



Covid-19: protecting yourself and your colleagues

December 2020



Introduction: Covid-19 - still a serious threat to your health, and the health of your colleagues and your loved ones

Covid-19 is highly infectious, and it is a particularly serious and deadly threat to individuals that are over 50, those with pre-existing medical conditions, and those from Black, Asian and minority ethnic (BAME) backgrounds. It has killed a number of transport workers, and has caused serious illness in many more. Whilst the majority of the over 58,000 people killed by Covid-19 in the UK have been older, it has also killed some fit and young people who have had no underlying medical conditions.

There has been a significant rise in Coronavirus cases across the UK which has led the UK government along with the devolved administrations in Wales, Scotland and Northern Ireland to each introduce much stricter measures¹ aimed at reducing the number of infections, hospitalisations and, ultimately, deaths from Covid-19.

The reason that people have been asked to stay at home where they can and not to mix with others is to ensure that the NHS hospitals, in some cases again stretched to breaking point, are not completely overwhelmed.

Whilst recent announcements about vaccines gives us all hope for a return to some semblance of normality, it will be several months at least before those vaccines will be available in sufficient quantities to make a significant difference to the situation.

TSSA continues to work with employers and others to address the issues faced by our members. The union continues to challenge employers to adequately meet their legal obligations to assess and control the risks associated with Covid-19.

Railway Industry Coronavirus Forum (RICF)

A key development was the setting up of the Railway Industry Coronavirus Forum (RICF) in March 2020, comprising of the railway unions, TOCs, Network Rail, ORR and the RSSB, where industry-wide issues are discussed.

Through RICF, agreements between unions and employers have been secured that apply across the industry and which remained in place even when the UK Government began to relax restrictions in July. Other agreements have been updated as situations change or have been amalgamated together to ensure that all arrangements on a subject can be found in one place.

One of the first agreements was the *Emergency Working Principles* (agreement dated 27 March 2020) that ran until replaced on 30 July (available on TSSA Website) by an updated document of the same name and which expired on 19 September 2020. However, the RICF continues to meet and the “spirit” of the agreement remains in place with aspects like how Clinically Extremely Vulnerable people (previously known as those who were

¹ For England, see: <https://www.gov.uk/guidance/local-restriction-tiers-what-you-need-to-know>

For Scotland, see: <https://www.gov.scot/publications/coronavirus-covid-19-protection-levels/>

For Wales, see: <https://gov.wales/written-statement-review-health-protection-coronavirus-restrictions-no-4-wales-regulations-2020-0>



shielding) are treated and Covid related absences not counting towards managing for attendance type monitoring.

Increased risk to BAME and other members

In addition to the above, a group made up of the trade unions, railway employers, ORR and RSSB was constituted to put a set of principles together in relation to the increased risks of Covid 19 being experienced by Black, Asian and Minority Ethnic members (as well as all employees with increased vulnerabilities due to age, gender and staff with underlying health conditions). A set of guiding principles were put together and are best found in a RSSB document under the title of “*Good practice guidance: Assessing employee vulnerability to Covid-19*”. RSSB have agreed to TSSA putting the document on the Union’s website. It can also be found at: <https://www.rssb.co.uk/en/what-we-do/key-industry-topics/health-and-wellbeing/occupational-health/assessing-employee-vulnerability-to-covid-19> .

A set of principles put forward by the TOC employers which are very similar to those published by the RSSB have not so far been agreed because of certain omissions.

A note about “principles” documents

On several occasions in this guidance we refer to RICEF “principles” documents. The status of those documents is that employers are required to put them into practice in their company by producing a local version that suits their particular circumstances but within the parameters of the agreed document.

For instance, in the Social Distancing Agreement that appears below, employers must carry out risk assessments and involve the appropriate reps in that process (it is a legal duty) but the risks assessed are likely to be different to those that appear in another organisation. Those differences may be due to factors such as how the workplace is laid out, the numbers of staff who work there and the type of work that they do.

Similarly, in the In Cab Assessment Agreement the employer proposal must include, for instance, the Opt Out element for Driver Managers.

Testing for Covid-19 infection

The key symptoms of Covid-19 to watch out for are:

- a high temperature
- a new, continuous cough
- a loss of or change to your sense of smell or taste

If you have these symptoms, you should NOT go to work. Instead, you should self-isolate, stay at home, and get tested. Only if you get a negative test result should you then go to work.



Please be aware that some people infected with Covid-19 have no symptoms but are still highly infectious, and some have other symptoms to those listed above. However, at present it is unlikely that you will be able to obtain a test unless you exhibit at least one of the 3 symptoms shown in the list above, unless you live in an area where mass testing is taking place.

If you live in an area where voluntary mass testing is taking place and you go for a test without having symptoms, you do not need to be off work or wait for the test result - you can go to work as usual. You are also under no obligation to inform your employer if you choose to be tested in such circumstances.

Whatever your reason for a test, if the result is positive you should follow the relevant isolation period in line with current government guidance and inform your employer immediately.

If You Can, Work from Home

If you can work from home, then in general you should do so. However, if working from home would compromise your health and wellbeing, you should discuss with your line manager how you could work in your normal workplace. In some cases, it may be possible to work at an alternative location by agreement if that means less risk to you.

If you believe that your employer is refusing to let you work from home and instead is unnecessarily coercing or compelling you to go to your normal (or another) workplace, please contact your TSSA rep.

If you have a medical condition that makes you particularly vulnerable to either contracting the Covid-19 infection, or you would experience much more serious consequences were you to be infected, you should stay at home. Some employers are insisting that staff leave their homes and go to work if they have not got a letter from the NHS advising them to stay at home. In these circumstances, contact your GP.

Wash hands, make space, cover face

Hand Washing: The frequent washing of hands continues to be an important element of measures that should be taken to prevent the spread of the virus. You should have ready access to hand washing facilities where it is reasonably practicable for your employer to provide this. You should wash your hands using soap frequently and thoroughly for at least 20 seconds. Hot water is NOT necessary. Only where ready access to hand washing cannot easily be provided, hand sanitiser can be used as an alternative, but you should be aware that it is not as effective as hand washing.

Social Distancing: You should maintain at least a 2 metre separation between yourself and your colleagues and any other persons in your workplace, including passengers. It should be emphasised that this is the MINIMUM distance that must be maintained. However, the virus can travel much further than 2 metres, and a greater separation distance should be maintained wherever possible.

RICF Agreements (available on TSSA Website) relating to social distancing are:



- Social Distancing Agreement, known as “*Principles for managing the risk of exposure to COVID 19 to passengers and employees across the GB mainline rail industry*”. Finally agreed on 7th May 2020, this arrangement continues to apply to all TOCs (including ScotRail, Caledonian Sleeper and Merseyrail) and Network Rail. It was also adopted by Transport for London for the Elizabeth Line (Crossrail);
- In Cab Assessments. A handful of agreements were reached in this area but, for TSSA, one of the main ones was that related to the position of Driver Managers (known in some companies as Driver Team Managers, Driver Standards Managers, etc) which resulted in an agreement known as the “*COVID-19 Competence Training & Assessment Arrangements for On-board Trainers & Assessors*”. Agreed at RICF on 26th June 2020, it was later incorporated without change (in relation to the right to opt out) into an agreement called “*COVID-19 Additional Measures: Driver Training & Competence Development*” (agreed 17th September 2020) that drew together all of the agreements regarding in cab training. That document continues to apply.

Face coverings: the RICF Agreement related to face coverings is known as “*Guidance on the Wearing of Face Coverings by Employees Updated*” (updated 30th July 2020). It contains information for staff about when face coverings are expected to be worn by railway employees:

- when in a train carriage whether working, including traveling “pass” or travelling to/from work;
- on station platforms;
- on station concourses;
- information points/booking offices without a glass or Perspex barrier
- when travelling in road transport such as taxis/buses/coaches.

The agreement continues to apply and is available on TSSA’s Website.

Masks - as well as visors and gloves - should be made available by your employer and instructions about their use, safe disposal and any cleaning instructions (for non-disposable varieties) must be adhered to.

NHS Test & Trace

Many members will have downloaded the NHS Test & Trace App which should notify them about getting tested if they have been close to someone with Covid-19. It will also notify others if they have been tested positive. Details about the app can be found at:

<https://www.nhs.uk/conditions/coronavirus-covid-19/testing-and-tracing/>

Problems with the app - and what is “Covid Secure”?

NHS advice is to "use the app at all times, including while at work, except if you:

- store your phone in a locker while you're working or are involved in a leisure activity, like swimming ;
- are already protected by a Perspex (or equivalent) screen."



The advice can be found at <https://faq.covid19.nhs.uk/article/KA-01121/en-us?parentid=CAT-01031&rootid=CAT-01023> and indicates that by leaving your phone in a locker close to other phones (in other lockers) it can create false positives that lead people to think they have been exposed to the virus, even though their phone is not with them.

Some employers require staff to keep their mobile phones switched off when they are in the workplace which often means that they are instructed to leave them in their lockers. With the advent of the Coronavirus, employers have also started to certify some offices and depots as “Covid Secure” and have used that statement to reject claims by members to be able to keep their phones on at work.

However, the issue that has arisen is that despite staff being told that their workplace is “Covid Secure”, employers have not thought to tell them what that means and many people have questioned how secure it really is, especially when they do not see:

- Perspex (or equivalent) screens in place as stipulated by the NHS advice about phones;
- Social distancing measures not in place (or not being observed);
- Employers not engaging with union health and safety reps about risk assessments leading to no transparency in those measures;
- Hand washing facilities readily available.

There have also been examples of premises that have claimed to be “Covid Secure” only for a colleague to come to work unknowingly carrying the virus who then puts their colleagues at risk but who only find out about the matter on the train home when they put their phones on.

Consequently, staff report that they have a lack of confidence and trust in the label “Covid Secure”.

TSSA has been pursuing these issues through the Railway Industry Coronavirus Forum and through discussions with individual railway companies. The RICF has issued three separate statements about the use of the Test & Trace App with the latest one appearing on TSSA’s website.

TSSA’s position is that:

- When staff are away from a “Covid Secure” area, they should have their phone (and NHS app) on;
- There is a clear link in the NHS advice about only keeping mobile phones in a locker (either switched off or with the app switched to “pause”) if Perspex (or equivalent) screens have been installed. Employers cannot tell employees to leave their phone switched off if they have not provided the appropriate screens. In the event that screens and other social distancing measures are not in place, phones should be retained switched on by the member;
- The TOCs and Network Rail agreed the RICF Social Distancing Principles Agreement on 4th May 2020 (see above). Employers should be complying with that Agreement by implementing their own proposals but within the parameters of the Agreement. Where reps are aware that they are not, they should be reporting the fact to their



Company Council/National Council rep and/or their TSSA organiser. TSSA will raise the issue with the company and then refer the matter to the ORR Safety Regulator.

TSSA will also consider entering into a dispute situation and, if necessary, ballot our members for industrial action.

Reps aware of issues should be contacting their TSSA organiser for guidance;

- The purpose of the RICF Social Distancing principles are echoed in the subsequent (September 2020) Health & Safety Executive (HSE) advice on "Covid 19 Secure" workplaces which can be found at: <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

The factors listed by the HSE to establish "Covid 19 Secure" workplaces are that the following should have taken place prior to an employer making this claim:

- Risk assessment
- Social distancing
- Cleaning, hygiene and handwashing
- Talk to workers and provide information
- Working from home
- Vulnerable workers

TSSA recommends that reps and members should consider whether all of these factors have been taken account of by their employer and that they are their colleagues have been consulted about those measures (see the section in this advice about Risk Assessments). Where they have not been, reps are advised to seek guidance from their TSSA organiser.

Risk Assessment

You should be able to have sight of a risk assessment relating to any work activity which could be impacted upon by the risk of infection from Covid-19. TSSA health and safety rep should have been consulted about any risk assessment undertaken.

Employers are legally obliged to undertake risk assessments in order to reduce the risk of Covid-19 transmission and infection to the lowest reasonably practicable level by taking preventative measures in the following order of priority:

- **Eliminate:** Does the activity need to be done at all in the current Covid-19 crisis? Can it be cancelled, or postponed?
- **Substitute:** Can the task be re-designed to ensure for example a 2 metre separation? Can the task be undertaken by having a larger separation than 2 metres?
- **Engineering Controls:** Can you use equipment to undertake a task and avoid individuals doing it manually and therefore having to do it with less than 2 metres separation? Can a suitable screen be used?
- **Administrative Controls:** Can the time spent on the task be minimised? Can staff be rotated to avoid long periods of exposure?



- **Personal Protective Equipment:** only after all of the above measures have been tried and found ineffective in controlling the risks of infection must PPE be resorted to. It must be suitable for the task, and it staff must be properly trained in undertaking the task using the PPE.

It is important to consider what other risks may arise if preventative/control measures are introduced in respect of Covid-19. For example, if you wear a visor, can you see well enough to perform your duties safely?

The law on risk assessments

What should happen when an employer wants to implement the risk assessment principles from any of the RICF Agreements is that they must first consult the relevant union reps.

Consultation under the Safety Reps and Safety Committee Regulations 1977 (SRSC Regs) 1977 should take place with the recognised trade union's health and safety reps but TSSA's position - and as advised to all members - is that staff reps should be included when safety reps are not available (or perhaps do not have the relevant knowledge of the subject of the risk assessment).

Where employees are not covered by collective bargaining, the requirements of the Consultation with Employees Regulations 1996 is that either the affected group nominate a rep or all members of the group are consulted.

The important point under both bits of legislation is that consultation takes place in "good time" which means that reps and staff - those who often know the job and its pitfalls really well - should be involved from an early stage in putting the risk assessment together.

It is not good enough - and breaches the official Code of Practice and the law - if an employer presents what is in essence a fait accompli or fails to consult at all.

TSSA takes this matter very seriously and will engage with the Rail Regulator at the ORR over any breaches of legislation. We will also consult our members over industrial action where your health and safety is put at risk

Further guidance is available in the TSSA Reps Bulletin on Consultation on Risk Assessment which appears on the Union's Website. Reps are also recommended to contact their TSSA organiser for support and guidance over risk assessments to ensure that their employer does the right thing.

Working on passenger trains

Unless you are a driver or guard, you should not be working on a train or travelling by train on work business unless there is a clear need for you to do so in order to ensure the provision of a safe and secure essential train service. Should it be necessary for you to work or travel on work business on a passenger train in service, a risk assessment must have been undertaken and consulted upon. Contact with passengers must be minimised, and you must maintain at least a 2 metre separation between yourself and your colleagues and any other persons including passengers.



Travelling in road vehicles whilst at work

Unless absolutely necessary, only one person should travel in any road vehicle (except buses) whilst travelling on work business. If it is necessary for more than one person to travel in a road vehicle (including a bus), you must maintain at least a 2 metre separation between yourself and any other persons in the vehicle. If you cannot maintain the 2 metre separation between you and the driver of a road vehicle (such as a taxi), there must be a screen between you.

Handling potentially contaminated materials

Handling potentially contaminated materials such as cash should be avoided. Where it is absolutely necessary, gloves must be worn to undertake the task, and the gloves should be removed and safely disposed of each time such a task is undertaken.

Ventilation

Recent studies have shown that Covid-19 can be transmitted in aerosols when in poorly ventilated areas. Good ventilation really matters!

Stuffy rooms, stale air: If you walk into a room and the air feels stale, something is wrong with the ventilation. Not enough fresh air is being introduced, which increases your chances of getting infected by coronavirus. Recent research shows that in confined spaces there can be "airborne transmission" of the virus - with tiny virus particles lingering in the air. Legislation requires that workplaces are properly ventilated - see: The Workplace (Health, Safety and Welfare) Regulations 1992 which state: *Effective and suitable provision shall be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air.*

Many control centres and ticket offices in particular are in a building where the windows are sealed, air conditioning will extract stale air and pipe it to an air conditioning unit, often on the roof. Fresh air can be pulled in from outside and mixed with the old inside air, before being sent back into the building. Given the risk of Covid-19 infection, the proportion of fresh air must be maximised, preferably to 100%. But that is costly - the incoming air has to be heated in winter and cooled in summer, all of which requires energy. Find out what your air conditioning arrangements are and insist on it properly ventilating your workplace.

Watch out for 'air conditioning' that is not air conditioning!: Many workplaces have 'comfort cooling' instead of air conditioning - the simplest is a slender white box mounted on walls or ceilings. This draws in air from a room, chills it and then recirculates it back out again. This can spread the virus.

A modern air conditioning system will have filters - but do they filter out viruses, and are they checked frequently for the presence of viruses?

Watch out for draughts. Fresh air is touted as the answer, but it is not that simple. If someone sitting beside an open window is infectious, they could shed virus to others downwind. However, on balance a plentiful supply of fresh air diluting the virus is likely to outweigh any risks.



Your TSSA organiser will be able to help you ensure that your employer adhere to their available

Stopping or Refusing to Work

You have the legal right to refuse to begin a task or continue with a task if you believe that to do so would place you or your colleagues in serious and imminent danger of potential infection by the Covid-19 virus.

Your employer must have a procedure in place that allows you to do this. Check on what your employer's procedure is, and familiarise yourself with it.

If you are unable to find such a procedure, report that to your TSSA rep or contact the TSSA Helpdesk (see below).

If you do refuse to commence work or stop working under these circumstances, you should immediately report this to your TSSA rep, or the TSSA Helpdesk.

If it is necessary for workers to be closer than 2 metres to another person in order to perform any work task, it is ESSENTIAL that control measures are in place - usually a physical barrier such as a screen or window, or the wearing of appropriate Personal Protective Equipment (PPE). If you are unable to maintain a 2 metre separation AT ALL TIMES then you are advised not to commence any work activity that would result in this. You should STOP any work activity should the problem arise after starting. If necessary, remove yourself to a place of safety and report this to an appropriate manager or supervisor. You should use your employer's 'Work Safe' procedure (it may go by another title), a procedure which allows you to exercise your legal right to stop work if you are in serious and imminent danger.

Tell us what is happening where you work

If you are in a non-operational role, please complete the form on our website at:

<https://www.tssa.org.uk/en/campaigns/safe-at-work/index.cfm>

TSSA Helpdesk

Call: 0800 328 2673. The Helpdesk is open 9am-5pm Monday to Thursday and 9am-4pm on Fridays.

Or you can fill out a website form at any time here: <https://www.tssa.org.uk/en/Your-union/about-us/contact-us/contact-the-helpdesk.cfm>

