

Manufacturing update 9: A SAFE RETURN TO WORK? A DISCUSSION WITH GOVERNMENT



Given the reporting of discussions about a phased, safe return to work I thought it would be useful to give you an update on where these discussions have come from and where they're currently at.

We've been in discussions with BEIS and other government departments about what a phased easing of the current lockdown looks like. **These discussions have NOT been about timescales but process.** We are of course, aware that government is looking for something to say on this, possibly as early as Thursday, as part of a wider announcement on a plan to loosen the lockdown currently scheduled for Sunday (10th May).

- ⇒ The **status of any document vis-a-vis devolved administrations is unsure** with the Welsh and Northern Irish Assemblies and the Scottish Parliament being responsible for many of the issues covered. The government are only stating they are in discussion and seeking to issue UK wide guidance.

At all times our involvement is guided by the need to protect workers, our families and communities from a virus killing thousands of people and not of course Johnson's desire for a political soundbite.

- ⇒ Separate discussions are running alongside the groups covering: **schools, childcare and public transport** all of which are essential to any return to work, alongside practical issues related to the long-term extension and flexibilities required within the **Job Retention Scheme (JRS)**, the phasing of any return to work to address issues in **supply chains** (often global), the need for **deep cleansing** regimes, **scheduled maintenance** and the **changes to work organisation** as well as strengthening **demand in the economy** to avoid a deep and damaging recession and **consumer confidence** to spend money at the end of this.

The discussions being reported are coordinated via the TUC and have only been in connection with a safe return to work. They have been grouped into seven sectors with Unite represented in each:

Working in

1. Other peoples' homes (plumbers, electricians, white goods repair, lifts) – Linda McCulloch
2. Offices and contact centres (call centres, laboratories, administrative) – Gail Cartmail
3. Factories, plants and warehouses (manufacturing including food and ports) – Steve Turner
4. Vehicles (shared cabs, refuse, distribution and delivery) – Diana Holland
5. Hotels, bars and restaurants (take-away) – Dave Turnbull
6. Outdoors (construction, energy, infrastructure, agriculture) – Gail Cartmail
7. Shops (non-food retail) and branches (banks etc) – Louisa Bull

Each of the discussion documents are organised into the following areas

1. Risk Assessment
2. Who should go to work
3. Social distancing at work
4. Managing customers, visitors and contractors
5. Cleaning and sanitising

6. PPE
7. Workforce management
8. Inbound and outbound goods

A draft document for each group (widely leaked) was issued Sunday at 10am with an opportunity for participants to comment only until 10pm. **Needless to say this is wholly unacceptable as is the content of the draft guides.**

While it's not useful to detail every issue here needless to say that:

- ⇒ The guides are **generic and non-enforceable**, referencing throughout employers needs to 'consider' appropriate actions rather than providing clear, enforceable instructions. Even references to **risk assessment**, which is a statutory duty, are not referenced as such and neither are the rights of union appointed **health and safety representatives**.
- ⇒ There is **no detail on the question of PPE or test and trace** protocols in any of the documents with government awaiting further guidance from SAGE.
- ⇒ There is **no reference to some very good 'best practice'** which has been developed jointly between unions and industry federations/companies across the economy.
- ⇒ Monitoring and **enforcement is not addressed** and neither is the **need for inductions** on any return to work to familiarise workers with changed systems of work and work practices.
- ⇒ **Social distancing in the guidance has become a mess.** There is no clear position despite very clear public health instructions outside of the workplace.

Frances O'Grady responded to Alok Sharma, Secretary of State for BEIS, collectively on our behalf and the significant concerns raised in this letter include:

- The guidance is not binding on employers and suggests that where safe working practices cannot be achieved employers should continue to operate. The guidance repeatedly suggests that "employers should consider" actions such as enabling social distancing or providing handwashing facilities, but also suggests individual employers can decide to ignore the suggestions.
- There are no recommendations on Personal Protective Equipment (PPE). Trade unions cannot be expected to comment on the appropriateness of safe working practice without knowing what the government is asking employers to consider in terms of workers' use of PPE.
- There is no requirement on employers to publish their risk assessments, nor to agree them with recognised unions. The language about risk assessments fails to make clear that this is an existing legislative requirement that is binding on all employers of more than five people. We believe that every employer should publish their risk assessment on their own website and on a government portal – before workers return to workplaces en masse.
- No reference is made to the Health and Safety Executive's existing powers, for example to issue prohibition notices, nor to workers' existing rights to refuse to work in situations which present a serious and imminent danger to them. We believe that there needs to be a clear

regime of sanctions set out, alongside a willingness to use them, to ensure that employers keep their workforces safe.

- The wording around those who are in vulnerable groups (for example pregnant women) appears to suggest that they can be expected to work in unsafe environments, in violation of their existing rights under health and safety law.

I have attached the TUC's initial response to BEIS for your information as it is a collective submission on behalf of us all.

Unite's specific concerns have been fed back to BEIS both in writing and in on-going meetings on this within the above groups, as has our practical advice and technical input in an attempt to shift them to an acceptable position. Only time will tell whether government is listening or not and if we can get to an acceptable position with them. It should be said that the concerns we've raised have also been raised by a number of industry federations and businesses.

RIGHT NOW WE COULD NOT SIGN UP TO OR ENDORSE ANY OF THE DOCUMENTS.

I would reinforce that this is not a discussion about a return to work date, this has been preparatory work to examine what measures need to be considered and put in place prior to any planned loosening of the lockdown. This is the reason we circulated early our survey to manufacturing convenors covering the various challenges and concerns about a return to work across our sectors.

Other major issues outside of workplace safety remain, including;

- ⇒ **Public confidence, not only workers but their families and wider communities.** People are genuinely fearful and anxious and this needs to be addressed in a much wider public debate. The simple soundbite narrative of '*Stay home, protect lives, protect the NHS*' will need to change and that's a complex narrative and journey the public need to be taken on over a period of time.
- ⇒ The issues raised above on **flexibilities within the Job Retention Scheme** need to be addressed. Very few employers will be able to simply open the gates, closing an economy is one thing but reopening it is more difficult. We will need confidence that the JRS is here for the long-term as companies phase a return, it will need to accommodate flexibilities such as short-time working, worker rotation, and shared work.
- ⇒ Workers will not be able to return to work if **childcare and other caring responsibilities** are not addressed. Discussions are on-going with the teaching unions (including Unite) on a timetable for **schools to reopen alongside childcare facilities**. We are fast approaching scheduled summer holiday in some nations which will impact on any early opening of schools.
- ⇒ **Travel to and from work** is a huge issue and the safe use of **public transport**, including social distancing enforcement, is something we have been raising consistently but will do more so in discussions about a wider opening of the economy and increased use.
- ⇒ **Demand in the economy is a major concern and will determine whether we enter a deep recession even a depression (1920's style) as we come out of this.** In part this was the rationale for the JRS, to keep money in people's pockets and try to avoid growing debt levels. Some sectors such as aviation and hospitality will be affected for a considerable

period of time and the knock on from these sectors will be felt across the economy, particularly in the services sector, print and manufacturing.

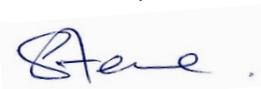
⇒ We are **discussing investment plans and diversification of product manufacturing** to meet the demands of a new economy as we come out of this. The **climate emergency** has not gone away and if there is less demand for our traditional products we have to focus on what it is we need to transition our economy in a fair and just way to produce the products of the future.

All of this is under discussion with various government departments, industry federations and companies right now. It's a busy time for us all but it's an important time for us all to stay in contact, share our thoughts and ensure we come through this in as strong a position as possible.

Finally, it's a sensitive conversation right now but it is a reality that unemployment, poverty and ill-health kills as much as any virus and the impact of a deep recession will last for longer than the current pandemic. While of course we have to protect our members health and address the public health issues from Covid-19, the thousands of deaths and other health problems it is causing, we also have to protect the long-term future of our regional and national economies, jobs and our communities. These will be devastated by recession and/or many more years of austerity forced onto working class communities who many in government will want to pay the price yet again.

I trust as always that this is helpful.

In solidarity



Steve Turner
Assistant General Secretary