

30th July 2020

Rail Industry Coronavirus Forum

Updated Emergency Working Principles

The Rail Industry and its People Working Together to Support the Nation

Purpose

These emergency working principles acknowledge that the Coronavirus crisis represents the biggest challenge to the UK and the rail industry in the last 50 years. The scale of the challenge necessitates emergency but temporary measures to ensure the railway can continue to serve the nation but operate in a sustainable manner all of which will require the industry's trade unions and employers to work in co-operation.

Our top priority during this unprecedented period will be to protect and safeguard our workers and their families. To achieve this, we will all comply with UK and Devolved Government's guidance and advice from all Public Health Bodies across the UK.

Principles

These emergency working principles set out how the rail industry will work together during the current Coronavirus crisis in a consistent manner to help the industry respond to the challenges that the Coronavirus crisis is creating based on three key principles:

1. Working Together

Employers and trade unions are committed to working together to address the challenges for the rail industry created by the Coronavirus crisis by maintaining good and positive industrial relations in order to provide rail services for other essential workers and for the movement of supplies and resources for the benefit of our communities.

The following list of activities which had been previously deferred can now take place whilst recognising social distancing guidance and that not all stakeholders may be travelling or working normally: -

- Discipline procedure cases
- Grievance procedure cases
- Absence management procedure meetings
- Re-organisations and restructurings (unrelated to Coronavirus pandemic response e.g. within Network Rail Putting Passengers First (PPF) devolution)
- Training incorporating any amended arrangements where appropriate

2. Operational Requirements

It is recognised that emergency temporary arrangements need to be put in place that will require all parties to work flexibly together at company level to facilitate rail operations. This shall include: -

- Temporary changes to working arrangements including timetables, train services, station staffing, infrastructure and train maintenance arrangements
- Temporary changes to the normal place of work
- Temporary changes to the allocation of duties where normal activities are not being undertaken

Where changes are required these will be discussed at the earliest opportunity at the appropriate level within the respective rail company between management and union representatives whilst recognising where agreement is required this will not be unreasonably withheld.

Where there are temporary emergency changes to normal staffing levels and locations or their duties, rail workers will be expected to be flexible in being asked to work at an alternative location or undertake alternative duties within their competence level or be on stand-by. This may reduce the number of rail workers required to operate and maintain the railway safely and at the same time may help to reduce the number of rail workers exposed to infection. In all such circumstances, rail workers will continue to receive their normal basic pay entitlements and any associated contractual allowances that would be normally payable.

During this period no changes to rail workers' terms and conditions will be made other than as above.

3. Protecting Workers

The Industry recognises that Government has designated rail workers involved in the operation of rail services as key workers to keep rail passenger and freight transport services operating during the period of the Coronavirus crisis.

This is to enable our critical public services to deliver the services required during this period of national importance and so that we can support key workers to be able to travel to and from their place of work, alongside the provision of other essential travel and for the movement of critical freight supplies and resources for the benefit of our communities and the nation.

It is because of this critical role for rail workers that the health, safety and security of rail workers remains our top priority.

At all times, guidance based on Government and Public Health England advice will be followed and good practice will be shared in the industry with the aim of ensuring that those who are required to work shall be able to and feel suitably protected as is practical to do so whilst carrying out their duties.

These will be based on the principle of social distancing through modifying working arrangements where practical to do so and include:

- Provision of personal protective equipment where appropriate
- changes to workplaces (including rest facilities)
- changes to working arrangements/duties and additional cleaning routines to reduce risk of contamination and infection

Where rail workers are not able to attend for work due to showing symptoms or are self-isolating, in compliance with Government guidance, because someone in their household has symptoms, sick pay will be applicable, in line with contractual arrangements. Qualification periods for new entrants (i.e. with less than six months service) consideration will be given to these being waived.

Rail workers covered by the Government guidance on shielding and protecting people who are defined on medical grounds as being extremely vulnerable from Coronavirus who have been advised by their GP or NHS representative to self-isolate will receive full sick pay (i.e. not subject to reduction if entitlement becomes exhausted under contractual arrangements with any booked/rostered Annual Leave falling due, being taken,) for the period of isolation as instructed by the GP or NHS.

We will support rail workers on a case by case basis who are able to remain at work safely and who are covered by the Government guidance of being at an increased risk. However, if it is then deemed that they should self-isolate, they will receive full sick pay (i.e. not subject to reduction if entitlement becomes exhausted under contractual arrangements, with any booked/rostered Annual Leave falling due, being taken, or accrued leave being used first) for the period of isolation as instructed by the GP or NHS.

For direct contractors employees e.g. those undertaking cleaning and catering on trains for DfT franchised train operating companies, all unavailability for work due to Coronavirus sickness or self-isolation or a reduced requirement to work due to a revised level of train service will be paid by their employer as a minimum the equivalent they would receive under the Government's Furlough scheme being 80% of their basic pay.

All sickness absence related to Coronavirus will be excluded from sickness absence monitoring procedures.

These emergency working principles will help protect rail workers, their jobs and pay whilst enabling the railway to continue to operate during the coronavirus crisis and to encourage all rail industry companies to follow these principles.

These emergency temporary measures or provisions shall principally apply to train operating companies and Network Rail for the duration of the Coronavirus crisis or up to 19th September 2020.

The Rail Industry Coronavirus Forum (RICF) will continue to meet on a fortnightly basis from August to encourage the sharing of good practice and where applicable to the rail industry implement any new UK and Devolved Government's guidance and advice from all Public Health Bodies across the UK and the provision of additional guidance as considered necessary as it applies to these emergency working principles.