

**Unite the Union Consultation Response**  
**Draft Terms of Reference for the Covid Public Inquiry**

**Introduction**

Unite the Union is Britain and Ireland's largest trade union representing over one million members across 23 sectors. Unite also organises in the community, enabling those who are not in employment to be part of our union. The Covid pandemic has impacted all members of the union, their families, friends and colleagues to varying degrees, with no sector of the union and therefore the economy being unaffected.

Unite welcomes the commissioning of the public inquiry to establish, examine and report on what happened and continues to develop during the pandemic. Unite has been engaging in the setting up phase of the Covid Public Inquiry through the TUC and the TUC's Covid-19 Public Inquiry Working Group, which includes the union attending two roundtable consultation events with the Cabinet Office on 30<sup>th</sup> March 2022 and 5<sup>th</sup> April 2022.

The union's views, thoughts and observations have been channelled into the TUC and will be largely reflected in the TUC's submission in respect of the draft Terms of Reference, with Unite supporting the arguments and representations within that submission. In light of the comprehensive response that will be provided via the TUC, this submission is not intended to be exhaustive, but to complement the TUC's submission and to focus on particular areas of importance for Unite. This is done in the knowledge that not every area of priority for Unite and other representative groups can or will be addressed in the public inquiry. This response will mirror the structure of the roundtable consultations with the four questions.

**1) Do the Inquiry's draft Terms of Reference cover all areas that you think should be addressed by the Inquiry?**

The draft Terms of Reference do cover a number of key areas that Unite supports; however a critical part of the inquiry should focus on 'Living with Covid'. This would include issues surrounding Long Covid, the removal of self-isolation and free testing, removal of the requirement for Covid to be included in employer risk assessments, the removal of Covid measures and the removal of additional financial support and sick pay provisions. All these areas will continue to impact workers and businesses, plus will have effects on those with underlying medical conditions and who are immunocompromised, placing them at an on-going and heightened risk. The TUC's submission will be proposing wording within the pre-amble of the draft Terms of Reference so as the on-going impacts of Covid fall within the scope of the inquiry.

There is also a wider consideration to focus on how over a decade of austerity in the public sector has negatively impacted the preparedness of the UK to respond effectively and efficiently to the pandemic and any future civil emergency.

Under 1) of the draft Terms of Reference and then in relation to the numerous bullet points that follow, Unite endorses the view that the inquiry should report on all these critical areas rather than simply produce a factual narrative account, as the latter will simply tell a story rather than reporting on what happened and why.

Unite supports the additional bullet points proposed under 1) within the TUC's submission. There were significant challenges around health and safety, particularly enforcement during the pandemic and crucially in the early months of the outbreak, with varying responses from employers from very good to very poor, often correlating with their level of engagement with trade unions and safety reps. As such there would be strong evidential examples that Unite and other unions can bring to this reporting. The lack of clarity of advice from central government to employers often resulted in incorrect implementation of guidance or support which resulted in workers, often the most vulnerable, missing key support and protection during the pandemic. Unite also continued to flag from the start of the pandemic the ability to shift production in the UK to aid the fight against Covid and the ability to source key products domestically, as such there is crucial reporting required around the use of UK manufacturing to combat Covid.

The pandemic had broad, economic and sectoral impact, therefore Unite supports additional reporting on areas such as the retail industry which were very much on the frontline from the commencement of the pandemic and central and local government departments, for example the significant challenges within refuse collection. Two other key areas are construction and aviation. The former an industry that largely did not pause for the pandemic and sites continued to operate throughout with issues around the ability to travel safely to and from work, testing and social distancing. The latter an industry that stopped almost overnight and the implications of this on the industry, those employed directly and indirectly within the sector.

The draft Terms of Reference propose a "deep dive" into the Health & Care Sector which Unite supports; although specific focus should be given to the mandatory vaccine requirements that were implemented in law and later abandoned in respect of care homes and then frontline NHS workers. Unite has continually called for persuasion and not compulsion in respect of vaccines, a position held by the World Health Organisation and the mandating on vaccines had significant and negative impacts on an already struggling sector.

The TUC submission proposes a further three "deep dives" which Unite would endorse and support:-

- i) **Education** – the impacts of the pandemic were significant across those working in and attending places of education or rising to the challenge of delivering learning remotely. Unite represents members across schools, further education and universities. The areas detailed in the TUC submission capture the critical areas for examination within the inquiry.
- ii) **Transport** – the transport sector whether public or private transport, haulage or logistics, continued to operate from the commencement of the pandemic and was critical to the UK's response. Significant challenges were experienced across the transport sector as the pandemic unfolded, with the effects of those challenges still being felt across the sector. The lack of preparedness, infection control and workplace safety resulted in a number of potentially avoidable deaths and serious illness, particularly amongst bus drivers.
- iii) **Manufacturing, Food Processing and Textiles** – this was another public serving sector that continued throughout the pandemic. There were numerous examples of Covid outbreaks particularly in food processing where infection control and other Covid measures were not implemented fully or correctly, which links into enforcement. Many parts of this sector are low paid, therefore the ability and confidence to stay away from work and self-isolate without financial detriment was important. Therefore the financial

support available into this sector is also critical. This is also one of many areas that as well as providing examples of poor practice, the union can provide details of good practice and positive learnings which is central to the inquiry's aims and conclusions.

The final bullet point under 1) re government interventions does largely cover what Unite would wish to be examined within the inquiry; however the union believes that this should be broadened out to look at sector specific support or lack of, for example in civil aviation. Unite would also wish to see captured under this bullet point employment practices during the pandemic and under the government schemes including the Coronavirus Job Retention Scheme. We experienced a number of examples of employers seeking to utilise 'fire and re-hire' tactics and also consulting with unions and workers on redundancies when the workforce was furloughed and government was largely covering wages.

Under 2) of the Draft Terms of Reference, Unite supports the TUC's submission to broaden out the aims of the inquiry to highlight lessons that may be identified that do not necessarily directly relate to future pandemics and civil emergencies, for example, lessons that can be learned re procurement. Under this section the reference to key workers can be too narrow as there were countless workers that operated throughout the pandemic, on the frontline, but were not strictly classed as key workers.

There is a bullet point re the impacts of the pandemic specifically related to the Equality Act 2010 and Northern Ireland Act 1998, so it is understood that equalities impacts will be considered in the scope of the inquiry. Unite's view is that this should be broadened out to examine the very specific and serious challenges faced by those for example, but not limited to, with disabilities or from different ethnic backgrounds, the disparity of gender impacts and those of a higher age.

## **2) What issues or topics do you think that the Inquiry should look at first?**

Unite would support the contributions made at the roundtable meeting on 5<sup>th</sup> April that at this stage it is too difficult to respond on this question when we do not know what the final Terms of Reference will be, what the sequencing of the inquiry will be, whether the inquiry will be modular and how the constituent parts of the inquiry will interact with each other. As such there would be no fixed view at this stage.

## **3) Do you think the Inquiry should set a proposed end-date for its public hearings, to help ensure timely findings and recommendations?**

Whilst Unite would support a position that the inquiry should not drag on unnecessarily for years given the importance of the issues under review and examination, placing such an end date would be to be problematic and potentially restrictive to evidential input. Baroness Hallett has stated that she wants the inquiry to be thorough, but fast, which again is welcomed; however the sheer scale and scope of the inquiry would potentially restrict the thoroughness of the inquiry. Therefore Unite would not support an end date for public hearings.

**4) How should the Inquiry be designed and run to ensure that bereaved people and those who have suffered harm as a result of the pandemic have their voices heard?**

Unite welcomes the very explicit comments from Baroness Hallett regarding hearing from those impacted and also the bereaved families, as this provides a human face to the devastating effects of Covid. It is understood that there has been and will continue to be engagement with bereaved families groups, therefore an important element of the inquiry will be hearing that testimony and for that to input into the inquiry. The union holds the view that Unite, the TUC and other trade unions have a central and helpful role to play in bringing to life the experiences of working people, their families, friends and colleagues throughout the pandemic and across the areas and sectors that have been highlighted in this submission and that of the TUC. The unions will be able to bring a wealth of evidence and experiences to the inquiry, therefore the importance of the ability to provide both written and verbal evidence to the inquiry will be crucial, as well as bringing legitimacy to and providing public confidence in the inquiry. Central to this will be Core Participant status for the TUC under the umbrella of which Unite will seek to contribute positively to the inquiry along with the other unions.

**Unite the Union**

**7<sup>th</sup> April 2022**