

# **COVID 19:**

**Keeping workers safe during the transition from Lockdown.**



---

**Barnet UNISON**

Barnet House

1255 High Road

Whetstone

N20 0EJ

Telephone: 020 8359 2088

Email: [contactus@barnetunison.org.uk](mailto:contactus@barnetunison.org.uk)

[www.barnetunison.me.uk](http://www.barnetunison.me.uk)

**2020**

---

## **Barnet UNISON – Keeping workers safe during the transition from Lockdown**

In the near future the UK government is likely to remove some of the Covid-19 pandemic restrictions as part of what is likely to be a long transition from the current situation to where most people can return to their workplaces.

This will be an incremental process calling upon the requirement for the implementation of a number of changing work practices and arrangements, needing careful planning and efficient implementation.

Barnet Council must ensure that there is a safe transition from lockdown, and that measures are in place so that employees and the public are protected as Council worksites reopen. To help enable this Barnet UNISON calls for the Council to take the following actions:

- The Council to prioritise workers' physical safety and mental health and wellbeing.
- The Council to communicate clearly and swiftly with employees, detailing the arrangements and procedures that will be in place during the transition from Lockdown. This must include phone or written contact when employees have no or poor access to emails or social media.
- The Council to inform and consult with the Trade Unions in a full and timely manner on the transition from Lockdown. By engaging with the Trade Unions the Council can receive our support in the process, and help build workforce support for changed ways of working such as working from home, social distancing measures and deployment of Personal Protective Equipment (PPE).
- The Council to ensure that protective measures are in place for workers most vulnerable to Covid-19, pregnant women, new mothers and employees sharing households with people requiring shielding.
- Covid-19 Risk Assessments to be in place relating to specific worksites and work tasks. The Council should consult and obtain agreement with the Trade Unions on these Risk Assessments. No worksites or tasks to be engaged until such Risk Assessments are in place following agreement with the Trade Unions. Risk Assessments to be accessible to all Council employees.
- Increased stringency and frequency of cleaning of workplaces and equipment during the transition from Lockdown.
- Social distancing to be in place at work sites, with clear guidance given to workers. Buildings should not be open to the public without strict and enforceable social distancing measures in place, following consultation and agreement with the Trade Unions.

- 
- The Council should not restrict the access to Trade Union officers and reps to work sites or employees as long as social distancing and other safety requirements are met.
  - The Council should set aside restrictions on facility time or release for union duties whilst the transition is in effect.
  - To reduce the risk of infection the Council should consider and implement changes to the layout of workplaces, adjusting working patterns, alternating sections of the workforce on sites, and staggering travelling times. The Trade Unions to be consulted with on any such changes.
  - Workers to be allowed to continue working from home or at a site of work nearer to home than their usual place of employment.
  - In line with Section 44 of the Employment Rights Act 1996 the Council will not submit any worker refusing to work in an unsafe workplace to Disciplinary or other punitive measures. It recognises workers have the right to withdraw from and refuse to return to an unsafe workplace, and that they have legal protection from dismissal, disciplinary or any other detriment for raising a health and safety issue.<sup>i</sup>
  - PPE must be provided where necessary, and no-one should be asked to re-use PPE inappropriately.
  - Employees to receive instruction on the safe use, maintenance and cleaning of PPE as necessary.
  - The Council to ensure the continual procurement and distribution of Covid-19 related PPE.
  - Equalities Impact Assessments to be in place for the transition from Lockdown. Across the UK Black and Ethnic Minority workers have suffered disproportionate harm from the impact of the virus. The Council must seek to prevent this disproportionate impact and comply with its public sector equality duty.
  - The Council to inform workers about the availability and criteria of Covid-19 testing and to support workers in obtaining such testing when criteria are met.
  - The Attendance Management Procedure to be suspended whilst the transition and pandemic continues.
  - If the Council insists on carrying out the Attendance Management Procedure during the pandemic, employees who are suffering from Covid-19, self-isolating, shielding household members or have children at home while schools are closed should be exempt. In addition these employees should not suffer financial penalties for absence from work.

- 
- The Council to ensure that Partner organisations and contractors' employees are given the same protection from infection and the right to self-isolate, shield or stay at home with children while schools are closed as Barnet employees. If these protections are not in place then the risk of infection is increased for all.
  - The Council to ensure that Partner organisations and contractors' employees are provided with PPE where necessary, and no-one should be asked to re-use PPE inappropriately.
  - The Council to ensure that Partner organisations and contractors' employees receive instruction on the safe use, maintenance and cleaning of PPE as necessary.
  - The Council must recognise that many workers will have suffered bereavement during the pandemic. Many workers will experience anxiety about the virus, and the risk of a return to work outside the home for themselves and their families. The Council should ensure that sufficient and easily accessible Mental Health resources are in place.
  - Sickness, shielding and other pandemic and transition measures are likely to reduce the available workforce. The Council should ensure work should only take place when there is an adequate number of people able to carry out operations safely and that workloads are manageable.

Barnet UNISON asks the Council to enter into meaningful consultation with UNISON and the other Trade Unions on how best to implement these actions, in order that our members remain well and can continue to serve the residents of Barnet.

---

## i

Section 44 of the Employment Rights Act 1996 provides employees with the right not to suffer a detriment or be dismissed for refusing to work in circumstances where they believe they would be in serious and imminent danger. It provides employees with the 'right' to withdraw from and to refuse to return to a workplace that is unsafe.

Employees are entitled to remain away from the workplace (e.g. stay at home) if – in their opinion – the prevailing circumstances represent a real risk of serious and imminent danger which they could not be expected to avert.

See Section 44.1(d) and Section 44.1(e) below:

(d) in circumstances of danger which the employee reasonably believed to be serious and imminent and which he could not reasonably have been expected to avert, he left (or proposed to leave) or (while the danger persisted) refused to return to his place of work or any dangerous part of his place of work, or

(e) in circumstances of danger which the employee reasonably believed to be serious and imminent, he took (or proposed to take) appropriate steps to protect himself or other persons from the danger.

Personal Protective Equipment at Work Regulations 1992. Under this legislation, employers are obliged to provide PPE where appropriate, training to use the PPE, it must fit the user and be compatible with all other PPE provided.

Health and Safety at Work Regulations Act 1974, Section 2 lays out a duty upon all employers to provide a safe place of work.

Regulation 3 of the Management of Health and Safety Regulations 1999, which acts as another obligation on employers to carry out risk assessments, introduce appropriate measures to control associated risks and provide a safe place of work for employees.