

**Protecting
workers' safety in
the coronavirus
pandemic**

Introduction

Keeping the UK's economy moving during this exceptional time is essential.

We know from our member unions that many good employers are working with their unions to agree safe working practices – making changes to their usual ways of working, developing appropriate risk assessments, and communicating clearly with staff. Effective, pragmatic working between government, employers and unions enables us to share expertise and experience and to design solutions that can work.

But we are also hearing of too many employers across a range of sectors that are not making the practical changes needed to keep work as safe as possible for their staff. This includes unsafe working practices in services and sectors including retail, logistics, energy, waste management and parts of the public sector (including schools).

Keeping the economy running must be balanced with workers' welfare and wider public health objectives. The evidence we have is that this balance is not currently being achieved, with far too many people facing unnecessary risk. It remains unclear to many of our members why the social distancing and public health measures they are being asked to take at home and in the community are no longer always required nor enforced when they enter the workplace.

We therefore call on the government to provide further direction to employers on what they need to do to ensure safe working, and to set out the enforcement action that they will take against those that refuse.

The TUC has five key asks:

- Strengthen government guidance on the safety measures all employers must give consideration to now.
- Regulate to require employers to undertake proper risk assessments in line with guidance and in consultation with union reps, accompanied by meaningful enforcement action and sanctions for those employers that are unwilling to comply.
- Establish a tripartite network, involving employers, unions and the HSE, with the power to instruct employers that refuse to take reasonably practicable safety measures to cease work.
- Ensure protection from detriment for workers with genuine concern of being exposed to COVID-19 risk.
- Urgent action on the provision of PPE – particularly to those workers who are subject to prolonged and direct exposure to the virus, such as health and social care professionals – followed by a wider roll out across all sectors of the economy.

This urgent should include detail on procurement, distribution, timescales and exactly how and when workers can expect to get the protection they need and deserve. Government must utilise the skills of the UK manufacturers to urgently increase supply – with clear systems in place for employers to report shortages and shortfalls. And we call on the government and employers to guarantee that no member of staff will be put under pressure to perform tasks without adequate protective equipment.

Current government advice to businesses

Current government advice to employers falls into two areas:

- Identifying those businesses and venues that should remain closed in order to prevent social contact and contain the spread of the virus – a list of those businesses can be found [here](#).
- Setting out measures that employers should take to ensure the safety of those workers in businesses that remain open – consistent with advice from the Chief Medical Officer.

These measures include:

- Where businesses continue to open, employers should take every possible step to facilitate their employees working from home.
- Those workers who cannot work from home can still travel to work, provided they are well and no one in their household is self-isolating.

Employers who have people in their offices or onsite should ensure, *where possible*, that employees are able to follow [Public Health England guidelines](#) which state that:

- businesses and workplaces should encourage their employees to work at home, wherever possible
- if someone becomes unwell in the workplace with a new, continuous cough or a high temperature, they should be sent home and advised to follow the advice to stay at home
- employees should be reminded to wash their hands for 20 seconds more frequently and catch coughs and sneezes in tissues
- frequently clean and disinfect objects and surfaces that are touched regularly, using your standard cleaning products
- employees will need your support to adhere to the recommendation to stay at home to reduce the spread of coronavirus (COVID-19) to others
- those who follow advice to stay at home will be eligible for statutory sick pay (SSP) from the first day of their absence from work
- employers should use their discretion concerning the need for medical evidence for certification for employees who are unwell. This will allow GPs to focus on their patients
- if evidence is required by an employer, those with symptoms of coronavirus can get an isolation note from NHS 111 online, and those who live with someone that has symptoms can get a note from the NHS website
- employees from defined vulnerable groups should be strongly advised and supported to stay at home and work from there if possible

In the FAQs provided as part of the guidance, the government currently advises employers that businesses can remain open, even where the safety measures outlined above are not deemed possible:

FAQ: If I have to have people on site but cannot fully follow health guidance on social distancing at work due to the nature of the work, can I continue to operate?

Yes, you can continue to operate so long as the guidance is followed where possible. This is consistent with the Chief Medical Officer's advice.

The TUC has concerns about several areas of the guidance.

Currently there is little in the way of enforcement to prevent employers from failing to follow measures. It is not clear how reports are made, how viability of the measures is determined, or what threshold of measures must be broken in order for the HSE or Environmental Health and Trading Standards to investigate a breach. Nor is it clear the detail of any penalties which could be incurred.

There is a lack of clarity on how two-metre distancing can be accommodated, or when a deep clean should take place. This is an issue where employers continue to encourage workers to attend work when it could reasonably be done from home, fail to make adjustments to accommodate distancing, or when an employee has a confirmed case of COVID-19.

More detail is required if employers are to be expected to support the most vulnerable in being 'shielded'. While the most vulnerable workers are being advised to stay home, there is no recommendation in this guidance that they will at least be eligible for SSP or could be placed on the Job Retention Scheme.

What is the current situation in our workplaces?

We know from our member unions that many good employers are working with their unions to agree safe working practices – making changes to their usual ways of working, developing appropriate risk assessments, and communicating clearly with staff.

But we are also hearing of too many employers across a range of sectors that are not making the practical changes needed to keep work as safe as possible for their staff. This includes unsafe working practices in services and sectors including retail, logistics, energy, waste management and parts of the public sector (including schools).

The TUC has received over 1000 contacts from workers about their concerns about unsafe working in the current crisis. Key issues reported to us from workplaces included:

- Over 450 people told us that they had not been supplied with appropriate PPE
- Over 420 told us that they did not have adequate hygiene or social distancing measures in place

- More than 240 workers said that their employer was not putting in place specific support for vulnerable colleagues
- Just over 100 said that they were being forced to take non-essential journeys on public transport as a result of being asked to come in to work.
- A similar number reported that no support had been given to parents with children in schools that had closed.

In addition to the responses indicated above, we also got a number of case studies from workplaces around the country, including:

Sarah (not her real name) is a retail worker from Hertfordshire. She is concerned about safety in her store. She told the TUC: "There's no extra cleaning measures being put in place. Our tills are closer than 2 metres apart, and we aren't being given hand sanitiser or gloves. We don't have social distancing in the queues at the checkout and customers are standing too close to each other and to staff."

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Jenny (not her real name) is a social worker from the North West. She's worried about her working environment during the coronavirus outbreak. She told the TUC: "Our office isn't being cleaned regularly, and there's more of us in the office than normal as we've been told we have to come in and attend a daily meeting where a register is taken. We don't have any PPE and we haven't been given any disinfectant wipes – we have to buy and bring our own."

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Lola (not her real name) works in a care home in Shropshire. She thinks contamination may be an issue in her workplace. She told the TUC: "Our cleaner is off work ill at the moment, so the residential home is being cleaned by just one person, once a week. Nothing is getting disinfected properly – a wipe down isn't enough. We should be having our temperature taken when we arrive at work, but the thermometer has gone missing so this isn't happening. Masks are only just now being given and not all staff are wearing them."

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Kyle (not his real name) works in a school in the South East. He told the TUC: "I work in a school and we are caring for key worker children. Regular cleaning only happens if we do it ourselves. We need some PPE as it is impossible to help children learn without leaning in close. It would be helpful to have testing in this situation as we are exposed and could be passing the virus on to children."

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Dean (not his real name) works in social care in the North West. He's worried he doesn't have any protection from the virus at work. He told the TUC: "We have to go into people's homes to provide personal care, but we have only been provided with paper type masks, I haven't got mine yet, so we are relying on hand washing as a method of preventing the spread of the virus. Basically nothing has changed in the way we work, although they have said they will let us know if anyone is suspected or confirmed to have the virus."

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Mike (not his real name) is in his 60s and works for a private postal company in London. He told the TUC: "We cannot social distance correctly according to government guidelines due to space. We do not have PPE although we deal with external couriers and hundreds of packages and letters a day that could be contaminated. The postroom is open daily and we are expected to get public transport to and from work."

What does good practice look like?

Unions have negotiated many good agreements with decent employers.

Consulting with union safety reps is one of the best ways to ensure safe working takes place. Where businesses are remaining open we call on all employers to engage urgently with union safety reps to guarantee workers and the wider public are not exposed to unnecessary risk.

Together with their workforce, all employers continuing to operate should do all they can to put safe working practices in place. As a minimum, this should include:

- giving consideration to issues including supporting working at home wherever possible,
- supporting workers to get to and from work safely (including waiving any car parking charges to minimise the need for workers to utilise public transport)
- introducing changes in working practices to reduce risk and promote social distancing (including split shifts, staggering start and finish times)
- furloughing non-essential staff making use of the government's job retention scheme.
- Union health and safety reps should be involved wherever they are present in the workplace.
- PPE should be provided alongside other safer working measures

In recent weeks we've seen unions and employers reaching good agreements in support of safer working, including:

- The GMB union negotiated with Matalan for all warehouse workers to be offered furlough after it was clear that guidance on social distancing could not be adhered to.
- Similarly, USDAW worked with Next to highlight the concerns of their members in overcrowded warehouses and welcomed the decision to close all warehouses after safety could not be guaranteed.
- Unison and Unite have negotiated arrangements with Warrington Council and the LB Newham to apply safe distancing and other safety measures for refuse workers.
- At UPS delivery service, Unite has negotiated with management for all pregnant workers to be sent home on full pay for 12 weeks.

Recommendations for further government action:

As we've seen, unions and employers can take action together to make workplace safer. But we're seeing too many examples of unsafe practice, forcing workers to take unnecessary risks threatening their own safety and undermining public health objectives.

Therefore, we believe the government needs to go further in support of safe working. We have set out 5 key areas where we think the government can take further action:

- Provide stronger government guidance on the measures all employers should give consideration to.
- Make it a regulatory requirement that employers undertake proper risk assessments in consultation with union reps, where present, and put in place whatever safer working measures in line with those assessments.
- The government should introduce a tripartite network, involving employers, unions and the HSE, which should have the power to instruct employers that refuse to take reasonably practicable safety measures to cease work. Employers should not be able to get away with refusing to put in place whatever safer working practices they can.
- A number of individuals have been identified by government as particularly vulnerable to COVID-19, and others may live with those who are particularly vulnerable. In some workplaces, travel to and from work or the type of work being undertaken may limit the extent to which safer working practices can be put into place. Workers who have a genuine concern that they or their families are being exposed to avoidable COVID19 risk should be protected from detriment if they refuse to go to work during this period.
- We need urgent action now on the provision of PPE – particularly to those workers who are subject to prolonged and direct exposure to the virus, such as health and social care professionals - followed by a wider roll out across all sectors of the economy. This should include transparency and detail on procurement, distribution, timescales and exactly how and when workers can expect to get the protection they need and deserve. Government must utilise the skills of the UK manufacturers to urgently increase supply – with clear systems in place for employers to report shortages and shortfalls. And we call on the government and employers to guarantee that no member of staff will be put under pressure to perform tasks without adequate protective equipment.