

Advice to FE branches to inform discussions with employers about any future return to the workplace

The further education joint trade unions have set out **five tests** which should be met before any further education provision should re-open.

Test 1: Much lower numbers of Covid-19 cases

The new case count must be much lower than it is now, with a sustained downward trend and confidence that new cases are known and counted promptly. And the government must have extensive, open and transparent arrangements in place for testing, contact tracing and isolating those with Covid-19 symptoms.

Test 2: A national plan for social distancing

The government must have a national plan in place which includes parameters for both appropriate physical distancing and safe levels of social mixing in all further education settings. To help ensure physical distancing during travel and at colleges, all staff and students who can work and study from home must continue to do so.

Test 3: Comprehensive testing

Comprehensive access to regular testing for students and staff, with isolation for all suspected cases, to ensure colleges don't become hotspots for Covid-19. In addition to routine testing, protocols to be in place to ensure testing across whole college sites and other non-college work-based learning sites whenever a confirmed case of Covid-19 occurs.

Test 4: A whole college strategy for health and safety

Risk assessments and safe ways of working for all tasks and spaces within a college should be established with relevant staff and unions in advance. This should include regular deep cleaning and stringent hygiene measures. Where PPE is identified as required by risk assessments, supplies of these are secured before re-opening of affected areas. Strategy to be clearly communicated to all stakeholders.

Test 5: Protection for the vulnerable

Vulnerable staff, and staff who live with vulnerable people, must work from home, fulfilling their professional duties to the extent that is possible. Plans must specifically address the protection of all staff, students and members of their households who are vulnerable to Covid-19.

Employers should do the following:

- prevent the spread and transmission of COVID-19 within their workplaces and fulfil their legal duties under the Health and Safety at Work Act 1974
- conduct '**suitable and sufficient**' risk assessments in consultation with trade unions and employees which seek to first prevent or eliminate workplace hazards or control risks at their source
- identify all potential hazards and risks within the workplace in consultation with trade unions and employees. Risk assessments should consider all those who could be harmed by the hazards identified including employees, students, contractors, visitors, members of the public and so on. Risk assessments should capture what actually happens in practice and include any non-routine tasks
- appoint **competent persons** with appropriate levels of knowledge and expertise to undertake risk assessments. Once completed the risk assessments should be signed off by the employer and regularly reviewed to ensure the effectiveness of control measures
- provide sufficient information and instruction to ensure employees and others understand the hazards to which they are exposed and the preventative and protective control measures that should be in place
- ensure they communicate their risk management systems and procedures to all staff and regularly review the effectiveness of these in consultation with trade unions and employees.

Serious and imminent danger

Covid-19 remains widespread in the population and we have no tested vaccine or treatment to protect people from harm. Symptoms of COVID 19 can range from mild, moderate, severe and fatal. Under the **Health Protection (Coronavirus) Regulations 2020**, coronavirus is declared in statute as posing a serious and imminent threat to public health. We can anticipate therefore a number of circumstances where workers could believe they are at risk of serious or imminent danger in the workplace. The **Management of Health and Safety at Work Regulations 1999** require employers to put in place procedures to be followed in the event of serious and imminent danger in the workplace.

What can UCU branches and reps do?

- Take full advantage of all the regulatory provisions imposed on employers and engage in meaningful consultation to improve safety in the workplace.
- Engage with employers and be constructively critical of COVID 19 risk assessments. Reps can help employers to identify all potential hazards and risks that may be present due to COVID-19 and they can suggest additional control measures, ensuring the hierarchy of control approach is followed.
- Ensure employers take a whole institution approach to risk management and risk assessment of COVID 19 that considers all factors that could lead to increased risk of transmission. This includes consideration of employees travel to and from work and any potential exposure to symptomatic and asymptomatic people or contaminated areas.
- Ensure safe systems of work are developed for all areas and activities in line with risk assessments. Reps should also agree clear escalation routes with employers for safety issues to be raised that leads to immediate action to protect workers from harm.
- Agree emergency procedures and protocols for COVID 19 that consider any potential circumstances where a worker may remove themselves to a place of safety if they believe there is a serious and imminent risk to their health and safety.
- Check that employers are reporting any confirmed COVID-19 infections or deaths that have occurred as a result of exposure in the workplace. This is required under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 as COVID 19 is a RIDDOR reportable disease. Union reps can raise any health and safety concerns with HSE if they feel inadequate measures are in place to protect workers from harm.
- Appoint additional H&S reps with a focus on COVID 19 to support branch work in this area. Current reps can also play dual roles in branches and be appointed as safety reps to increase branch capacity where appropriate.

Mental health of workers

Employers have a duty to treat stress in the same way as any other potential workplace hazard and this is particularly important during the current health crisis given the significant changes that have taken place to workloads and working practices across all workplaces. It is foreseeable that workers will experience fears for their own health and safety and that of others in their care which could be exacerbated by any move to reopen workplaces to non-essential workers before it is safe to do so.

Employers should undertake preventative stress risk assessments with a focus on COVID-19 in consultation with union H&S reps and employees. The risk assessment can be generic and organisation wide. It should identify all potential stressors that could cause harm and suitable control measures. Some potential stressors arising out of the current health crisis could include, bereavement, financial hardship, job insecurity, excessive workload, health concerns, and concerns about new ways of working etc.

Branch action checklist – areas for negotiation and consultation prior to return to work

- ✓ COVID-19 Risk Management Framework is agreed which sets out a clear and transparent approach to safety management in consultation with trade unions. Any plans should recognise the unequal impact of the pandemic on different groups of workers who are most affected and at risk from the effects of COVID-19.
- ✓ COVID-19 Serious and imminent danger procedure agreed where staff may need to remove themselves from serious and imminent danger.
- ✓ Current risk assessments reviewed to ensure they continue to eliminate or control identified risks to low levels during COVID-19 pandemic.
- ✓ New risk assessments developed to ensure the virus can be effectively eliminated or controlled within the workplace to prevent staff contracting COVID-19.
- ✓ Generic, organisation level stress risk assessment developed to prevent or control any potential stressors arising from COVID-19 and any new working arrangements.
- ✓ Employer policies and procedures reviewed to ensure that they do not increase potential for harm to health, safety or welfare or increase risk of COVID -19 transmission.
- ✓ Appropriate collective bargaining forums should be identified for the ongoing review of risk management processes and risk assessments to ensure their effectiveness. This could be through established collective bargaining forums, including safety committees where these exist. UCU recommend that branch reps leading on these consultations and negotiations with employers be appointed as H&S reps to ensure their rights are protected under the **Safety Representatives and Safety Committees Regulations**.

Please note that health and safety reps have no greater liability in law than any other employee when it comes to health and safety duties or breaches. It is the employer who is legally responsible to ensure workplaces are safe.

Organise in your workplace

The impact of the coronavirus crisis means the work unions do is more important than ever. Read the TUC's new **guide on how to organise through the coronavirus crisis**.

UCU advice and support

Regional offices: reps must contact their regional office immediately if your employer starts to raise the prospect of reopening workplaces to obtain further advice and support.

UCU COVID-19 resources and bargaining advice and **H&S resource centre**

UCU H&S rep training and webinars to be scheduled

Useful links:

The TUC has produced a useful guide which contains a risk assessment checklist for reps.

HSENI example workplace COVID 19 Risk Assessment Template

Northern Ireland Engagement Forum on COVID-19: 'A Practical Guide to Making Workplaces Safer'

TUC: Ensuring Safe Return to Work

Hazards Campaign: Precaution, Prevention, Protection and Participation approach