

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

UCU tests for safe returns to on-campus working in HE

Test 1: Sustained reduction in numbers of Covid-19 cases and infection rates

New cases of Covid-19 need to be low and falling, with a sustained downward trend and confidence that all new cases can be identified and responded to promptly. This applies at regional level, with reduced cases and a falling reproduction number or R value (below 1), confirmed region by region before decisions regarding reopening of university campuses are considered. There need to be extensive, reliable, and transparent systems operating for testing, contact tracing, and isolating those with Covid-19 symptoms, managed by appropriate level public health authorities.

Test 2: Coherent planning for social distancing

The relevant authorities (UK; Scottish; Welsh; and Northern Irish) must have coherent plans which include parameters for appropriate physical distancing and safe levels of social mixing, applicable to HE campuses/workplaces as well as travel to and from them. To help ensure physical distancing, all HE staff and students who can work and study from home should continue to do so.

Test 3: Comprehensive testing and contact tracing

To avoid HE institutions becoming centres for Covid-19 transmission there need to be comprehensive testing systems in place, providing for regular testing of staff and students attending university premises, with isolation and comprehensive contact tracing for all suspected cases. In addition to routine testing, protocols are needed to ensure full coverage testing occurs promptly across university and other worksites following any case of Covid-19 being confirmed.

Test 4: University-wide strategies for safe returns and continuing health and safety

Risk assessments should be completed in consultation with recognised staff unions, and safe ways of working established in advance for all activities and spaces within

universities. These should anticipate phased/staged returns to workplace presence, differentiating between activities/subject disciplines where attendance is necessary (e.g. some research laboratories/workshops) and where it is not; and hazards present in different settings (e.g. large lecture theatres/auditoria or small group teaching rooms, where risks may differ but be no lower).

Hazards must be assessed, appropriate control measures identified and introduced, and adjusted where necessary, all in light of current evidence regarding Covid-19 transmission routes and risk.

Equality impact assessments should be completed to ensure that all workers are fully protected and the differential risks relating to BAME staff, disabled staff, older staff and staff in other categories who may be more vulnerable to Covid-19 are fully considered. These should also consider whether safety measures might present particular challenges for certain groups and where additional support (e.g. reasonable adjustments for disabled staff) may be required so they can undertake their work effectively.

In planning for phased returns to onsite working, priority consideration should be given to students who struggle to access teaching remotely and whose studies would therefore suffer disproportionately from continued off-campus working.

Plans must be in place for regular cleaning and stringent hygiene measures for all workplaces where staff are scheduled to return. Where risk assessments identify that PPE is required, sustainable supplies of appropriate PPE must be available before re-opening of affected areas.

Risk assessments, including identified hazards and associated control measures, must be communicated to affected staff and more widely (e.g. on institutional websites).

Plans, including effective communications strategies, must be in place for prompt and effective site/campus closure in the event of a local spike in Covid-19 cases.

Test 5: Protection for those most vulnerable to Covid-19

Staff who are themselves more vulnerable to Covid-19, and staff who live with people at heightened risk, must not be required to work on campus. Plans must explicitly address measures for the protection of staff, students, and members of their households, who are in groups identified as facing heightened risk of contracting and/or are more vulnerable to the worst effects of Covid-19, recognising that BAME groups are particularly affected and are likely to be over-represented amongst staff groups undertaking essential on-campus work such as cleaning and security work.

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
- consult with union health and safety reps on all safety measures and safety arrangements which could have an impact on the health safety and welfare of employees in the workplace. Employers must ensure suitable arrangements are in place to allow for meaningful consultation with trade unions on all health and safety matters.
- provide health and safety reps with all the relevant safety information to enable them to meaningfully consult on all safety measures within the institution
- 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. They should specifically consider the risks to temporary workers, new or expectant mothers and young people. The risk assessment should capture what actually happens in practice and include any non-routine tasks
- consider the unequal impact of Covid-19 and those who are at increased risk of contracting covid-19 and suffering poorer outcomes (i.e. underlying health conditions, older age, pregnancy, BAME groups, and men)
- 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, instruction and training 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 safety measures to all staff and regularly review the effectiveness of these in consultation with trade unions and employees
- undertake health surveillance as required under health and safety legislation to prevent exposure to Covid-19 in the workplace and respond quickly if outbreaks occur.

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 and ensure any phased reopening of the workplace is considered in consultation with trade unions.
- Appoint additional health and safety 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.
- 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.
- 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.
- Ensure safe systems of work are developed for all areas and activities in line with risk assessments and check that the employer has considered any equality impact in their design and application.
- Check that employers have in place appropriate health surveillance systems and are reporting any confirmed Covid-19 infections or deaths that have occurred as a result of exposure in the workplace to HSE. This is a requirement 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 direct with **HSE** if they feel inadequate measures are in place to protect workers from harm.

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 and consultation with trade unions.
- ✓ All risk assessments and safety measures 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.
- ✓ Equality impact assessments of proposed safety measures should be undertaken to identify and address any potential differential impact.
- ✓ 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.
- ✓ Health surveillance systems should be in place to ensure the effectiveness of control measures and safe systems of work. Health surveillance can act as an early warning system for any outbreaks within the workplace.
- ✓ 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 for further advice and support to ensure their institutions are not opening up work sites before it is safe to do so.

[UCU Covid-19 resources and bargaining advice](#) and [H&S resource centre](#)

UCU H&S rep training and webinars

Useful links:

[UCU hazards and controls in HE](#)

[DfE Guidance - Higher education: reopening buildings and campuses](#)

[PHE Research and Analysis - Covid-19: review of disparities in risks and outcomes](#)

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](#)