Covid-19
Coronavirus

Guidance to unions (Updated January 2021)
1. Understanding the issue

The coronavirus pandemic has created an unprecedented situation for public health and the economy. Thousands of lives have been lost in the UK and worldwide, as many workers continue to put their lives at risk.

This guide is for trade union reps, designed to give you an understanding of the workplace issues in the context of Covid-19 and to provide support in being effective at negotiating with employers steps that can be taken to best protect the health and safety of the workforce.

It is vitally important that workers understand their right to safety in the workplace. It is an employer’s legal duty to introduce health and safety measures to protect workers from illness and injury – and Covid-19 safety measures are no exception.

Nobody should be made to work in unsafe conditions. If you have a concern about your safety at work, speak to your union.

What is coronavirus?

A coronavirus is a group of viruses which normally cause mild illness, with symptoms similar to a common cold. The novel coronavirus is the term used for strains not previously identified in humans. The latest strain, first identified in November 2019 in China, has now formally been named SARS-CoV-2, which causes the disease known as Covid-19.

Symptoms can include a fever, fatigue, dry cough and difficulty breathing, as well as loss of taste and smell. Several other symptoms have also been reported, but many carriers, particularly if they are healthy, may experience no symptoms whatsoever. Following transmission, symptoms take an average of 5 days to begin – this differs to flu viruses which tend to incubate very quickly.

The disease is air-borne and is contracted by breathing in aerosols, or viral droplets ejected during coughing, sneezing or breathing. The virus can survive in the air, or on non-living objects for hours.

New Strains

The Covid-19 virus as first identified in 2019 has mutated several times. However, a new strain first detected in South East England in late 2020 has been shown to be much more contagious than before. While it does not seem to be the case that the new strain has worse health outcomes, this does mean that safety control measures are even more important to limit the spread.
In severe cases, the virus can cause life threatening complications.

While everyone is at risk of contracting Covid-19, the risk of complications and death is higher for certain groups, particularly those over the age of 65 or with certain existing health conditions.

What is a 'pandemic'?

A pandemic is an outbreak that affects hundreds of millions of people worldwide, leading to a large proportion of them becoming ill. Pandemics occur when a virus with very different features emerges.

Because it is new, people have little or no immunity to it.

Normally there are around two or three such pandemics every century. The most recent was in 2009 with the H1N1 virus, commonly referred to as ‘swine flu’. Around half a million people died globally. An earlier outbreak of the same H1N1 virus in 1918 caused an estimated 20-40 million deaths worldwide, mostly among people aged between 20 and 45.

As of 11th March 2020, the World Health Organisation has defined the Covid-19 outbreak a pandemic.

How does it spread?

The main way the virus spreads is airborne transmission – i.e. breathing in the air of an infected person. Another way is contamination from viral droplets, when someone carrying the virus coughs or sneezes. Both aerosol and viral droplets can travel up to six metres, making person-to-person transmission particularly likely.

Who should be in isolation?

Current advice recommends that anyone who is able, should maintain social distancing and work from home where possible.

Anyone with suspected symptoms of Covid-19, or who has made contact with someone who has tested positive, should self-isolate. This will include anyone contacted via the Test and Trace app. You should stay at home, avoid unnecessary travel and not attend your place of work.

The NHS has also issued advice to clinically extremely vulnerable people, who should limit social interactions, due to being at greater risk of complications from Covid-19. These people are advised to stay home, and not attend the workplace. See the section on 'shielding' for more information.

How is it treated?

For those testing positive for Covid-19, medications used to treat the flu can reduce symptoms, such as coughing and aches and pains.

For those with more serious symptoms, hospitalisation may be necessary where use of a ventilator and other treatment may be required.

Preventative treatment is now also available. Several vaccines have been developed for Covid-19, and are now being administered to certain sections of the population, including older people and
workers in health and social care.

2. Why COVID-19 is an issue for trade unions

Covid-19 is having an unprecedented effect on working life. Trade unions can play a vital role in keeping workplaces safer, and keeping workers’ informed of their rights.

The TUC believes that trade unions and employers, working together, can make a significant difference to ensure that the effects of the outbreak are minimised, that the workforce is educated and informed on how to limit transmission, protected and equipped appropriately, and to ultimately limit further loss of life.

Trade unions are challenging employers every day and the government over inadequate sick pay offers, failure to provide personal protective equipment (PPE) and testing, and the urgent need to safeguard jobs in disrupted industries.

Unions will play a major part in keeping infected workers at home and not in the workplace.

Self-isolation

Self-isolation, or quarantine, is encouraged to prevent the spread of Covid-19. Anyone who has, or who may have, been exposed to the virus is recommended to limit the number of people they come into contact with for at least 10 days.

The government and local health protection teams are advising people to self-isolate if they are:

- Waiting for a Covid-19 test result
- Have tested positive for Covid-19
- Identified as being a close contact of someone with coronavirus via the Test and Trace app or otherwise.
- Returning from travel in certain locations. You can find an up-to-date list on the government’s website: https://publichealthmatters.blog.gov.uk/2020/02/20/what-is-self-isolation-and-why-is-it-important/

The government has also set out guidance on measures to take while in isolation, including interacting with other people in your home: https://www.gov.uk/government/publications/wuhan-novel-coronavirus-self-isolation-for-patients-undergoing-testing/advice-sheet-home-isolation

Some employers will also have their own recommendations and requirements for self-isolation.

Shielding

Certain people are more at risk of Covid-19 complications and death and have been advised to take more precautions to avoid risk of transmission.

Some people are identified as vulnerable due to age, weight, or existing health condition. Others are included in what the NHS has classified as ‘clinically extremely vulnerable’ (CEV) and are advised to ‘shield’.

During the shielding period, CEV people are advised to stay at home. If they cannot work from home, employers are advised to look for alternative roles they can fulfil from home. Failing that, shielding workers should be considered for furlough. Nobody should be losing pay as a result of an existing health
condition and NHS advice to shield. Unions should negotiate on this basis.

The letter from the Department and Health and Social Care, sent to those in the CEV category, can be used as evidence to employers. Workers may also wish to consult their GP for additional advice.

No worker who is CEV should be made to go to work while advised to shield. This may constitute disability discrimination and unions will need to ensure this is not happening.

Any instance of a CEV worker being coerced into the workplace can be reported to the Health and Safety Executive.

Specific health conditions include:
- chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis
- chronic heart disease, such as heart failure
- chronic kidney disease
- chronic liver disease, such as hepatitis
- chronic neurological conditions, such as Parkinson’s disease, motor neurone disease, multiple sclerosis, a learning disability or cerebral palsy
- diabetes
- problems with your spleen – for example, sickle cell disease or if you have had your spleen removed
- a weakened immune system as the result of certain medication
- those who are pregnant (see TUC specific advice for pregnant workers here.)

This list is not exhaustive. In the week of 23rd March 2020, the NHS wrote to 1.5million of the most high risk people to ask them to self-isolate for 12 weeks.

CEV people have also been identified for the first phase of the Covid-19 vaccination roll-out.

Workers who are vulnerable, but are not considered CEV, may also be concerned about travelling to and attending work. They may wish to consult a GP for advise on attending the workplace.

Some unions have had success in getting employers to carry out individual risk assessments for vulnerable workers. This should take into account pre-existing conditions as well as job role and functions, commute and the risk of transmission. Employers can also be encouraged to consult occupational health and make support available to all workers.

**Long Covid**

Many people who have had coronavirus are reporting symptoms which last long after the disease is present in the body. Even people who are not identified as CEV are experiencing severe health problems after contracting Covid-19. Very little is currently known about the extent of the long-term effects, but the group of symptoms have become known as ‘Long Covid’.

It is important that workers experiencing this are able to report this as an ongoing illness. In some cases, symptoms will constitute a disability, and workers will require adjustments or even time off work. It may also not be appropriate to carry out usual tasks. For example, fatigue and ‘brain fog’ can cause risk of accidents and injury at work. Unions should encourage workers experiencing these symptoms to report
them, and remind employers of their responsibility in upholding the rights of disabled workers, protecting health and safety, and ensuring anyone affected is offered appropriate support, including occupational sick pay and access to occupational health advice.

The NHS has established the **Your Covid Recovery** scheme for those experiencing these symptoms.

**Home working**

Employers have been instructed to allow working from home where possible.

There are measures that can be taken to ensure working from home is adequate, and it is important to remember that employers still have a duty to ensure workers are safe regardless of where they are working from.

That means looking at issues around appropriateness of space, equipment, temperature and the management and coordination of work. Issues reps should raise with bosses include:

- Ensuring their home is a safe, secure place of work, taking into account ergonomics. See the [HSE’s advice](#) on workstation set-up.
- No worker is expected to pay for their own equipment i.e. computers or wifi.
- Workers are offered flexibility with regards to hours, to accommodate those with caring responsibilities.
- Any benefits related to usual place of work are maintained (for example if lunch or childcare is paid for).
- Steps are taken to address concerns of isolation and loneliness.
- Unions should be consulted in any WFH policies
- Disable workers requiring reasonable adjustments are accommodated for

For many, home working has now become a long-term reality. This means employers have a duty to ensure workstations meet certain DSE (display screen equipment) standards. This is very important in mitigating risk of future repetitive strain injury or musculoskeletal problems. See this [checklist](#) to support your risk assessment.

Unions should request employers conduct a risk assessment for home working. See our guide on what to expect in a WFH Risk Assessment.

**Risk Assessments**

Specific Covid-19 risk assessments under Control of Substances Hazardous to Health Regulations 2002 (COSHH) should be performed in all workplaces. This is a legal requirement, and employers must consult workers on this process, via the trade union where one is recognised. It is also advised that all employers make their risk assessment publicly available. Unions can report employers risk assessments as published or not via the TUC [website](#).
Certain things should be included in all Covid-19 risk assessments, for example social distancing, ventilation and access to hygiene facilities. The government has produced specific sectoral guidance to employers on what should be considered in the risk assessment process. Reps should refer to any specific advice from their sector unions on measures being recommended: https://www.tuc.org.uk/unions

The TUC also encourages unions to request individual risk assessments for workers who are deemed vulnerable to Covid-19, for example due to age, health reasons or pregnancy. These should be carried out by employers, taking into account their role, likelihood of exposure and what steps can be put in place to limit exposure, including working from home or changes to duties. No worker should be denied pay on the basis of their vulnerabilities, even if this means they cannot be in the workplace – this may be considered a case of discrimination.

You can also access the TUC’s general guide to risk assessments, and the visual guide on the Return to Work Risk Assessment.

Remember: conducting a workplace risk assessment and consulting with workers is non-negotiable, employers must do this by law. They must also write it down if there are more than 5 employees.

Risk reduction should follow a hierarchy of controls model. Begin by eliminating the possibility of transmission, and if this cannot be done, substitute the activity, and so on. PPE should be considered as a last resort control measure, as it is the least effective.

Do not allow employers to ‘flip’ the pyramid by starting at PPE simply because it is cheap and easy. Your health and safety should come before business profits.

(Image courtesy of Hazards Magazine)

Dealing with sickness absence

Covid-19 is causing high rates of absenteeism in certain sectors as people self-isolate, or are looking after family members who are ill or self-isolating.

Trade unionists must ensure employers do not encourage staff to come in when ill or required to self-isolate, and that staff do not attempt to come to work through misguided loyalty to their employer, client or colleagues. It is important that staff who are ill remain at home until fully recovered. It is likely that increased sickness absence may put pressure
on other employees to work longer hours to cover for those who are off. Unions can remind employers that they will still be covered by the Working Time Regulations* and it will not help if those employees who remain at work find their physical or mental health being undermined by excessive pressure – unions should raise this in any event of excessive overtime.

*The rules on working hours have however been relaxed for drivers undertaking the carrying of goods. The daily working limit has temporarily been extended from 9 hours to 11 hours. More information can be found here. Where any further relaxations are proposed, unions must be consulted.

**Statutory Sick pay**

The law on sick pay is complicated and affects sections of the workforce differently.

To qualify for Statutory Sick Pay (SSP) you must:

- be classed as an employee have been ill for at least 4 days in a row (this can include non-working days), however the government has temporarily changed the rules on this meaning payment will come in from day 1 for COVID-19 symptoms or self-isolation.
- earn an average of at least £118 per week

Tell your employer you’re sick before their deadline – or within 7 days if they do not have one.

The SSP payment is currently £95.85 per week

However, you will not qualify if you:

- have already received the maximum amount of SSP, which is 28 weeks
- are already in receipt of Statutory Maternity Pay

You will also no longer eligible for SSP if you have a continuous series of linked periods of illness that lasts more than 3 years.

If you fall into these categories, you may instead be able to apply for Universal Credit or Employment and Support Allowance, and the government has made temporary changes meaning you will not have to attend a Job Centre to do so. The rate of Universal Credit available to the self-employed has been temporarily increased to the equivalent of Statutory Sick Pay.

The government has also made emergency changes allowing small businesses with fewer than 250 employees to reclaim the cost of SSP payments from the government, in addition to a loan and grant which can be accessed for disruption of service.

For many people, the rate of Statutory Sick Pay is not enough to survive on, and it represents just 19% of the average weekly wage. Unions have been successful in many workplaces in organising for a higher rate of sick pay, or even full-pay while members self-isolate.

The TUC is running a campaign to increase the rate of SSP which you can [add your support to here](#).
Self-isolation payments

The government has introduced a new payment of £500 to support people as they self-isolate, which can be claimed from your local council. However, the eligibility for this payment is extremely limited. You can find out more information about eligibility and how to claim via [gov.uk here](https://www.gov.uk).

Occupational sick pay

Most workers will receive sick pay as set out in their contracts, but there will be variations on this. Many employers will have an occupational sick pay offer, which will be more generous than Statutory Sick Pay; and in these cases unions should seek reassurances that this will be used for any time off needed from self-isolation, and that time off due to Covid-19 is not included in any absence reviews.

It is in the employers’ interest to pay a worker adequate sick pay if they fall ill or are required to self-isolate, otherwise they may be tempted to attend work despite symptoms or the risk of contaminating colleagues. This risks a higher number of absences in the long-run.

Some employers have been reported as asking workers to cover periods of self-isolation with annual leave or unpaid leave. This is completely unacceptable, and unions should resist any moves along those lines. Not only will it mean that staff with be far less likely to admit they have been in contact with the virus, employers cannot effectively suspend staff without pay and members should contact union legal teams where this happens.

It is recommended that unions request a policy from the employer, which outlines what will happen in cases of illness or isolation. Referring to other employers’ best practise may help make your case.

Workers with scheduled annual leave may find their requests cancelled. All leave is granted on the condition that the employer is able to support the absence. If the situation changes, then leave can be cancelled with appropriate notice – at least one week’s notice for one weeks leave – but employers can ask workers to postpone their leave if service delivery is compromised. Unions should ask employers to give more than the minimum notice if leave cancellation is being considered and could even negotiate extra paid leave to be taken at a later date.

Certification of sickness absence / isolation notes

Normally an employer will require a doctor’s certificate, or ‘fit note’, after 7 days of absence. In cases of Covid-19, symptoms are likely to last more than 7 days, and if you are in isolation, symptoms can take days still to appear. Since anyone unwell or in isolation is unable to leave home, and most patients are being asked not to attend their GP surgeries, it can be difficult to obtain a doctors’ certificate if your surgery is not online.
 KNOW THE LAW

Section 64 of the Employment Rights Act states:

(1) An employee who is suspended from work by his employer on medical grounds is entitled to be paid by his employer remuneration while he is so suspended for a period not exceeding twenty-six weeks. …

(5) For the purposes of this Part an employee shall be regarded as suspended from work on medical grounds only if and for so long as he—

(a) continues to be employed by his employer, but

(b) is not provided with work or does not perform the work he normally performed before the suspension.

CASE STUDIES: FULL PAY

Union recognition in the workplace is making a difference. For example, Greggs, an employer which recognises the Bakers’, Food and Allied Workers’ Union (BFAWU), agreed early on to pay all its workers full pay during isolation. By contrast Wetherspoons, which has thus far failed to formally recognise the BFAWU, has refused to do the same, and is refusing 100% pay to its furloughed staff.

Certain contract workers employed by G4S, Interserve, Hermes as well as contractors ISS and Sodexo have all been guaranteed full pay in case of self-isolation thanks to the GMB union’s efforts - with Hermes setting aside a £1m support fund for its 15,000 couriers.

Government lawyers have ruled that an e-mail confirmation of diagnoses will be enough for Covid-19, and workers can now access these via the NHS 111 line. This will cover anyone unwell with suspected or confirmed Covid-19, isolating due to health concerns, or in isolation for other reasons yet not displaying symptoms. This certification is being called an 'isolation note'.

Unions may also negotiate with employers that for the duration of the outbreak, certificates will not be required for periods of absence up to 14 days, or that self-certification will suffice. This has been agreed by several employers. In addition, many employers with occupational sick pay schemes have said that sickness absence or isolation will be disregarded in respect of pay reduction triggers.

CASE STUDIES: BONUS PAY

Shopworkers’ union USDAW has successfully negotiated pay bonuses for thousands of workers in shops, distribution centres and delivery services; including at Tesco, Sainsbury’s, Argos, Ocado, One Stop, B&M and Poundland. Some employers have also agreed to extra paid holiday, to be taken after the crisis.

The union also reached an agreement with major stores to introduce tough distancing measures limiting the number of customers and perspex screens to protect workers from contamination. In some stores, a PA system reminds customers to treat staff with respect.
Reporting a COVID-19 hazard

Where work is taking place, employers should be carrying out a risk assessment. This should be done in consultation with trade union health and safety reps, and any hazards relating to potential coronavirus contamination should be identified, along with agreed mitigation measures.

There is a duty on employers to report occupational diseases and specified dangerous hazards at work. While Covid-19 is not classified as an occupational disease, there is clearly a case for considering it one which certain workplaces and professions are at greater risk of. Any incident which results in, or could result in, the release of coronavirus must be reported. And if there is reasonable evidence that someone diagnosed with Covid-19 was likely exposed because of their work, this must be reported using the case of disease report via the Health and Safety Executive.

Reports can be made under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013). Reps should also ensure these are recorded via their employer’s own workplace incident reporting systems.

In instances were two or more people in a workplace have tested positive, this should be considered an outbreak and unions are recommended to make sure employers are reporting these infections to the HSE and the relevant health authorities.

Dangerous instances must also be reported. This may include where an employer is not meeting steps outlined in a risk assessment. We encourage unions to document issues and incidents (for example relating to social distancing or PPE) by taking photographs where possible to aid submissions.

Legislation relating to RIDDOR regulation 7, Schedule 2 – Section 10 is available on legislation.gov.uk

Unions should remind employers of their duty to report these hazards, as well as to limit their occurrence.

You can submit a report of disease or death here: https://notifications.hse.gov.uk/riddorforms/ Disease

And on a dangerous occurrence here: https://notifications.hse.gov.uk/riddorforms/ DangerousOccurrence

The TUC has also created a web form to make reporting a Covid safety issue to the HSE easier.

Trade union reps can also email concerns to turepconcerns@hse.gov.uk
Lives lost

The heart-breaking number of workers who have died from coronavirus is a tragedy felt deeply by the trade union movement. Too many of our friends, colleagues and union brothers and sisters have fallen ill, lost their lives or continue to be put at risk each day. More will be grieving the loss of friends and relatives and may need time off work.

As trade unions fight every day to prevent death and illness at work, there are also steps we can take to support colleagues who may be affected by fatalities as a result of the virus.

Supporting

It is crucial that any worker requiring time off for bereavement is given compassionate leave by an employer, and unions will be crucial in negotiating this where.

Workers have a right to time off work if they experience the death of a dependant (for example their partner, parent, child, or someone else who relied on them).

While there is no legal right to time off for the loss of other loved ones, many contracts and company policies/staff handbook will include a clause about compassionate leave. Failing that, unions may wish to negotiate allowances for bereavement leave, or for time off to be considered as sick leave or annual leave. No worker should be financially penalised for needing time off to grieve the death of a loved one.

The death of a colleague can have a long-lasting impact on workers' mental health and working environment. Employers should be mindful and offer as much support as possible.

Some employers offer employee assistance programmes and access to counselling and other mental health support services. Unions should request are advertised and made widely available. In the event that a co-worker dies from coronavirus, access to such support where it does not already exist should be requested by unions.

The employer should also contact the family of a worker to offer condolences, and agree a point of contact to offer advice and guidance - there may be questions about pay, pension arrangements or death in service insurance.

The Government provides some financial support for bereaved workers on low incomes. The funeral expenses payment – is a grant towards the cost of a simple funeral for people on certain benefits, with an average sum of £1,400. There is also a Bereavement Support Payment for people who have lost a spouse or civil partner.

Some unions have benevolent funds, which can support the cost of funerals or other needs, which members may wish to apply to, and advertise to branches.

There are other organisations who can support during a bereavement. Union reps may want to signpost to charities, or chaplaincies where appropriate.

Reporting

Employers must report such deaths, and unions should confirm this is happening. If a registered medical practitioner confirms someone’s death is as a result of work-related exposure to coronavirus, this must be reported to the Health and Safety Executive within 10 days.

You can submit a report on disease or death here:
https://notifications.hse.gov.uk/riddorforms/Disease
Remembering

Remembrance can be an important part of the grieving process. It can give us an opportunity to reflect, mourn, share memories and give dignity to those who have lost their lives. Experiencing a bereavement in isolation will be particularly tough for many. There may be practical steps unions can take to remember colleagues, like a book of condolences or an online memorial page. Some branches have sent up fundraisers for a charity close to the heart of their colleague, or to raise money for the family to cover the cost of a funeral.

Attendance at funerals is currently restricted due to social distancing measures, but a minutes silence or vigil could allow colleagues the opportunity to remember collectively. Union branches may also wish to send a card, flowers or other token to the family. On Tuesday 28th April, the trade union movement marks International Workers’ Memorial Day (#IWMD20). This year, the number of people who have died in work will be far higher because of coronavirus.

We will be lighting a candle on the day to remember those who have lost their lives. Details of other actions and resources for #IWMD20 can be found on the TUC’s dedicated page here.

The TUC will fight to maintain the memory of every workers’ life we’ve lost. We will fight for the justice of their colleagues,
What if I’m on zero hours?

Some workers, employed on zero hours contracts, may find they are not covered by an occupational sick pay scheme, nor Statutory Sick Pay if they find themselves unwell or must self-isolate. Employers should treat workers on these contracts like any other, and pay sick pay on the basis of a workers’ average hours – or, full pay in cases of isolation.

The campaign group Better Than Zero, based in Scotland, produced the following guide to organising collectively in response to COVID-19, which can be applied to precarious workers anywhere:

1. **Speak to as many of the people you work with as possible**

It is in everyone’s interest to have sick pay agreed. It is a natural subject to talk about – start with the most sympathetic people, speak to everyone you can, and ask them to speak to others too. Any guidance your employer has given you will be calculated in their interest. It is in your interest to get a coronavirus policy sorted out. Just because your employer has already given you guidance, doesn’t mean it can’t be changed.

2. **Arrange to meet up with your colleagues**

You might not feel able to bring colleagues together to discuss the plan during work, but there is nothing to stop you meeting away from work to talk about what you would like in place. Get the contacts of colleagues (before they go off sick!) and set up a forum of communication, for example a WhatsApp group. Find a time that works for a group of you, and make sure the group has links to the people who can’t make it along. Then ask people one by one if they would like to come and join.

3. **Draw up your request**

This will be quite simple: to be paid if and when you fall ill or have self-imposed quarantine. You can make it more detailed by doing some simple calculations about how much money you want to be paid in different circumstances. If you know how much profit your company makes, compare the rough costs of the sick pay with the profits that your bosses are making. You will probably find it won’t be much of a dent.

4. **Work out what you’ll do if the boss says no**

This is the vital bit, because without it your cure won’t get past the lab stage. If your boss refuses to accept your request, then you will have to show that you have the power to win your demands. What matters most of all is signalling to your boss through your actions that you are united and determined to win. You have the same interest, so act together.

5. **Go to your boss together and present your demand**

It’s time for a group of you to go and present your demand to the boss. Before you do, you should join a trade union, because it will give you security whatever you decide to do. The whole history of workplace organising suggests that chances are, the impact of your action will be enough to make your boss agree to the demand.

For more info, visit https://www.betterthanzero.scot/ or contact Cailean Gallagher at cgallagher@stuc.org.uk

Trade unions should ensure their employer has in place either a separate policy for dealing with Covid-19, or a general policy covering public health emergencies, major disasters or incidents. It should not be left to employers alone to decide on what is an appropriate response - unions must also be involved, as any effective policy must have the confidence of the whole workforce. When considering your employer’s response, the following are some of the additional areas that you may wish to address. The employer must actually go through the process of considering what effect all the different possible scenarios would have on their staff and how they operate, right up to the worst likely situation of workplace closure, disruption to transport, and the disruptions to other services such as banking, the internet, supply chains etc.

Among the things unions should look at are:
• Do the employer’s plans underestimate the possible absence rate as a consequence of employee infection or school closure?
• Have they looked at issues around supply of services?
• Have all departments (and the union) been involved in drawing up the plan?
• Does it treat all staff equally?
• Have they considered the operation of functions such as cleaning and catering, if these are not done ‘in-house’?

What employers should do

In addition to providing adequate sick pay, there are number of other measures which can be taken to help limit the spread of the virus, including:
• The provision of hand sanitisers and for employers to maintain high levels of cleanliness in the workplace.
• The cancellation of any requests for workers to travel to locations the government has warned against visiting.
• Provision of ongoing information and advice from Public Health England and other relevant bodies to all employees.

KNOW THE LAW

Section 44 of the Employment Rights Act 1996 provides workers with the right to withdraw from and refuse to return to a workplace that is unsafe.

There have been several examples of union branches walking off the job citing this law. Where reps feel their workplace is unsafe due to COVID-19 contamination, they should contact their union’s legal team for urgent advice on taking action.
Workplace hygiene
In the event of an outbreak, workplaces should be deep cleaned. Bear in mind, however, that the virus is only estimated to be able to survive outside of a human or animal for a few hours maximum.

Employers should also be implementing general improvements to hygiene and cleanliness. This should include access to hand washing facilities and/or provision of hand sanitiser, provision of closed bins and more rigorous cleaning regimes. Damp rather than dry dusting should be carried out during a pandemic to avoid the generation of dust and it is recommended that the cleaning of surfaces be carried out using a freshly prepared solution of detergent and hot water followed, where necessary, by a chlorine based disinfectant solution.

Employers should work to protect their staff by safeguarding workplaces to the best of their ability. This can include the provision of hand sanitisers and other cleaning equipment, and for employers to maintain high levels of cleanliness in the workplace. Generally, providing facilities for workers to wash their hands is the most basic and most effective provision an employer can take.

One of the ways any virus is likely to spread quickly is through hand to face contact, coughing and sneezing. Ensure the information provided is correct - bad practise has been reported of employers giving workers harmful advice about using detergents to clean their hands. Soap and water is enough – and providing hand sanitizer gel can supplement this.

Many people will simply think that the best way of preventing the spread of the virus is to stay at home while showing symptoms. While this is true, many people can be infectious without showing symptoms. This is why social distancing and other protective measures remain very important.

CASE STUDY
PCS has reached an agreement with Aramark and ISS on the BEIS contract that staff will receive full pay if they:
* are sick with virus symptoms,
* need to self isolate
* have an underlying medical condition which puts them in the higher risk category,
* need to take time of to care for their children due to the school closures.

NOTE: This is not something the contractors volunteered (in fact, ISS has refused to engage with the union). Rather, it is something BEIS agreed to provide extra funding to cover, following pressure from union reps.

Personal Protective Equipment
In some workplaces, workers will be required Personal Protective Equipment (PPE) as precautionary measures. PPE is required when other preventative safety measures are not possible, for example with close contact working. This may include masks and respirators, gloves, aprons and goggles.

We strongly suggest union reps consult their own union’s guidance on PPE by sector (see the appendix of the document for the relevant link for union advice). The government’s guidance can be found here.
The most effective mask is the asbestos respirator level 3 (FFP3), and tests have shown it reduces the level of exposure of the virus by six-fold. There is specific guidance from the HSE which unions can consult on face fitting for masks: [https://www.hse.gov.uk/respiratory-protective-equipment/fit-testing-basics.htm](https://www.hse.gov.uk/respiratory-protective-equipment/fit-testing-basics.htm)

Employers may become susceptible to approaches from unscrupulous companies who will attempt to sell them protective equipment, much of which may have no practical effect or may even prove counterproductive.

There have also been reports of workers being issued with out of date masks, so union reps should check these upon issue, and look out for a certification mark, as this indicates it has met relevant EU health and safety standards. It is also vital that masks are issued to workers for personal use, and not shared.

The use of hand sanitising liquid should be encouraged, and employers should be providing this. It may be that some public organisations will make it available at key entry areas or where there is likely to be contact between people. Public transport systems may use some form of sanitising spray. However, care should be taken to ensure that any products used are fully safe to use and are not likely to exceed their sell-by date within the next few years if they are bulk-buying future supplies.

If workers are engaging with people who have tested positive for Covid-19 – for example health care providers – then very specific personal protective equipment is required. The government’s guidance states:

- Use of long-sleeved disposable fluid-repellent gown
- Disposable gloves with long tight-fitting cuffs for contact with the patient or their environment
- Eye protection to be worn for all patient contacts
- Refrain from touching mouth, eyes or nose with potentially contaminated gloves.

**CASE STUDY**

*When the first case of a member of the Communication Workers’ Union (CWU) was reported at a Royal Mail sorting office, the union agreed with the employer that a professional, medically qualified clinician would brief the workforce to provide assurances and answer any questions.*

**Ventilation**

As we have come to learn more about the way Covid-19 is spread through airborne transmission, it has become clear that ventilation is an important factor in mitigating Covid-19 risk.

Good ventilation can help reduce the concentration of the virus in the air. Equally, poor ventilation can make transmission more likely as aerosols can remain suspended in the air for hours.

Current technical guidance recommends 10 litres per second per person of outside air in indoor workspaces. Recirculated air should be avoided.

*Every workplace risk assessment should include ventilation and whether it may be improved to reduce the risk of Covid-19 transmission. Union safety reps should be consulted on this.*

Factors to consider are:

- How air enters and is circulated in the workplace.
- Whether the air flow meets the recommendation.
- Where there are areas of poor ventilation (CO2
monitors can help with this).

- If rooms are being ventilated prior to occupation.
- How is ventilation being balanced with the requirement to ensure workplaces are warm enough.
- Ventilation may differ throughout a workplace, for example in different buildings and rooms, and risk assessments should acknowledge this.
- The virus is known to remain suspended in the air for longer in cooler environments. Workplaces with cooling systems must pay particular attention to ventilation.

Centralised ventilation systems that circulate air to different rooms should be switched off, as these will increase the risk of virus aerosols being passed around. However, systems which introduce fresh air can continue to be used.

When managing ventilation, employers must also consider the legal minimum working temperature of 16 degrees Celsius. For example: if natural air supply via open windows is suggested, this may need to be offset with additional heating facilities to ensure thermal comfort.

More advice on ventilation can be found via the HSE and further practical advice and tools are available from CIBSE REHVA. There is also further scientific advice available from the ECDC.

**Hazards Magazine has also published a check-list for safety reps.**
https://www.hazards.org/infections/venting.htm

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**Face Coverings**

**Why wear face coverings?**

A face covering is an item which covers the nose and mouth. These can be reusable or single-use and are produced in a range of styles and materials.

The nose and mouth are two of the primary sources of Covid-19 transmission between individuals, and face coverings allow the wearer to breathe while creating a buffer to reduce the distance ejected viral droplets can travel. Face coverings are designed primarily to protect those around us, and studies show they can also protect the wearer.

Face coverings are a legal requirement to wear while travelling on public transport and in most indoor public spaces. You can find details of where they are required in [England](https://www.gov.uk/government/publications/face-coverings-in-transportation), [Wales](https://gov.wales/face-coverings-public-transit) and [Scotland](https://www.gov.scot/Topics/Health-NHS/CoronavirusCOVID19/Resources/OtherResources/PathogenHandbook) via the Gov.uk website.

Wearing face coverings is also mandatory for some workers – for example in shops, bars and restaurants - although there are exemptions, for example where staff are behind a perspex screen. The regulations differ in Scotland, where face coverings are also mandatory in specific other work settings, for example, communal areas in office buildings.

Enforcement of the use of face covering is the responsibility of the
police, and people can receive fines for non-compliance.

It is important to remember that, while face coverings are one measure used to help reduce the spread of coronavirus, it is not a replacement for other measures. For example, at least 2-metre distancing, regular hand-washing, effective ventilation systems and self-isolation when necessary are still considered as more effective control measures.

**Face coverings or masks?**

Face coverings and surgical masks are not classified as Personal Protective Equipment (PPE). Surgical face masks are primarily intended to protect patients, and as such are classed as medical devices. These tend to be one-size-fits-all and are designed to limit contact of large droplets and bodily fluid. Surgical face masks should meet a specific standard, and be aware that there are very many distributed of varying quality.

There are certain workplaces where respirator masks are used, for example, industrial settings and those in specific healthcare settings.

From left to right: face covering, surgical mask, FFP3. Source: 3M, Gov.uk

PPE with an FFP3 mask is defined by the NHS as ‘Level 2 PPE’ and is required for all aerosol-generating procedures irrespective of whether the patient is suspected of having Covid-19 or not. The government has produced specific advice for PPE use in health and social care.

Supply of these types of masks should be prioritised for those in occupations where it is required.

There have been reports of workers being issued with out of date masks, so union reps should check these upon issue, and look out for a certification mark, as this indicates it has met relevant EU health and safety standards. It is also vital that masks are issued to workers for personal use, and not shared.

For more information about the differences between surgical face masks, PPE face masks, and face coverings you can visit the MHRA’s (Medicines and Healthcare products Regulatory Agency) regulatory status of equipment being used to help prevent coronavirus (COVID-19).

In most workplaces, PPE-grade masks are not necessary. However, where face coverings are advised, they should be to a certain standard (see ‘expected standard’ below).

**Can I wear a face covering at work?**

Many people are choosing to wear a face covering at work, whether or not one is required. However, there have also been reports of people being told not wear one to by bosses. Unless a risk assessment produces reasons why staff should not wear a face covering, or there are reasonable practicalities which could prevent them from carrying out their role, people should be given a choice to do so.

In some sectors (e.g. hospitality) wearing a face covering is a requirement, and in
others it is certainly recommended that face coverings be worn. Government guidance states that face coverings are also required for customers and staff in some businesses that are customer facing, such as banks, post offices and estate agents.

The official guidance states:

“Staff in these settings must wear face coverings when in areas that are open to the public and where they are likely to come within close contact of a member of the public, unless they have an exemption. A close contact is someone:

- you have had face to face contact (within 1 metre for any length of time) or skin to skin contact with or someone you coughed on
- or, has been within 1 metre of you for 1 minute or longer
- or, has been within 2 metres of you on one or more occasions during a single day for at least 15 minutes in total (when all times added up together)
- has travelled with you in a small vehicle”

People are also encouraged to wear face coverings in enclosed. If you choose to wear one, it is important to use face coverings properly and wash your hands before putting them on and before and after taking them off.

Devolved government guidance varies. In Scotland, workers’ must wear a face covering in all communal spaces, and in Wales, you must wear a face covering in the reception areas of a building. Consult specific guidance for up-to-date advice on what is required.

**Covering the cost**

If your employer requires you to wear face coverings at work, these should be provided to you for free. Workers should be given adequate supply, and these should also be made available for any commute to and from the workplace. This is not a legal requirement, but it is best practise and what unions should be negotiating.

Unions estimate that the cost of disposable face coverings to each worker is around £25 per month – a significant spend, especially considering many of those expected to wear one are on lower wages.

**Expected standard**

The government’s very advice says face coverings should “ideally include at least two layers of fabric”. However, it does not explain why, or what type of fabric should be used. The most up to date World Health Organisation Standards recommends a face covering has three layers:

- inner layer to the mouth to be hydrophilic material (such as cotton);
- middle layer to act as a filter and be made of polypropylene fabric; and
- outer layer to be made of a hydrophobic material such as polyester or polycotton, which will repel moisture and droplets
Where face coverings are required at work, union reps should refer to the above as the minimum specification that employers should provide.

**Breaks**

Where workers are required to use face coverings for long periods, their working hours should reflect the discomfort and fatigue issues associated with this. Employers should factor in breaks to allow workers the option of time away from the workplace without a face covering.

**Disposing of face coverings**

If a face covering becomes damaged, dirty, damp or otherwise uncomfortable, it should be disposed of and replaced. Employers should provide adequate facilities for face coverings and/or masks to be disposed of safely.

Masks not designed for re-use, for example disposable surgical face masks, should be replaced after use.

Reusable cloth face coverings should be washed after each use.

**Exemptions**

Some people are exempt from the wearing of face coverings, including:

- People who cannot put on, wear or remove a face covering because of a physical or mental illness or impairment, or disability.
- People speaking to or assisting someone who relies on lip-reading, clear sound or facial expressions to communicate

Government advice states that nobody should be made to obtain a medical note as evidence for their exemption.

Employers should approach this based on trust, and not force anyone with an exemption to wear a face covering.

Union reps will wish to seek assurances from management that no member is penalised or otherwise discriminated against based on exemption.

**Providing information, advice and guidance**

There is an duty on employers to keep workers informed with up-to-date, reliable information from sources like the Department for Health and Public Health England. There are various sources of misinformation circling, which can cause undue stress, or even lead to workers taking measures which may end up causing more harm, not less.

Management should also ensure that relevant contact numbers are up to date and readily available, and that they have received any necessary training on understanding COVID-19 and the measures needed should an outbreak be suspected.

Union safety reps should be consulted with and made aware of any policies or measures taken, and clear lines of reporting to managers should be established.

Safety representatives are urged to ensure that their employer notifies all their staff of what arrangements they have made to prepare for an outbreak of pandemic Covid-19, including what role they expect individual staff to take.
Staff should be given information and the need for personal hygiene. This should be done in a non-patronising way and with the full involvement of stewards or safety representatives.

**Summary demands on employers in light of social distancing:**

- Support working from home wherever possible.
- Furloughing all non-essential staff, making use of the government’s Job Retention Scheme, topping up pay and issuing advance payments.

Furloughed workers and their reps may wish to consult the TUC’s specific advice on this, which can be found here.

The TUC also ran a webinar answering questions from union reps, which can be viewed here.

- Consult the union. Union health and safety reps and committees have a right to be consulted by law on any changes to working practices.
- Conduct risk assessments on coronavirus, accounting for risk of contamination and likelihood of staffing absences.
- Take immediate measures to implement social distancing: stagger shift starting times and break times, reducing staffing numbers and consider split shifts.
- Pay particular attention to guidance on ventilation as a safety measure: fresh air supply and movement of air is key to lowering the risk of transmission.
- Ensure all workers are properly equipped, with appropriate face coverings, PPE or whatever is required according to the risk assessment. It is the employers’ responsibility to provide supplies.
- Cease the use of bio-metric clocking in systems and remove any requirement for workers to touch surfaces where it is not necessary to the job.
- Ensure there is no detriment to any worker who is absent as a result of coronavirus, or has genuine concerns about risks: no worker should be penalised for refusing to work in unsafe conditions.
- Provide workers with access to washing facilities (as already required by law), introduce strict cleaning regimes and provide appropriate personal protective equipment.
- Ensure workers have access to free parking on-site or nearby, so as many as possible can avoid public transport.
- Provide changing facilities to allow workers the option to change clothes before going home.
- Ensure the workforce is provided with up-to-date information on new guidance and legislation.

**Testing**

Testing is now being made more widely available in certain sectors. Workers in health and social care are able to be tested for Covid-19 weekly or twice-weekly. Regular testing is also being trialled in the food manufacturing sector with a plan to roll this out, and in secondary schools, regular testing is to be introduced in January 2021.
In addition to government provision, some employers have also introduced their own testing schemes.

Asymptomatic testing for Covid-19 is an effective way of containing the virus by identifying cases and isolating infected individuals and those they have come into contact with.

If members are being encouraged to be tested by their employer, there are certain things unions will wish to consider:

- Has the union been consulted on how the testing scheme will operate?
- Are workers being asked to take a test outside of working hours?
- How will workers who have been in contact/ a ‘bubble’ with those who have tested positive be informed, and supported to self isolate?
- How will workers access testing sites if they are off-presmises?
- Who is conducting the tests? Are they contracted to carry out testing, and/or trained?

Where employers expect workers to be tested, they should be reminded that compliance will likely be higher if support for workers is in place, for example paid time off while they are tested, and full pay should they need to self-isolate.

There may be reasons why workers do not wish to be tested, and they must not be forced to take a test or threatened with detriment. A comprehensive report from the TUC on testing schemes can be found here.

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**Vaccinations**

Vaccines teach the body’s immune system to create antibodies that protect you from diseases. It is safer and more effective for your immune system to learn to fend off a disease through vaccination than by catching the diseases. Once your immune system has learned to protect you from a particular disease, it can often protect you for many years. Before a vaccine can be distributed it must be proven to be safe and effective through clinical trials with thousands of people.

As of December 2020, Covid-19 vaccinations are being administered after being developed and cleared as safe by Britain’s medicines regulator. These jabs are known to offer protection to 94% of people. In the first phase, the vaccine is being offered to those who fall into the below categories:

1. Residents in a care home for older adults, and their carers
2. Those aged 80+, and front-line health and social care workers
3. Those ages 75+
4. Those aged 70+ and anyone considered Clinically Extremely Vulnerable

It is expected that, after the most vulnerable have been offered the vaccine, certain sections of the workforce will be prioritised on the basis of occupational risk of exposure. As with testing, union members will want to consider how vaccination systems are introduced in the workplace. Unions should be consulted on the process.

It should be expected of employers to allow workers to have the vaccine administered within working hours, or to pay them for the time taken to have the vaccine done.

There are some professions where there is a greater expectation to have the vaccine. There will also be employers who are
particularly keen on workers getting a vaccine.

Unions will want to promote the take up of the vaccine as a way for workers to safeguard their health and the health of others. However, unions should ensure that nobody feels forced to have a vaccine, nor should it be used as part of staff contracts or linked to pay.

Information on the vaccine and the roll-out can be found via the NHS here.

Getting organised: 10 things trade union members can do NOW to organise on coronavirus at work.

1. **Unionise.**

   If you haven’t already, join. If you’re already in, organise. If that means in isolation, so be it – invite colleagues to a video call or WhatsApp group.

   Regardless of how big your union is, or whether it’s recognised or not, you should be having union meetings about coronavirus. Whether it’s redundancy, pay or PPE, every single worker has something to negotiate right now.

2. **Audit your contract.**

   Check your contracts and staff handbooks for relevant clauses to clarify your rights and responsibilities. You may have questions around working from home, the sickness management policy, maternity rights and other entitlements, so carry out an audit of yours and your colleagues contracts to see where you stand. Make sure you’re including any agency workers in that who may have very different terms and conditions. If you think your employer is breaching your contract, or if they are asking you to go in when it is against government or medical advice, contact your union’s legal teams now.

3. **Demand to be consulted.**

   If your bosses are drawing up policies around the response to coronavirus, make sure they’re speaking to the union. Employers have a legal duty to consult established health and safety reps and committee, and reps have the right to play an active role in risk assessments.

4. **Fight for 100%.**

   Across the country, ‘furloughed’ workers on the government’s Jobs Retention Scheme are going to be faced with the possibility of a 20% cut in pay unless their employer agrees to top up the government’s wage subsidy. Other workers affected by school closures are faced with unpaid parental leave as they take time to care for their kids. This is a huge battle and unions are playing a major role in negotiating in workplaces.

   If you’ve got questions or concerns about the scheme, register for our Webinar on Wednesday 1st April at 2pm (or watch it back) here.

5. **Shame bad bosses.**

   Employers cutting pay, laying people off, or opening their workplace without the necessary distancing or hygiene measures need to be called out. For especially hostile bosses, public pressure from the outside can support union organising on the inside.
Campaigns like #BoycottWetherspoons run by BFAWU members or #ShutTheSites by Unite activists can threaten the reputational damage of businesses and force a U-turn.

6. **Demand Safety.**

Bosses need to take seriously the calls for distancing, cleanliness and hygiene. The **law is clear** on the welfare provisions you should have access to. We need sufficient personal protective equipment (PPE) and regular testing for all key workers. More people will die if this call is not met. We need the government to urgently issue scientific advice on PPE to all key workers, direct enforcement agencies to take appropriate action – and to ensure those who flout to law are penalised.

If you are working from home, you still need to think about safe working conditions. Repetitive strain injury is a serious workplace hazard, and unions should demand no worker is out of pocket from purchasing equipment to support their posture etc.

7. **Support retired members.**

Many trade union members already been involved in setting up and supporting mutual aid groups which demonstrate the strength and solidarity of our movement. Many unions have retired members branches, whose members may not be as plugged in to online channels but may well fall into the more vulnerable category. Reach out to branches and ask what kind of work your union members can be doing to bring support to them.

8. **Keep in touch.**

It's important to maintain lines of communication both with management and with each other. At a time when many of us are working in isolation, it’s easier for bosses to play divide and rule. Guard against it and keep in touch regularly, reporting any new developments. For your own mental health, too, maintaining a network of colleagues who you can check in with will help bring some familiarity to your day.

9. **Take action.**

We may not be able to hold protests and rallies at the moment, but workers can still take action. Friday 20th March saw one union branch walk off the job over safety concerns as bosses refused to close the non-essential workplace.

Various workplaces have seen walk- outs by union members protesting the lack of safety measures. But remember – don’t take action without support: whether it be an open letter, petition or downing of tools, your union will be able to advise you legally on the best way to take, and to escalate, action and ensure you’re protected.
Further information

In addition to supporting unions to organise for better terms and conditions in the context of COVID-19, the TUC is also calling on the government to make urgent legislative changes.


Other sources for information:

Order the new Hazards At Work manual

TUC Risks newsletter
https://www.tuc.org.uk/news?search_api_views_fulltext=Risks&field_region=All&field_news_type=2

NHS advice on Coronavirus (COVID-19):
https://www.nhs.uk/conditions/coronavirus-covid-19/

World Health Organisation, Getting your workplace ready for COVID-19:

Health and Safety Executive, Coronavirus (COVID-19), latest information and advice:

Hazards Magazine
http://www.hazards.org/infection
Below you find a list of dedicated coronavirus information from our affiliated trade unions.


Advance  https://www.advance-union.org/Corona

AEP  https://www.aep.org.uk/coronavirus-acas-guidance-for-all-employers-employees/

AFA-CWA  https://www.afacwa.org/coronavirus

ASLEF  https://www.aslef.org.uk/article.php?group_id=7029

BDA  https://www.bda.uk.com/resource/covid-19-coro-virus-advice-for-the-general-public.html
BECTU Sector of
Prospect https://bectu.org.uk/topic/covid-19-coronavirus/
BFAWU https://www.bfawu.org/coronavirus_update_for_fast_food_and_hospitality_workers
BOS-TU https://www.orthoptics.org.uk/coronavirus/
College of Podiatry https://cop.org.uk/news/coronavirus/
Community https://community-tu.org/advice-centre/coronavirus/
CSP https://www.csp.org.uk/news/coronavirus
EIS https://www.eis.org.uk/Health-And-Safety/COVID19
Equity https://www.equity.org.uk/about/coronavirus-advice/
FBU https://www.fbu.org.uk/covid-19
FDA https://www.fda.org.uk/home/Newsandmedia/Features/Coronavirus-Information-on-school-provision-for-children-of-key-workers.aspx
MU https://www.musiciansunion.org.uk/coronavirus
National Society for Education in Art and Design (NSEAD) https://www.nsead.org/trade-union/member-updates/coronavirus/

NEU https://neu.org.uk/coronavirus
NGSU https://ngsu.org.uk/blog/category/covid-19/
NUJ https://www.nuj.org.uk/work/covid-19-information/
UCU https://www.ucu.org.uk/coronavirus
UNISON https://www.unison.org.uk/coronavirus-rights-work/
USDAW http://www.usdaw.org.uk/Help-Advice/Coronavirus-Update
WGGB https://writersguild.org.uk/covid-19-advice-for-members/
Find out more

For more information about TUC Health and Safety, go to: https://www.tuc.org.uk/union-reps/health-safety-and-well-being

Follow the campaign on Facebook at: https://www.facebook.com/TUChealhandsafety

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