



CORONAVIRUS – COVID 19 PANDEMIC

RMT ADVICE TO MEMBERS EMPLOYED IN THE BUS INDUSTRY

RMT have recently received a barrage of queries from both individual members and from our elected representatives on what to expect from their employers with regard to Coronavirus – Covid 19 Pandemic, what protections are being put in place and how their health and safety is to be protected by the employers.

This document is for all RMT members employed in the bus industry whatever their role.

Employers must protect their workers

While there are good practice examples from some employers and some employers have sought to involve RMT and its representatives in work health management of Covid 19 risks, there are also at the opposite end of the spectrum many employers who have done little or nothing, or have carried on with a business as usual approach. We also have examples of employers who speak good words but follow it up with no action or attempts to withdraw or re-shape their proposals. Some employers have been dishonest with their approach.

There has also been a disappointing response from the health and safety enforcing authorities who have failed to involve the RMT in developing their approach to Covid 19 control when they have a clear responsibility to do so.

RMT is publishing this advice and guidance which we expect all bus companies to comply with. It is clear that the Government believes the main way to prevent and get control of the spread of Covid 19 is through adopting principles of social distancing and that the RMT's proposals will assist them in reducing the spread of Covid 19.

It is clear to RMT that the employers need to ensure that guidance on social distancing is rigorously applied in all workplaces and they must protect their workers.

RMT position on social distancing at work

Due to the current Coronavirus – Covid 19 Pandemic the UK Government have issued Guidance around social distancing at work. RMT's position is based on our interpretation of advice provided from Public Health England, Public Health Wales and Health Protection Scotland. The Government's strategy is to reduce the spread of the disease by preventing it being passed from individual to individual. The most effective way of ensuring this is done is by limiting contact between individuals unless absolutely necessary. Everyone; employers, workers and individuals have a responsibility to behave appropriately to prevent the spread of the virus.

Despite our dialogue with some employers in order to work with them to bring in appropriate safe working systems, RMT has a reasonable belief that not all employers are fulfilling their legal duty under the Health and Safety at Work Act 1974 and other subsidiary legislation, to protect the health and safety of their employees. RMT are therefore issuing this position statement as advice and guidance to our members.

RMT is calling for the following measures as a minimum:

ESSENTIAL WORK AND ESSENTIAL TRAVEL ONLY

- The service provided should be for essential key workers only. Transport workers have the right to be protected from non-essential travellers who will only contribute to the spread of the virus.
- The government, the authorities and transport companies have to take steps to prevent non-

essential travel and all workers should benefit from income protection.

- The transport companies have to ensure against any crowding on transport systems and take direct measure that enforces social distancing in all parts of the systems and during travel.

SAFE WORK PRACTICES

- Employers to only conduct activities and tasks that are necessary for running the essential services for key workers and movement of freight during the emergency.
- Staff to only be deployed to tasks that are deemed as essential.
- Staff who are not required on shift for essential work to remain at home on full pay.
- Avoid large and small gatherings to maintain 2 metres of separation between workers; and with the public, including when travelling in vehicles and trains; meaning that employers have to provide for single occupancy in work vehicles and for passenger vehicles, an isolation zone including zoning-off seats; and screens around drivers and crew.
- Maintain 2 metres of separation between all individuals when on task. Where the task is essential to the safe operation of the service, and cannot be performed with 2 metres of separation, then personal protective equipment (PPE)* such as gloves, masks/visors and eye defenders to be utilised by all workers in close proximity to provide mutual assurance and the time spent within 2 metres must be minimised and only for the purpose of the task.
- If full appropriate PPE is not available then work should not commence.
- Members who have an underlying condition who are exercising “particularly stringent social distancing”, as advised by the NHS, should observe the 2 metres distance at all times and should decline any task where the 2 metres distance could be breached.
- As a temporary measure - minimise cash transactions when working, wherever possible.
- All companies in the bus industry need to ensure that toilet and washing facilities are open and readily available for transport workers at all locations so that they can comply in full with government advice.

*[*N.B. masks are useful in preventing transmission of infected droplets from someone who may have the virus and are developing symptoms and thereby stopping the virus spreading. All workers within 2 metres to wear PPE and masks for mutual assurance].*

RMT specific advice and guidance:

“If social distancing cannot be applied in line with the requirements detailed within this document then report the details to your Line Manager or Supervisor and do not proceed with the activity.”

“If any of these control measures cannot be adhered to or they believe that any of the line manager’s responsibilities have not been adhered to, stop work and challenge, and invoke the work safe procedure (or equivalent) if required.”

RMT is calling on all companies to adopt the same position when workers need to stop the job because they believe they are not safe or in danger. RMT will back all members invoking such procedures requiring them to stop the job.

Management responsibilities:

The Management of Health and Safety at Work Regulations 1999 state that employers must have procedures to be followed “in the event of serious and imminent danger”. Employees are protected by law if they decide that their work situation represents a threat of “serious or imminent danger” and as a result of this belief they remove themselves to a place of safety. Protection is also given to trade union appointed health and safety representatives.

RMT believes the current Coronavirus – Covid 19 Pandemic represents a real threat to life that can be

deemed as “serious and imminent”. Further Guidance on serious and imminent danger can be found on the RMT website at: <https://www.rmt.org.uk/news/publications/serious-and-imminent-danger-booklet/>

It is for individuals to make their own decisions as to whether there are ‘circumstances of danger’ which they ‘reasonably believe’ to be ‘serious’ and ‘imminent’ so as to justify leaving the workplace or (while any danger persists) refusing to return, or taking appropriate steps to protect themselves.

Factors which it would be legitimate for employees to take into account include the latest Government and Ministerial advice and the adequacy of any personal protective equipment. In arriving at their own reasonable beliefs, employees should also take into account the reasons for continuing work put forward by the employer and all other relevant circumstances.

RMT must make clear that if a member decides to leave work, refuse to return to work or take steps considered to be appropriate, such actions will only attract protection where there are circumstances of danger which that the member reasonably considers to be serious and imminent.

In the workplace

As noted above some workplaces have been instructed to close throughout the current emergency and where possible workers should be allowed to work from home. However in some industries, which include many where the RMT organise, it is not possible for work to be done at home.

The legal duties set out above, as well as Government advice must be followed by employers and employees where work is to continue.

Employers should ensure their new working arrangements are discussed and consulted with the RMT. To assist in this process RMT believes that the first step the employers must take is to examine all of their functions and assess which tasks, jobs or functions are essential and must continue to be carried out and which tasks, jobs or functions are non-essential and could be delayed, postponed or cancelled.

Once they have done this employers should then be carrying out risk assessments of their essential tasks and putting in place mitigations to ensure that where possible the risks of transference are eliminated or reduced. To do this employers should utilise the hierarchy of control. This is a method of controlling risks that requires employers to consider the following 5 steps:

- **ELIMINATION**
Eliminate the work so that the hazard is removed or eliminated. As an example, postponing or cancelling the work would eliminate any risk of transferring Covid 19 between workers.
- **SUBSTITUTION**
Replace the process with a less hazardous one. As an example, moving workers further away from each other. Care should be taken to ensure the new process is not more risky.
- **ENGINEERING CONTROLS**
Use work equipment or other measures to prevent or reduce the risks of spreading the virus by methods such as putting up screens to reduce contact between workers and the travelling public. Priority should be given to measures which protect collectively over individual measures.
- **ADMINISTRATIVE CONTROLS**
These are all about identifying and implementing the procedures you need to work safely. For example: reducing the time workers are exposed to hazards (eg by job rotation); enforcing 2 metre social distancing rules, and performing risk assessments.
- **PERSONAL PROTECTIVE EQUIPMENT (PPE)**
PPE is the least effective method of risk control and should only used as a last resort. However PPE to control Covid 19 transmission should as minimum include gloves, masks/visors and eye defenders.

Under the Personal Protective Equipment at Work Regulations 1992, every employer is required to ensure that suitable personal protective equipment is provided to their employees who may be exposed to a risk to their health and safety at work, except where the risks have been adequately controlled by other means which are at least as effective.