

**BY EMAIL ONLY**

**DATE:** 16<sup>th</sup> July 2021

**FROM:** Dr Colm Henry, Chief Clinical Officer, Health Service Executive

**TO:** CEOs Hospital Groups, Community Operations, HR Leads

**RE: Risk Assessment for COVID- 19 Vaccination for HCW**

Dear Colleagues,

As you know, vaccination against COVID-19 has been on offer to HSE staff for some months. Most healthcare workers have had the vaccine and we can see the benefits in terms of the dramatic reduction in cases of infection and disease among our colleagues.

Vaccination helps to keep our colleagues and the people they care for safe. It is important that we continue to do all that we can to support colleagues who may not be eligible for vaccination for specific medical reasons or who have not yet accepted vaccination for other reasons. In particular those who have chosen not to accept vaccination should have the opportunity to discuss concerns with someone who can provide them with the best available information on risks and benefits. The opportunity to avail of vaccination remains available at any time to people who decide to accept vaccination.

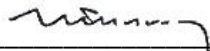
While we continue to support all HSE staff, we do need to manage the risks associated with potential transmission of the virus. On 28<sup>th</sup> May 2021, it was determined that, in certain circumstances, staff in high-risk areas may be asked to confirm their vaccination status by reference to the HSE's vaccine recommendations.

The recent guidance of the Data Protection Commissioner confirms the view that the HSE can lawfully collect this information for staff in high-risk areas, based on, for example, our obligations under the Safety, Health and Welfare at Work Act 2005 and the Medical Officer of Health legislation. This is of course subject to the assessment of the health and safety risks presented, as specifically required under the Safety, Health and Welfare at Work (Biological Agents) Regulations, 2013. Additionally, it is subject to the assessment of risks associated with employee's rights under data protection legislation.

The HSE's updated risk assessment guidance is enclosed. This assessment will enable localised health and safety risk assessments to be conducted for staff in high-risk areas in order to determine their risk status. Such assessments may be done on an employee by employee basis or, where appropriate, by reference to groups of employees where those employees are engaged in the same or similar tasks. In carrying out these assessments, consideration may need to be given, in appropriate cases, to the need to temporarily redeploy staff to other, lower-risk areas, based on their vaccination status, for example. Where re-assignment is necessary to protect staff members and patients/service users, that reassignment will be reviewed as the situation evolves.

The HSE's assessment of the impact of these measures by reference to data protection principles are currently being completed and will be circulated in the near future. This will include guidance on retention of records.

Yours sincerely,



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Dr Colm Henry  
Chief Clinical Officer