

# COVID 19:

A worker's  
self-defence manual

A **COUNTERFIRE** pamphlet by

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## Contents:

Covid-19 and you: the second peak	3
Zero-Covid v herd immunity	3
Covid-19: the nature of the beast	4
Covid-19 and you: at work	4
Protecting you from your boss – the law	7
Trade unions and you	8
Public need, not private greed	9
Conclusion	10

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## Covid-19 and you: the second peak

As the coronavirus rears its ugly head again, there is talk of having to deal with ‘the second wave’. Let us be absolutely clear on this, we are not currently facing a second wave of the virus, we are experiencing an entirely avoidable second peak of the first wave.

Government inaction, and when it has acted (usually too little and too late) the ideological fixation with ‘private good, public bad’ that dominates its thinking has meant that time after time, opportunities to deal with the public health crisis have been squandered.

The effect of this irresponsibility is that we all have to redouble our efforts to fight the virus, and the workplaces are central to this effort.

This pamphlet is aimed at giving you information about Covid-19, and knowledge of your rights, so that you can, as far as possible, adopt a ‘Zero-Covid’ approach to health and safety (H&S) in your workplace.

## Zero-Covid v herd immunity

There is currently a push to balance the battle against the virus with the needs of the economy. This is a false and dangerous opposition. Our starting point should be to save lives and put safety first. The countries that have had the most energetic campaigns and have tried to eliminate the virus have had the lowest death rates, and tend to be those that have suffered the least damaging economic impact.

It is not true either that a concerted campaign against the virus automatically causes enormous suffering in other ways. Virtually all the experts are agreed that the key element to a successful campaign is an efficient test and trace system. After months of the pandemic, our government is still failing to deliver this – the single most essential measure in combatting the virus.

Lockdowns cause huge difficulties for many people, but the government could and should intervene to minimise the problems. During the first wave, governments here and abroad spent billions guaranteeing people an income. But it needs to be recognised that they have only spent a fraction of the trillions they spent to prop up the banks in 2008. The furlough should be continued as similar schemes are abroad and much more should be done to support people in lockdown situations.

The alternative to a ‘Zero-Covid’ approach is managing risk rather than seeking to eliminate it. Behind this approach lurks the idea of herd immunity, that over time enough people develop immunity for the virus to fade. This means deciding what level of avoidable deaths is acceptable. We shouldn’t accept that. Which is why this pamphlet is aimed at helping you make sure your workplace – the most significant source of social infection- has effective measures in place to eliminate the risk as far as possible.

## Covid-19: nature of the beast

Covid-19 is a nasty virus. No-one should be allowed to downplay how dangerous it is. It is more easily transmitted than seasonal flu and its death rate is about 6 times higher. Scientists projected in April 2020 that if it were allowed to spread uncontrolled, infecting the whole of the UK would result in around 500,000 deaths.

It is infectious and contagious. This means that it can spread through breathing in air containing the virus in the same way as the common cold. It can also be transmitted directly through physical contact and through indirect physical contact (sharing cutlery or crockery; touching door handles or work-surfaces etc. that have been touched by someone with the virus).

The consequences of infection range from asymptomatic (no symptoms, or ill-effects) all the way to death. It affects different groups in different ways: the older you are, the more severe the symptoms are likely to be and the higher the death rate. People with underlying health problems are high risk and people in deprived circumstances including bad or overcrowded housing and low incomes are also extremely vulnerable. Partly as a result of this, people from BAME communities are more at risk of infection, and being infected, suffer more severe symptoms and a higher death rate.

So, although there is still an awful lot we don't know about the disease, there are some important things we do know. Above all, we know how it spreads, so we can control the risk of infection, by:

- Social distancing
- Disinfecting and sanitizing
- Avoiding breathing infected air
- Regular hand washing

## Covid-19 and you: at work

You can take these precautions in your personal life, but it is harder to control your life at work. However, you do have certain rights under the law, and knowing them (and acting on them) could save your life – and that of your co-workers – because the workplace is the prime source of infection.

It is not sporting events or concerts, not pubs or restaurants or theatres (however sensible it is to suspend these) that have been central to local spikes. The most common and frequent (indeed daily) gatherings of people in close proximity and enclosed space is the workplace. Any serious strategy to fight the pandemic has to take the workplace seriously.

First and foremost, if you want to work in a safe and healthy workplace, your best option is a workplace where the union is recognised. All too many of us don't have that option. Even in a workplace with no union, if you are a member of a union you can draw on your union for advice and support – and you do have certain rights under the law. You should know them, make sure your workmates know them too, and work with them to make sure your rights are respected.

The major bits of legislation of most use are the Health and Safety at Work Act 1974, and the Employment Rights Act 1996.

The most important right you have is that the law insists you have a right to work in a place where risks to your health safety and welfare are properly controlled (Health and Safety at Work Act 1974 – HSWA). This act imposes several legal obligations on your employer. In particular:

### **The employer must:**

- assess the potential for any risk of harm to health, safety or welfare of workers on their premises or engaged on their employer's business;
- inform employees of any assessed risk;
- provide any necessary health and safety training free of charge;
- provide any necessary equipment, or Personal Protective Equipment (PPE) free of charge - this includes clothing that protects the worker against the weather;
- provide toilet and washing facilities (including soap) and adequate first aid facilities;
- inform you who is the person responsible for H&S on site.

The Act also requires that every employer should conduct a Risk Assessment (RA) of potential hazards in the workplace, and government regulations covering the lifting of the lockdown (Dept. for Business, Energy and Industrial Strategy, "Working safely during Covid-19" guidance, May 11 2020) stipulated that every workplace should be covered by a Covid19 –specific Risk Assessment (RA), and that this RA should be 'conducted in consultation with elected workers' representatives'. Where there is a recognised trade union, of course this would mean the union H&S reps. But the guidance is quite clear, and specific, that where no union is recognised, that consultation must take place with workers' representatives elected for that purpose.

If there are no elected H&S reps, the employer is required to allow and arrange for the necessary election to take place. The employer cannot appoint someone to be the H&S rep for this purpose, nor can they (if there is a staff organisation, or similar) assume staff reps can fill that role, unless they were already recognised by the company as having H&S responsibilities (i.e. the employer cannot just 'add on' H&S responsibilities).

The Covid-19 RA must be specific to the workplace. It is not enough that a multi-site business does a general survey covering all sites; every site will have specific differences (different access/exit routes, different toilet/sanitation layouts, different office layouts) which means tweaking the company-wide RA. You know your workplace far better than some H&S manager in central office; your knowledge should be essential in making sure that the general company-wide RA is suitable for your workplace, and you (or your elected rep) have a right to be consulted on it.

The Covid-19 RA should be communicated to all employees and be available in a downloadable form. It should cover risks to (and from) all workers, not just employees (and this goes for the employer's general responsibilities under the HSWA as well), so agency workers, temporary workers, contractors and their workers, casual workers, third party service providers (e.g. postal deliveries, van and lorry drivers) are all entitled to the protections required by these regulations. Their employers also have the same responsibilities, but your employer cannot pass the buck.

Incidentally, where your employer has got people working from home, they are still covered by the provisions of the HSWA, and should be covered by the RA: if they are stuck in front of a computer screen for hours, they are entitled to the same protection as in the workplace – protective screens etc.; they shouldn't be expected to be scrunched up on the sofa, peering at the screen, the employer should provide proper seating just as if they were at work free of charge etc.

These are non-negotiable conditions that the government has required of every enterprise seeking to bring employees back from lockdown. You are not being bloody-minded or pernickety about raising concerns. Covid-19 is a killer, and neither you nor your co-workers should fall victim to it because of some boss's 'irritation' with 'red tape'. Health and safety is not 'red tape', it is a lifeline.

One final point on Covid-19 and cost-cutting: make sure that any hand-sanitiser or cleaning agents supplied are up to the job. Don't be palmed off with anti-bacterial agents. Covid-19 is not a bacterium, it is a virus. If it is more than 70% ethanol (alcohol), or bleach-based, or is chlorine-based, it is probably ok (the HSE website gives specific guidance on this) – but still ask your boss for evidence that it is an effective anti-viral agent. It's always better to be safe than sorry. Never accept the excuse that 'we're having difficulty locating supplies. Use this until we can get some.' You wouldn't go to your doctor for an anti-tetanus jab, and accept a TB inoculation instead because they had run out of anti-tetanus "but they both begin with T".

And remember the H&S 'pyramid': elimination of the risk is the best option; PPE is the final fallback position, it should never be the first option considered.

- Hand sanitiser and cleaning solutions for work surfaces etc. should be freely available and regularly topped up – and up to the job
- Regular washing of hands is even more effective
- The 2-metre rule (social distancing) is not an add-on option, it should be the default position
- No ‘hot-desking’ without effective sanitisation – and the same for shared equipment (including keyboards etc.)
- No closed system air-conditioning (and open window ventilation is preferable to A/C anyway)
- Temperature checks for all staff prior to starting work (the cost of digital thermometers is minimal these days)
- **Staff required to self-isolate should receive full pay – after all, they are doing it for your protection**

These are just a few points for consideration not an exhaustive list; you know your workplace better than any outsider, so use your experience.

## Protecting you from your boss – the law

If your governor cuts up about you sticking your nose into what they regard as their business, make sure that you have first discussed the issues with your co-workers, so the boss knows s/he’s not just digging you out, that there is support for what you’re doing (this is where membership of a union is so important) but you should also know (and gently point out to the sod) that the Employment Rights Act 1996 (under S44) makes it a specific offence for any H&S rep (recognised by the company as such) to be ‘subjected to any detriment’ for

- performing, or proposing to perform, or proposing to carry out, the relevant duties of such a representative [ERA 1996 S44(b)]; or
- where there is no representative or it is not possible to raise the matter by these means, bringing to the employer’s attention, by reasonable means, circumstances which s/he reasonably believed were harmful or potentially harmful to health and safety [ERA 1996 s44(d)].

## The nuclear option

If you cannot get a reasonable response from your boss – if you genuinely think there are real risks in your workplace and s/he refuses to address your concerns, you don't have to put your health at risk (and nor do your fellow workers). The Employment Rights Act cited above also provides (ERA s100) protection from employers for workers who

- (i) *'in circumstances of danger which the employee reasonably believes to be serious and imminent and which they could not reasonably be expected to have averted' or*
- (ii) *'in circumstances of danger which the employee reasonably believed to be serious and imminent';*

take (or proposed to take) appropriate steps to protect themselves or other persons in danger.'

In English: if you genuinely and reasonably believe there is a serious risk to your health, don't chance it.

This includes the right to remove yourself from the danger, to a place of safety. (This does not mean going home, but does mean leaving your workstation, for example, and going to reception, or the car park, or the gate.)

## Trade unions and you

All of the above is good advice but it does put a lot on your shoulders. Luckily, you don't have to shoulder the load alone.

Working people discovered decades ago that we are stronger when we stand together than when we act alone. This is the basis of the trade union movement. Trades unions are associations of workers working for the common good. Every job in the country has a union that caters to their need. Some (posties, teachers, firefighters etc.) have unions specific to their industries. In other cases, there are the big general unions (Unite, the GMB etc.) that cover workers across many different industries (Unite, for example, covers 20 different industrial sectors, from engineering to health, from legal services to till assistants, and many more).

All of these unions provide assistance to members on matters of health and safety. Many of them provide specific online facilities. Unite, for example, provides industry-specific, downloadable, Covid-19 templates for its members and activists and has promised its members full legal support if an employer attempts to deny its members their legal rights when it comes to Covid-19 and health and safety.

They do not provide these out of the goodness of their hearts – the trades union recognise that Covid-19 is a threat to all of us. One weak link in the chain compromises the health of us all, so it is in our interests to make every link as strong as possible.

It is also the case that the virus will not (cannot) be defeated in the individual workplace. It needs a nation-wide strategy to be effective. So it makes sense for you (and your fellow workers) to be in a union. Together we are stronger. If there is a union already in your workplace, join it. If there isn't, then just type 'trade union' into your search engine and follow the links for one appropriate to you. You can join most unions online, but do not stop there. Having found a union to suit you, find the contact details of your local office and get in touch with them. They should be able to deal with any queries or concerns you have.

## Public need, not private greed

It's not just that together we are stronger, but that we need that collective strength to counterbalance the economic imperative that drives so many of our employers' – and their government's – decisions. The early infatuation with building 'herd immunity' meant adopting a do-nothing approach; their blind commitment to the market meant prioritising private enterprise over public need.

Facing a public health emergency and the potential collapse of the health service – threatened by a historic refusal to provide essential resources to the NHS – the response of the government was to turn to the private health sector. Not to commandeer their spare capacity, but to pay them (out of money that should have gone to the NHS) to provide their surplus services.

The emergency Nightingale hospitals, commissioned at such short notice, were located in private venues, lying empty because of the pandemic, for which the Tories were quite happy to pay rent. In the case of the ExCel, the original figure was between £2M-£3M a month

Meanwhile they left the production and distribution of essential PPE (face masks, sanitiser spray, gloves) to market forces and watched with apparent indifference as care homes and hospitals struggled to get essential supplies. Profiteers meanwhile made a killing jacking up prices and selling to the highest bidder.

Even when they were compelled to introduce the lockdown (under the threat of the scientific advisors going public with their advice if they didn't) the delay cost us life-saving weeks. The high degree of public observance of the lockdown was sabotaged by Dominic Cummings' flouting of the rules; and the 'return to work' drive was explicitly made on the basis of bowing to economic pressure against scientific advice. This, despite the fact that the total government spending to date is only a fraction of what they spent bailing out the banks.

Boris Johnson has tried to clothe himself in the borrowed finery of his hero Winston Churchill (apparently forgetful of Churchill's responsibility for the disaster that was Gallipoli), and indulges in attempts to evoke the 'wartime spirit' of the blitz. The reality is far closer to Lord Kitchener, the head of the Chiefs of Staff in the First World War, whose mantra appeared to be "Hang the casualties. One more push!"

This is the reason for this little pamphlet: it may have suited Lord Kitchener to send wave after wave of cannon fodder to gain a few yards of no man's land, but there is no reason why we, workers and trades unionists, should accept this dismissal of our health and lives. This pamphlet is intended to be a self-defence manual for ordinary workers, to help protect themselves and their workmates. And by doing so, help protect our loved ones and our communities.

## Conclusion

Finally, and to repeat the points above: Covid-19 is a killer. It won't be defeated by good intentions, nor by accountants. It can be defeated by proper attention to health and safety. Ignoring basic precautions can kill. To extend the 'war' analogy that Johnson seems so keen on: at present, we (and particularly our key workers) are 'lions led by donkeys'. The current government, in its commitment to promoting the interests of the employing class, is putting ordinary workers' lives at risk – whether it is the 'drive back to work' and pushing people onto an unsafe public transport system; pushing children back to schools; or the mass transportation of tens of thousands of university students from their homes (including areas under lockdown!) to congregate in their thousands, just to allow universities to cover their speculative gamble on the construction of student accommodation – every one of its decisions has been made to placate the god of profit.

Until we get a government that genuinely puts the interests of the mass of the population ahead of its cronies, we need to act for ourselves. But to do that, we need to build our collective strength.

Which is why this pamphlet has tried to explain some of the rights we do have, and how to use them, but above all, has tried to put the case that combining together, our strength is far stronger than any one individual can exert, no matter how knowledgeable. If you are not in a union, join one. If you are in a union, get active in it. If you are active, get in touch with other activists – in your union and in others. It is only when we can draw on our combined strengths across unions, workplaces, and industries that we can conduct a proper fight against this pandemic.

And if, together, we can defeat this virus – we can take on the other poisons in our society as well!

- Know your rights
- Make sure your workmates know them as well
- Work with your workmates to enforce your rights
- Join the union
- Join your workmates up as well
- Don't stop at Covid – the right to a safe workplace is across the board
- Don't stop at health and safety – collectively, we can change the world!



The background of the page is a solid red color with a subtle gradient. Overlaid on this background is a pattern of various shapes, including solid circles of different sizes and rings of different sizes, some of which are connected by thin lines, creating a network-like structure. The shapes are rendered in a slightly darker shade of red than the background.

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