GMB TOWER HAMLETS BRANCH

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6h May 2020

Health and Safety at Work etc. Act 1974 and associated legislation
The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020
The Management of Health and Safety at Work Regulations 1999
Employment Rights Act 1996
The Safety Representatives and Safety Committees Regulations 1977

Dear Amanda,

We are living in unprecedented times. Covid-19 threatens the lives and wellbeing of everyone on the planet. Emerging from this crisis in the UK, as elsewhere, means preventing the virus from spreading and ensuring that everyone that works for London Borough of Tower Hamlets Council is protected.

We are all aware that the cabinet will be reviewing national guidelines on 7th May and that the Prime Minister is due to address the nation on Sunday and that this is expected to include some detail of the circumstances in which the country may move from the current “lock down” arrangements.

You will be aware of the general concerns expressed across the Trade Union movement about moving away from current arrangements in terms of the requirement for people to physically attend work, beyond those in essential roles where there is no alternative way to carry out critical functions.

These arrangements have generally worked well in Tower Hamlets with a large proportion of the workforce successfully working from home, which has facilitated working with social distancing for critical staff who have needed to attend at a workplace.

We share the view that there should be no move away from current arrangements at this time and until such time as:

1) There is confirmed scientific evidence of a 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. The government’s pronounced trace, track and test procedures must be seen to be in place and working. As an employer the Council needs to demonstrate that it also has extensive arrangements for tracing, contact tracing and testing where members of staff come into contact with people known as likely to have been infected with the Coronavirus at the point of contact, or where members of staff themselves contract the Coronavirus. This is particularly relevant where a staff member has died from Covid 19 and was known to have had recent contact with colleagues and how

Unions and staff need assurance about how this is subsequently managed. The Trade Unions should be kept updated on the specific detail of track and trace activities.

2) Plan for social distancing. The Council must have a plan in place to ensure strict adherence to social distancing measures. This should include parameters for both appropriate physical distancing and levels of social mixing in workplaces; physical adjustments to workplaces as necessary Including all buildings having dedicated entry and exit points and lifts limited to one or two people, depending on size of lift; strict procedures for work space and flow of people inside workplaces; strict procedures on hygiene and provision of appropriate materials.

3) Testing - Comprehensive access to regular testing for staff to ensure the Council's workplaces don't become hot spots for Covid-19.

4) PPE. Full provision of all appropriate PPE for roles that are public facing; where social distancing cannot be guaranteed; or which involve visits and working in the community, particularly where this involves vulnerable members of the community. Provision of hand cleaning gel as appropriate within buildings and especially for staff working in the community who do not have access to hand washing.

5) Whole workplace strategy - Protocols must be put in place by the Council to test a whole workplace when a case occurs and for isolation to be strictly followed.

6) Continued 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 be drawn up to specifically address the protection of vulnerable employees, focusing on which practices need to be put in place to secure safe working.

7) No increase in the number of staff needing to use public transport until there is guaranteed safe operation of public transport. This would include include comprehensive guidance to the Council's employees on safe public transport use, and continued support of parking permits or places where appropriate to enable staff to use private transport.

8) Production of risk assessments. The provisions of the Health and Safety at Work Act 1974 requires the Council to undertake specific Covid-19 risk assessments. These assessments need to be for each job role and function within them, as well as overall assessments of the capacity for safe working within Council buildings, and safe access for the public. Our members' confidence in workplace safety will depend on comprehensive risk assessments being completed and complied with across every LBTH workplace and safe working systems being introduced as a result of those assessments.

9) The Council is already legally required to consult with Health and Safety representatives from each accredited union. All risk assessments in LBTH workplaces should be produced in consultation with union representatives and actions to guarantee safe working should be agreed with unions.

10) Black and ethnic minority workers have suffered disproportionate harm from the impact of Covid-19 and the NHS now advises that risk assessments must give specific consideration to BME workers.

11) Publication of risk assessments - The Council should not only the produce risk assessments (as per existing legislation) but also their publication. They should be proactively shared with the workforce and made available to all employees. Risk assessments should be completed and published before staff are expected to return to work.

The Council is reminded of the existing right of workers to refuse to work in situations that present serious and imminent danger to them, their colleagues or members of the public, and not to suffer detriment if they do so.

Yours sincerely

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