

COVID-19 Coronavirus

Guidance to unions

1. Understanding the issue

This guide is for trade union reps, designed to give you an understanding of the workplace issues in the context of the COVID-19 pandemic, 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.

What is coronavirus?

Coronavirus is a group of viruses which normally cause mild illness, with symptoms similar to a common cold. Novel coronavirus is the term used for strains not previously identified in humans. The latest strain, first identified in December 2019 in China, has now formally been named COVID-19.

It is very different from, and far more serious than, the usual seasonal influenza outbreaks that happen every year.

Symptoms can include a fever, fatigue, dry cough and difficulty breathing; as well as other symptoms related to the common cold. 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 contracted by breathing in viral droplets, ejected during coughing, sneezing or even breathing. The virus cannot survive on non-living objects for more than a few hours.

In more severe cases, the virus can cause pneumonia, an infection which causes inflammation of the lungs and greater breathing difficulties. While everyone is at risk of contracting COVID-19, the risk is higher for certain groups, particularly those

over the age of 65 or with 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, the World Health Organisation has defined the COVID-19 outbreak a pandemic.

How does it spread?

The main way the virus spreads is by contamination when someone carrying the virus coughs or sneezes. Viral droplets can travel up to six metres, making person-to-person transmission particularly likely.

Viruses can also spread through particles known as aerosols, released from the lungs. These can travel further and can remain in the air or on surfaces for several hours.

Who should be in isolation?

Current advice recommends that anyone who has recently visited certain areas, or has had recent contact with someone who has, should isolate themselves.

The list of high-risk areas is being updated by the government on a daily basis. The best source of accurate information is the www.gov.uk website.

If you know you have been in contact with someone who has a confirmed case of COVID-19, or if you have symptoms and the NHS 111 line or other public health agency recommends self-isolation, you should also stay at home and not attend your place of work.

How is it treated?

There is currently no vaccine or medication for COVID-19. Scientists are trying to produce one but it is unlikely to be available before the virus has spread globally.

Medications used to treat the flu can reduce symptoms, such as coughing and aches and pains.

It is particularly serious if the virus leads to pneumonia and other more acute respiratory diseases because these cannot be treated with antibiotics.

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

COVID-19 is already having an effect in workplaces. Large numbers are likely to be absent at any one time as the virus spreads.

This will include not only those who become ill, or must self-isolate, but in the event of schools closing, many workers with children will find it impossible to go to work. Likewise, those who have partners or dependents who become ill may also stay at

home. This would have a major impact on all aspects of health and social care, as well as on the economy as a whole.

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, and that there is no unnecessary panic.

Unions will play a major part in keeping infected workers at home, and not in the workplace as a result of either through misplaced loyalty or employer pressure.

It is important that the effect of any pandemic does not disproportionately hit the most vulnerable, such as the low paid, those without permanent employment or sick pay schemes and those with dependents.

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 14 days.

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

- Waiting for a COVID-19 test result
- Identified as being a close contact of someone with coronavirus
- 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.

Home working

One of the obvious precautions employers are likely to take in a major health crisis is to give staff the opportunity to work from home. This should generally be encouraged, but there must be systems in place to enable them to do so. That means looking at issues around IT, including broadband capacity and the management and coordination of work. Another issue for trade unions is the fact that many workers, such as cleaners, are simply not able to work from home. The TUC is concerned that this may mean that there will be two tiers of staff with those unable to work from home, but who still have domestic responsibilities, being treated differently from those who can work from home if they need to care for a dependant and remote working arrangements should ensure that no staff are disadvantaged through not being able to work at home because of the nature of their job.

Public-facing workers

In most workplaces, the risk of an outbreak is low. However, there are many sectors that may require more specific precautions. Those in public services and the service industry, who work with large numbers of

the general public, will be at greater risk of exposure. Workers in public-facing roles will also be on the front-line of responding to COVID-19 and helping to limit its public health impact. Specific risk assessments under Control of Substances Hazardous to Health Regulations 2002 (COSHH) should be performed in such workplaces.

Unions representing NHS, social care, education, transport, prisons and other relevant sectors have produced specific guidance and are in contact with employer organisations. The government has produced specific guidance to relevant sectoral employers:

<https://www.gov.uk/government/collections/covid-19-guidance-for-non-clinical-settings-and-the-public>, and reps should refer to any specific advice from their sector unions on measures being recommended: <https://www.tuc.org.uk/unions>

Where work involves visiting a person in their own home (such as care provision, maintenance work etc.) the employer should notify service users and customers that they should advise them if any person in the household is suffering from COVID-19 symptoms. If the work is non-urgent then no visits should take place for that period.

In the event of the visit being necessary, the employer should take steps to ensure that

the employee is not put at risk with proper training and protective measures (see section on Personal Protective Equipment). These will vary depending on the circumstances, type of work and the level of contact with the infected person.

The government has suggested retired medical professionals could be called to help with the response. If retired staff do return to work, this should not have a negative impact on their pensions, and unions should raise this where it is proposed.

Dealing with sickness absence

Some employers are planning for high rates of absenteeism. This is on the basis that it will not only be those who are ill that are unable to come into work, but also those looking after family members who are ill or those with children in the event of schools being closed. In addition, in the event of a severe pandemic, some staff will be afraid to come into work for fear of contracting the virus. There may also be difficulties with public transport.

Trade unionists will have to ensure employers do not encourage staff to come in when ill, 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.

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 £94.25 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 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.

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 illness, and 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. For cases of isolation, unions have been calling for employers to pay full pay.

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 will 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.

CASE STUDIES

Union recognition in the workplace is making a difference. For example, Greggs, an employer which recognises the Bakers', Food and Allied Workers' Union (BFAWU), has agreed to pay all its workers full pay if they have to self-isolate. By contrast Wetherspoons, which has thus far failed to formally recognise the BFAWU, is refusing to do the same and is treating coronavirus as any other illness.

Workers at 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.

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

Certification of sickness absence

Normally an employer will require a doctor's certificate, or 'fit note', after 7 days absence. In cases of COVID-19, symptoms are likely to last more than 7 days, and if you're in isolation, symptoms can take days still to appear. Since anyone unwell or in isolation is recommended to not leave home, it can be difficult to obtain a doctor's certificate if your surgery is not online.

Government lawyers have ruled that an e-mail confirmation of diagnosis 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, or in isolation but not yet displaying symptoms.

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 already 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.

Workplace closure

There is no legal right for employees to be paid under circumstances of workplace closure, or if a school closes and an employee is required to care for a dependent.

Guidance from ACAS states that providing flexibility is best practice. Allowing home working where it is possible, or to consider absences under the sick pay policy.

Many unions have set out clear positions that call on employers to issue full pay in these circumstances.

Taking time off to ensure the safety and health of themselves and their co-workers is a responsible measure and no worker should be penalised for it. Nor should they face a risk of going to work while ill and spreading the virus because they cannot otherwise sustain themselves.

The UK government is yet to provide specific guidance on this, but this may change as emergency legislation is expected.

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.

WHAT IF I'M ON A ZERO HOURS CONTRACT?

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 worker's average hours – or, full pay in cases of isolation..

WHAT IF I'M ON A ZERO HOURS CONTRACT?

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

The virus is an issue that has the potential to affect everyone in your workplace. It is in everyone's interest to have sick pay agreed before the virus comes. 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, if you like, by doing some simple calculations about how much money you want to be paid in different circumstances. Are you asking to be paid at full rate, half rate, and for how long? 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

So, you have a plan and you have enough people on board that you think the boss will have to respond. 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 information, visit <https://www.betterthanzero.scot/> or contact Cailean Gallagher at cgallagher@stuc.org.uk

3. Preparing for COVID-19: Making a plan

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 and/or if the schools close.?
- 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.

Workplace hygiene

Many employers will plan to step up their cleaning regimes in the event of an outbreak. However, they should bear in mind that it is likely that the number of cleaning staff may be reduced as a result of illness. 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.

There may be proposals to switch off air conditioning systems in large open plan offices or workshops as a way of preventing the virus spreading. Be careful with this. Air conditioning can dilute contaminated air and provide a more comfortable environment, and generally the air being recirculated is the same that would ordinarily be in the room.

Where someone in a workplace tests positive for COVID-19, employers should be expected to carry out a deep clean by

specialist cleaning teams. 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.

Personal hygiene

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. This is one area which employers can start taking action on straight away. One of the ways in which any virus is likely to spread quickly is through hand to face contact, coughing and sneezing. Employers and union activists can download material from the Department of Health in order to educate people on the importance of hand-washing and the use of handkerchiefs now. 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 unions should support general hygiene campaigns, as a way of slowing the spread of any pandemic should it develop.

Personal Protective Equipment

In some workplaces, workers are being provided with additional Personal Protective Equipment (PPE) as precautionary measures – for example, postal workers at Royal Mail can request gloves, and NHS workers are being provided with masks. These are however not necessary for a general workforce and make minimal difference in curbing the spread of the virus.

As media attention to the risk of outbreak increases, employers will 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 is no evidence that, outside health care situations, the general use of **facemasks** has any actual effect on protecting people or reducing the speed of a pandemic's development. In fact, the surgical paper masks most commonly seen offer little in the way of protection. They can reduce viral droplets being expelled by the wearer if they already have the virus, but they will not go a long way in preventing exposure. In a worst case scenario, these types of masks may even increase virus replication, as the breathe causes masks to become damp and humid.

The most effective mask for those requiring one is the asbestos respirator level 3 (FFP3), and tests have shown it reduces the level of exposure 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>

Union reps should look out for a certification mark on any masks provided, 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.

Gloves do not prevent infection as people will still touch their skin with the gloves and then touch another surface or person. Latex gloves carry significant risks of producing an allergic reaction and were they to be used during an outbreak there would be problems of disposal.

BIN IT

Germs can live for several hours on tissues. Dispose of your tissue as soon as possible.



KILL IT

Hands can transfer germs to every surface you touch. Clean your hands as soon as you can.



UNIONISE

Paid sick leave stops disease from spreading in your workplace. Join your union today.



via [instagram/uniteinhospitality](https://www.instagram.com/uniteinhospitality)

The use of **hand sanitising liquid** is slightly different. 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 in the event of an outbreak. 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 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

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.

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.

[emergency-coronavirus-taskforce-unions-and-business](#)

Other sources for information:

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

World Health Organisation, Getting your workplace ready for COVID-19:
<https://www.who.int/docs/default-source/coronaviruse/getting-workplace-ready-for-covid-19.pdf>

Health and Safety Executive, Coronavirus (COVID-19), latest information and advice:
<https://www.hse.gov.uk/news/coronavirus.htm>

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

You can read our detailed briefing on the changes needed to Statutory Sick Pay here: <https://www.tuc.org.uk/research-analysis/reports/sick-pay-all> and our request for an emergency government task-force here: <https://www.tuc.org.uk/news/tuc-calls->

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/TUChealthandsafety>

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