

# Unite and the Coronavirus

Dear members,

The following is some guidance collaborated from the Scottish and UK Government, the TUC and STUC, and most importantly your NHS, regarding COVID-19 (the Coronavirus).

This may change, and we want to stress we are not health professionals, so for the latest, and best, health advice keep up to date with the NHS guidance at - <https://www.nhs.uk/conditions/coronavirus-covid-19/>

The thing we want to stress here is that everyone try not to panic. To help with this, we've tried to keep this information as simple as we can.

It is ironic, but through "Social Distancing", the collective will make all the difference here. We need to ensure that we are keeping ourselves safe and that we are keeping each other safe. This will be a struggle unlike our usual ones, but just like a bad employer, if we all work together, we can beat this before it has a chance to develop.

Pat Rafferty  
Unite Scotland



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# What is Coronavirus?

Coronavirus is actually the name for a group of viruses, this particular strain (COVID-19) is a “Novel” virus, which simply means that it has never been seen in humans before.

You may have heard that this is ‘just a flu’, however, a coronavirus is more serious than influenza. The symptoms may be similar, such as a fever, fatigue, dry cough and difficulty to breathe, but due to both the infection rates, and the fact that there is not a vaccine to help those susceptible to serious illness and death as a result of contracting the disease, it must be treated as a higher risk.

## How do you get coronavirus?

Coronavirus is an airborne infection. The most common transmitter is through coughing and sneezing, and the droplets of the virus are able to travel up to 6 metres. This is why the use of tissues or a sleeve are better to cough or sneeze into, rather than straight into the air, as it stops the particles from travelling.

The virus itself can only live on non-living objects for a few hours, but this still means that when you are using tissues, it is best to dispose of them safely in a bin straight away, avoid sneezing or coughing into your hands, and to make sure that you are keeping your hands clean by washing them for at least 20 seconds using soap and/or alcohol frequently.

## What do I do if I think I have coronavirus?

Employees who develop symptoms of either a high temperature, or a new continuous cough, are now being advised to stay home for 7 days. Anyone who has travelled to an affected area, or who has been in close contact with an infected person, had already been asked to self-isolate for 14 days.

If you know you have been in contact with someone who has a confirmed case of COVID-19, or if you have these symptoms, you should begin the process of self-isolation, please do not visit your GP surgery or hospital without first calling, as you could potentially expose others to the virus.

If you are in self-isolation, you should stay at home to minimise the impact on others, this means that you should also not attend work.

There is currently no vaccine or medication for COVID-19. Medications used to treat the flu can reduce symptoms, such as coughing and aches and pains.

Your local GP or pharmacist can help recommend drugs and medications to alleviate these, but again, please call rather than visit in person.

## **What is “social distancing”?**

Social Distancing is a method which can be used to minimise the spread of the disease, as it is airborne. The current advice from the World Health Organisation is that you should maintain a distance of 1 metre (3 feet) between yourself and anyone who is coughing or sneezing. This space helps stop the spread of the infection, by limiting your contact with any potential airborne droplets.

## **How will this affect the operations of the Union?**

In the most part, we will try to carry on business as usual. Our staff are currently still working in an office environment, although you may find that the phone lines become busier than usual if members of our team have to self-isolate, and we would appreciate your patience if this becomes the case. As the Scottish Government have advised that all demonstrations over 500 attendees are to be cancelled; marches, rallies, demonstrations and conferences may be suspended / rearranged over the coming months as the situation develops.

Smaller Branch Meetings may still be ongoing, although we would ask that Branch Officials consider that members may not wish to attend these, and that it may be beneficial to defer these to a later date. We are also asking all visitors to the buildings to please wash their hands on entry, either in the bathrooms, or using hand sanitiser. We are also asking any members who have cold or flu symptoms to avoid visiting our offices for the safety of the staff. Some employers may also request that on-site meetings are postponed, and this is a reasonable request that we would recommend that Branch Officials attempt to do.

Representation and support for members will need to be maintained to the furthest extent possible without risking the spread of infection. This can be realised by utilising alternative methods of communication including telephone \ video conferencing \ email \ Vidyo \ Skype \ Facetime \ WhatsApp \ Slack and, where essential meetings in person need to take place, all

precautionary measures including distancing, hand washing etc., should be adopted.

# Health and Safety - How should we manage this risk?

There is a primary duty under the Health and Safety at Work Act 1974 (HASAWA) together with associated legislation to protect the health safety and welfare of their workforce and others affected by their operations. The duty applies in common law to take reasonable care for the health and safety of the workforce.

Different jobs will carry a higher risk of being exposed to the virus such as front line staff to those working in building site or office environment. These risks should be identified by your employers risk assessments. Union Representatives need to be consulted on every part of the process, this is a legal requirement in regards union Health and Safety Representatives under the Safety Representatives Safety Committees Regulations 77.

If you do not feel this is the case, speak with your employer and local health and safety rep and request a risk assessment. This is not a partisan issue, it requires the Union and your employer to work together to protect everyone, so there should be no resistance to this. If you find that there is, contact your local Union rep, or local Unite Office.

Depending on the risks identified, appropriate combinations of engineering and administrative controls, safe work practices, and personal protective equipment (PPE) should be in place to prevent worker exposures. It is very important that worker receive appropriate training on all aspects of control measure's identified from the assessment.

All workers, regardless of specific exposure risks, should be advised to :

- Frequently wash your hands with soap and water for at least 20 seconds. When soap and running water are unavailable, use an alcohol-based hand rub with at least 60% alcohol. Employers should ensure that all these facilities are available, and time allotted to carry out these tasks.
- Avoid touching your eyes, nose, or mouth with unwashed hands.
- Try to avoid close contact with people who are unwell
- Clean and disinfect frequently touched objects and surfaces

- Cover your mouth and nose with a tissue or your sleeve (not your hands) when you cough or sneeze. See [Catch it, Bin it, Kill it](https://campaignresources.phe.gov.uk/resources/campaigns/101/resources/5016)  
<https://campaignresources.phe.gov.uk/resources/campaigns/101/resources/5016>

Guidance from the World Health Organisation (WHO) on the Rational use of personal protective equipment for coronavirus disease 2019 (COVID-19) is available here and maybe be useful for Unite Safety Reps.

[https://apps.who.int/iris/bitstream/handle/10665/331215/WHO-2019-nCov-IPCPPE\\_use-2020.1-eng.pdf](https://apps.who.int/iris/bitstream/handle/10665/331215/WHO-2019-nCov-IPCPPE_use-2020.1-eng.pdf)

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*Should people wear face masks to protect themselves from infection?*

There is very little evidence of widespread benefit from their use outside of these clinical settings. Face-masks must be worn correctly, changed frequently, removed properly and disposed of safely in order to be effective.

The best way to protect ourselves from infections like coronavirus is to wash our hands frequently with soap and water or use a sanitiser gel, as well as always carrying tissues and using them to catch coughs and sneezes, then putting the tissue in a bin.

The government has produced specific guidance to relevant sectoral employers: <https://www.gov.uk/government/collections/covid-19-guidance-for-non-clinicalsettings-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.

## **How do we deal with sickness absence stress?**

Employers may have higher rates of absence than normal, due to 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.

We have to ensure employers do not encourage staff to come in when ill, and that no pressure is placed on staff by their employer, clients or colleagues to continue to work whilst ill. 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. We will be reminding employers that it will not help efficiency if those who are still able to work find their physical or mental health being undermined by excessive pressure, and if you have an issue with this, please speak to your Union rep or local Unite office.

# What about Sick Pay?

This is an important matter that will be worrying many of our members particularly around self – isolation, it is a vital negotiating issue for Officers and Reps.

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## *Statutory Sick pay*

### Sick pay from day one for those affected by coronavirus

Statutory Sick Pay will be made available from day one when self-isolating, instead of day four. The details were published on the 4<sup>th</sup> March by the Department of Works and Pensions and the Prime Minister.

### Sick pay from day one for those affected by coronavirus - Gov.uk

This move will form part of emergency legislation measures from the Government. The change is certain to be a temporary measure in response to the outbreak and will lapse when it is no longer required. However, this is a good time to push for this to become a permanent feature, which Unite will be doing centrally.

If you're on a zero hours contract, you can still get sick pay - you should ask your employer for it. If they say no, ask them to explain why, and call your Unite rep or office.

### Groups that are not entitled to Statutory Sick Pay

There will be workers who will not be entitled to statutory sick pay. The options open to those groups are not satisfactory, and that has always been the case a situation trade unions are fighting to change. The range of support currently in place for those who do not receive Statutory Sick Pay, includes Universal Credit and contributory Employment and Support Allowance.

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## *Pay if someone has to go into self- isolation*

When addressing the House of Commons on 26/02/20, the Secretary of State for Health Matt Hancock MP said “Self-isolation on medical advice is considered sickness for employment purposes”

Considering the statement from government all seems quite straight forward. However circumstances differ between having symptoms and being asymptomatic.

### Self- Isolation with Symptoms

In the case of an employee who self-isolates because they have developed the symptoms of COVID-19 then they will be entitled to whatever sick pay is payable under their contract of employment (although this will not always result in the maintenance of normal pay during the full period of absence).

### Self-Isolation without symptoms

It is by no means clear that an asymptomatic employee who self-isolates will have a contractual entitlement to receive sick pay. This will depend on how the employee's contract of employment defines the right to sick pay. Under many contracts of employment, an employee has no contractual right to sick pay unless they are incapable of work. Statutory sick pay is also payable only in respect of a period of 'incapacity for work'.

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## **ACAS guidance**

[HTTPS://WWW.ACAS.ORG.UK/CORONAVIRUS](https://www.acas.org.uk/coronavirus)

States:

"There's no legal ('statutory') right to pay if someone is not sick but cannot work because ... they have been told by a medical expert to self-isolate".

However employers have a duty to protect the health safety and welfare of all employees and others affected by their business and a common law duty of care. It would then follow employers would be wise to treat self-isolation as sick leave because there will otherwise be a risk that employees will come to work in order to get paid, in which case they could spread the virus if they have it. ACAS recommends this as "good practice" in their guide.

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### *My employer instructed me to remain home*

It is suggested that where an employer instructs an employee who would otherwise be capable of work to self-isolate for a specified period, the employee will be entitled to receive their normal pay for the duration of the self-isolation, because their absence from work then becomes a form of suspension.

The Government could address this problem by introducing a statutory right to normal pay during any period of self-isolation. However robust policy's

need to be adopted by employers to firm up this situation, in order to protect the workers and public health.

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*ACTION FOR REPS AND OFFICERS*

Negotiate firm policies and clear instructions from employers that sick pay will be paid in full when self - isolating in line with the recommendations.

## **What if I need time off work to look after someone?**

Employees are entitled to time off work to help someone who depends on them (a 'dependant') in an unexpected event or emergency. This would apply to situations to do with coronavirus. For example if they have children they need to look after or arrange childcare for because their school has closed, help their child or another dependant if they're sick, or need to go into isolation or hospital

There's no statutory right to pay for this time off, but some employers might offer pay depending on the contract or workplace policy. The amount of time off an employee takes to look after someone must be reasonable for the situation.

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### *Employees that do not want to work because they are worried*

Some people might feel they do not want to go to work if they're afraid of catching coronavirus. An employer should listen to any concerns staff may have. If there are genuine concerns, the employer must try to resolve them to protect the health and safety of their staff. For example, if possible, the employer could offer flexible working. If an employee still does not want to go in, they may be able to arrange with their employer to take the time off as holiday or unpaid leave. The employer does not have to agree to this, but speak with your local rep about way this could be tackled.

## **Am I protected under the Equality Act?**

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### *Disability*

If an employee has a disability within the meaning of the Act and that disability results in a higher risk of developing severe COVID – 19, such as those with a compromised immune system reasonable adjustments will need to be implemented. This could be accommodated for example by working from home, paid leave and so on.

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## *Discrimination*

Since the outbreak reached the UK there have been reports of targeting people of south Asian origin, particularly from China and surrounding areas. Within a workplace environment Employers are liable for harassment and discrimination by their employees to fellow workers. They will need to take reasonable steps to prevent the workforce being exposed to such abuse and discrimination, and have equalities policies in place, appropriate training and ensure such behaviour is prevented.

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## **ACTION FOR REPS AND OFFICERS**

Ensure equalities policies are in place. Consider Negotiating paid leave for those who have dependents and need to take time off. Ensure employers are issuing current information and have regular briefings with staff.

## **Do I need a doctors line?**

Normally an employer will require a doctor's line (fit note), after 7 days absence.

Since anyone unwell or in isolation is recommended to not leave home, it can be difficult to obtain a line. Government lawyers have ruled that an email confirmation of diagnoses 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.

Your rep or officer can 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, and should be negotiated locally.

## **What if my Rep is ill, and I need representation?**

If you require it, but are unable to gain representation locally, please contact your local office. You will have a full time officer who will be able to provide this. During this period, it may be the case that your employer does not wish your Officer to visit on-site, and this is understandable, however you still have the right to Union Representation. It is reasonable in these times to ask your

employer to defer any disciplinary action until you have the ability to be represented by your Trade Union, as is your statutory right. If there is issue with this, again, please contact your local office who will be able to advise you further.

<https://unitetheunion.org/what-we-do/unite-in-your-region/scotland/contact-us/>