



17 Kildare St.,  
Dublin 2.

Mr Micheál Martin TD,  
Government Buildings,  
Merrion Street Upper,  
Dublin 2.

18<sup>th</sup> November 2021

Dear Taoiseach,

I am writing to you on behalf of an ISME National Council which is extremely exercised about the apparent drift and lack of control in our management of the pandemic, and the short-notice announcement of further measures on 16<sup>th</sup> November. It is far from clear that this will be the last announcement on the matter.

We completely appreciate that with case numbers rising as fast as they are, and with patient numbers in critical care increasing at an unsustainable rate, Government must act. However, we note with concern the apparent absence of a strategy to contain this virus months after successful exemplars are available to us from elsewhere.

Our members feel that rather than focussing on measures that will actually manage this pandemic, the knee-jerk response on every occasion where case numbers rise is to attempt some form of societal and business lockdown. Specifically, we ask Government to consider the following:

1. The Work Safely Protocol developed by LEEF (from which ISME continues to be excluded) has never defined the status of vaccination as anything other than a public health matter. On this basis, the DPC has stated that there is no basis for employers ascertaining the vaccination status of their employees. Ireland's interpretation of the GDPR in this regard appears significantly at odds with that of some other member states. The latest copy of the protocol continues to leave employers in limbo. The proportion of our critical care beds occupied by the unvaccinated shows that this is a demonstrable failure of the protocol, for which society as a whole is now paying the cost.
2. 20 months into this pandemic, we have yet to see an ability for the HSE to provide adequate surge capacity in critical care beds, despite the fact that our low critical care bed to population ratio is one of the few areas in which our health system has underperformed peer countries for a long time.
3. Our very successful, rapid and early vaccination program should have dictated that we would require an effective booster program sooner than peer countries.
4. The persistent and unscientific resistance of NPHET members to antigen testing makes it exceptionally difficult for them to retain public confidence and credibility when they attempt a U-turn on its efficacy as they did this week. The Report of the COVID-19 Rapid Testing Group

clearly indicated last April that antigen testing has a role to play, but it must be available at scale, and at low cost.

5. Control measures which appear arbitrary, such as the closure of night venues at midnight, are difficult to justify on the basis of logic, and ultimately undermine the Government messaging.

The ability to admit mistakes is critical for officials who wish to retain credibility with the public in the management of a pandemic in a dynamic environment. In view of the series of public blunders by NPHEC in its handling of the rapid antigen testing issue, we wrote to Minister Donnelly in May<sup>1</sup> to ask him to critically consider the advice he was receiving from that team. It is apparent, even from the mealy-mouthed endorsement of antigen testing by the Chair of NPHEC's Modelling Group on Morning Ireland today, that NPHEC opposition to antigen testing has not gone away. We believe this problem can no longer be ignored.

As I stated to the Joint Oireachtas Enterprise Committee yesterday, if public health measures must flex to manage the pandemic, then business and personal supports will also need to do so. This would suggest that workers who have been affected by the latest series of measures announced on 16<sup>th</sup> November should have the ability to sign back on to the PUP payment if necessary, and business supports must be reviewed as appropriate.

More important than all the above, however, is for the Government to exercise robust command, control and communications in its management of this pandemic. In our view, this has been absent. The timing of NPHEC meetings is demonstrably more important for the media than that of cabinet meetings. Between the former and the latter, members of the business community are forced to scrutinise the Twitter feeds of political correspondents to glean what the public health response will be. This is utterly demoralising, confidence-sapping and completely unacceptable. While availing of the best professional advice available to it, it is a matter for Government alone to exercise executive authority in the management of this pandemic.

Yours sincerely,



Neil McDonnell  
Chief Executive

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Leo Varadkar TD, Tánaiste and Minister of Enterprise, Trade and Employment  
Stephen Donnelly TD, Minister of Health  
Martin Fraser, Secretary General, Department of An Taoiseach  
Dr Orlaigh Quinn, Secretary General, Department of Enterprise Trade and Employment  
Robert Watt, Secretary General, Department of Health

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<sup>1</sup> <https://www.isme.ie/lobbying/policy-submissions/letter-to-the-minister-of-health-on-antigen-testing/>