

Return to Work Safely Protocol

Nomination & Appointment of Lead Worker Representative

The 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. All employers are required to appoint at least one lead worker representative in each workplace to ensure that COVID-19 measures are strictly adhered to in their place of work.

A collaborative approach to the implementation of the protocol is essential to achieve success and maximum buy-in. The Department of Public Expenditure and Reform Guidance and FAQs for Public Service Employers during COVID-19 (15 June 2020, paragraph 6.5) requires that:

The process for the selection and appointment of lead worker representative(s) should be discussed at an organisational level between employers, employees and employee representatives. There should be engagement between management and unions/associations, in line with appropriate arrangements, for engagement on the implementation of the Protocol. The lead worker representative may be a union member, or another member of staff, and will be appointed by the employer. Any arrangements should have the confidence of all parties.

The following principles for the nomination and appointment of Lead Worker Representative(s) have been agreed between HSE Corporate Employee Relations, on behalf of the public health sector, and the Health Service Trade Union Group. The position of Lead Worker Representative is a key role within the Return to Work Safely Protocol. The Lead Worker Representative will work collaboratively with the employer to assist in the implementation and monitoring of adherence of the measures to prevent the spread of COVID -19.

Every workplace will have at least one worker representative in place. The actual number of representatives appointed will be proportionate to the number of workers and the diversity of functions in the workplace and these key personnel will be clearly identifiable to all staff. The number of Lead Worker Representatives required in any location will be agreed locally between local health service management and full-time trade unions officials.

The Lead Worker Representative(s) should receive the relevant and necessary training for this important role through their employer¹. The employer will provide the Lead Worker Representative(s) with the necessary facilities to enable them to consult with employees or prepare any submissions or reports. This may include protected time and access to a meeting room, photocopier, communications, equipment, IT etc.

The principles set out below recognise the high density of trade union organisation within the public health service. The principles are listed numerically and should be adopted in that order to nominate and appoint Lead Worker Representative(s) within the identified workplace locations.

It is agreed the appointment of Lead Worker Representative(s) will result from this agreed procedure and will not require an election between candidates.

¹ <https://healthservice.hse.ie/filelibrary/coronavirus/summary-of-key-support-roles-implementation-of-hse-return-to-workplace-protocol.pdf>

Principles for the Nomination and Appointment of Lead Worker Representative(s)

1. Local Health Service Management (eg Hospital Group, Community Health Organisation, voluntary organisation, corporate services manager) will prepare a list of identified locations/services requiring the appointment of a Lead Worker Representative(s) within their region of responsibility. The completed list will be forwarded to the relevant full-time trade union officials as a matter of priority.
2. Local Health Service Management will agree with the full-time trade union officials the number(s) required. It is recognised that most locations/services will require at least ONE Lead Worker Representative. It may be determined that more are necessary due to the numbers and diversity of functions in larger facilities or the geographical spread of work sites covered by a given service.
3. The local Health Service Trade Union Group fulltime officials will agree a nomination(s) for Lead Worker Representative(s) in each location identified by Local Health Service Management (eg Hospital Group, Community Health Organisation, voluntary organisation, corporate services manager). There will be ONE agreed nomination confirmed by the Health Service Trade Union Group for each Lead Worker Representative position required in any location. This process will not result in an election.
4. Nominations for Lead Worker Representative will be advanced to Local Health Service Management by the Health Service Trade Union Group. Agreed nominations will be appointed by Local Health Service Management.
5. Where the Health Service Trade Union Group advise Local Health Service Management that they are not in a position to nominate an agreed candidate for Lead Worker Representative in any location:
 - Management will seek expressions of interest from staff employed within that location;
 - The exact number of Lead Worker Representative(s) positions to be filled will be consistent with the agreed number for each location. Following the closing date for expression of interest, management will advise locally the number of expressions received;
 - Selection of Lead Worker Representative(s) will be by lottery. Precise details can be agreed locally with candidates. This process will not result in an election. Local Health Service Management must ensure that the person appointed is suitable for the role.
6. Successful candidate(s) will be appointed by Local Health Service Management.
7. Lead Worker Representative(s) will represent all workers (union members, members of unions of which they are not members and non-union members) in the relevant location(s) and in accordance with the [HSE Guidance Document: Summary of key support roles/groups in the implementation of the HSE Return to Workplace Protocol](https://healthservice.hse.ie/filelibrary/coronavirus/summary-of-key-support-roles-implementation-of-hse-return-to-workplace-protocol.pdf)².
8. Disputes regarding the nominations and appointments of Lead Worker Representative(s) will be referred to a more senior manager and the relevant trade union official to seek resolution.

² <https://healthservice.hse.ie/filelibrary/coronavirus/summary-of-key-support-roles-implementation-of-hse-return-to-workplace-protocol.pdf>