Post-primary Schools are available on the Department's website.
- **Labour Employer Economic Forum (LEEF):** the forum for high level dialogue between Government, Trade Union and Employer representatives on matters of strategic national importance - involves the Irish Congress of Trade Unions, Government & Employers.
- **Return to Work Protocol:** national protocol designed to support employers and workers to put measures in place that will prevent the spread of COVID-19 in the workplace.
- **Safety Representative:** Section 25 of the Safety, Health and Welfare at Work Act 2005 sets out the selection and role of the Safety Representative in the workplace. The rights of the Safety Representative are set out in legislation. (Note: A Safety Representative has rights and not duties under the 2005 Act). This role is separate to the LWR under COVID-19, but the Safety Representative may act as the LWR if selected to do so by the staff.

### TEMPLATE EMAIL TO STAFF REGARDING LEAD WORKER REPRESENTATIVE APPOINTMENT PROCESS

Dear All,

As you will be aware, significant work and consultation has taken place to enable a full return to school from the beginning of the 2020/21 school year.

The resumption of school-based teaching and learning and the return to the workplace of staff must be done safely and in strict adherence to the advice and instructions of public health authorities and the Government.

The COVID-19 Return to Work Safely Protocol is designed to support employers and workers to put measures in place that will prevent the spread of COVID-19 in the workplace. The Protocol was developed following discussion and agreement between the Government, Trade

Unions and Employers at the Labour Employer Economic Forum. In addition, every school has a COVID-19 Response Plan in place.

The Return to Work Safely Protocol provides for the appointment of a Lead Worker Representative (LWR) in each workplace.

The LWR will work in collaboration with the employer to assist in the implementation of measures to prevent the spread of COVID -19 and monitor adherence to those measures and to be involved in communicating the health advice around COVID-19 in the workplace.

A copy of the school's COVID-19 Response Plan is attached and this includes further detail on the role of the Lead Worker Representative.

In this school, there are (1 or 2 – *delete as appropriate*) Lead Worker Representative positions.

Under the Protocol, the school staff are entitled to select staff members for the LWR position(s). In this regard, I am now inviting expressions of interest from staff for these positions, by return email.

The LWR(s) represents all staff in the workplace regardless of role and must be aware of specific issues that may arise in respect of different staff cohorts. Where a school has two LWRs, the roles should be spread between teaching and non-teaching staff where feasible e.g. where there is a significant number of non-teaching staff in the school and one or more expressions of interest are received from that cohort.

Training for the role will be provided.

If an election is necessary, all school staff have a vote to select the LWR(s). Further details on this process will be sent to you if this arises. Following selection by the school staff, the LWR(s) will be formally appointed. The LWR details will be sent to all staff following their appointment.

Yours sincerely,

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Principal