

23rd June, 2020

Ms Heather Humphreys TD  
Minister for Business, Enterprise and Innovation  
Department of Business, Enterprise and Innovation  
Kildare Street, Dublin 2  
D02 TD30

Dear Minister

Thank you for your letter of 18<sup>th</sup> June 2020, in reply to mine of 21<sup>st</sup> May, 2020.

Congress is acutely aware of the limitations, to which you refer, of the current statutory provisions in relation to the reporting of occupationally acquired diseases to the HSA. It was in light of our understanding of those limitations that we proposed that you exercise your powers under *section 58* of the Safety Health and Welfare at Work Act 2005 to amend *Regulation 224* of the 2016 Regulation so as to provide that occurrences of COVID-19 in the workplace would be notifiable to the HSA. The rationale and statutory basis for our request were set out in detail in my letter of 21<sup>st</sup> May and do not require repeating.

I note that you have not expressly addressed our request in that regard. However, I take it from the general import of your letter that you are not disposed to making the necessary amendments. From our perspective, that is regrettable.

I fully accept that an infectious disease pandemic is primarily a public health matter. That, however, does not preclude the concurrent classification of COVID-19 as a serious occupational health and safety hazard. In particular health care workers continue to perform their duties in circumstances of serious and ever-present danger of contracting that disease. The situation in which they are, of necessity, placed is without precedent or parallel. Public transport workers frontline workers interacting with the public, airport and port workers are by virtue of the nature of their occupation also more exposed to the virus. As I have already pointed out, those circumstances present a danger of accidents and dangerous occurrences **at work**, within the meaning ascribed to those terms by the Safety Health and Welfare at Work Act 2005. In these circumstances, and for reasons adverted to in my letter of 21<sup>st</sup> May, it is our belief that the HSA cannot disavow a central role in promoting and encouraging the prevention of such accidents and dangerous occurrences.

I note what you say about the confidentiality of information concerning an individual's medical condition. That is clearly a matter of importance. However, as you may be aware, Occupational Health of the HSE submits all information re infection and or deaths of HCW to the State Claims Agency.

As we understand it all relevant GDPR requirements are complied with. Therefore I suggest that with the cooperation of all relevant parties any concerns in that regard are capable of being assuaged. In any event, we do not accept that such considerations, important as they are, can offset or supplant the overriding and fundamental requirement to protect workers, to the greatest degree possible, from contracting COVID-19 in the course of their employment.

For all of those reasons, and those set out in my earlier letter, and in light of the EU Parliament decision of 11<sup>th</sup> June to include Covid19 in the definition of Biological hazard as encompassed by the Biological hazard Directive, I must respectfully reiterate my request that you exercise your statutory powers to make the necessary amendment to Reg 224 of the Safety Health and Welfare at Work (General Application)(Amendment) (no.3) Regulations 2016 (S.I. 370 of 2016) so as to make occurrences of COVID-19 in the workplace notifiable to the HSA.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Patricia King', written in a cursive style.

Patricia King  
General Secretary