

FAIR WORK DURING THE COVID-19 CRISIS

JOINT STATEMENT BY THE SCOTTISH GOVERNMENT AND SCOTTISH TRADES UNION CONGRESS

Coronavirus is affecting all our daily lives including our workplaces. We recognise the very challenging position that many employers and workers are now facing. We need a partnership, working in the national interest, to get through the next few months - a partnership that involves the public sector, unions, businesses, 3rd sector organisations, and all workers and managers. We are hugely appreciative of the many cases where this is already in place.

Applying Fair Work Principles through the crisis

Scotland is rightly proud of its reputation as a leader on Fair Work and remains committed to becoming a Fair Work nation. The health and wellbeing of individuals, communities and the economy is our priority and in these exceptional times, adopting a Fair Work approach is more important than ever.

Scotland's success as an economy is built on a shared endeavour between workers, unions and employers and this approach will help us get through the current health and economic crisis. Government, unions and business organisations must work together to reach, collectively, the right decisions for protecting workers and public safety, and to help businesses to stay open, where permitted under latest guidance, and keep people in employment.

There has been an unprecedented package of support announced from both the Scottish and UK Governments to support businesses. This support should help many employers preserve their business, maintain jobs and pay their workers throughout this crisis. Information on this support is available through findbusinesssupport.gov.scot. We urge all businesses to make use of this.

Employers should consult the latest guidance on the operation of public services and non-essential businesses. With the closure of schools and other childcare centres now in place to help delay the spread of the virus we need to make sure that key workers performing essential tasks (and for whom no other safe and viable childcare including home working is available) have childcare support to enable them to carry on working.

Guidance on the definition of key workers and childcare provision is available at <https://www.gov.scot/publications/coronavirus---school-and-elc-closures-guidance-on-critical-childcare-provision-for-key-workers/>.

We have high expectations of how fair work principles should be applied during the current crisis. This means an approach where workers, trade unions and employers work together constructively to reach the right decisions on all workplace issues that arise throughout this crisis. The dimensions of fair work as defined by the Fair Work Convention: effective voice; security; respect; opportunity and fulfilment, applied to the current context, offer a framework for taking these decisions.

These are exceptional times and for this reason we are asking employers, unions and workers to agree appropriate arrangements that ensure that workers are treated fairly. This means:

- *Ensuring all workers follow health protection advice to isolate either themselves or as part of their households*

Health protection advice is updated regularly; it is there for a reason - to help save lives – and above all else employers should be supporting workers to follow it. No one should feel under pressure to breach that advice and workers should not be put at unnecessary risk, nor should they put others at risk of infection.

- *Paying workers while they are sick or self-isolating*

No worker should be financially penalised by their employer for following medical advice. Any absence from work relating to COVID-19 should not affect future sick pay entitlement, result in disciplinary action or count towards any future sickness absence related action.

- *Supporting those with caring responsibilities*

Employers should consider temporary arrangements for paid leave for caring responsibilities that are additional to current leave entitlements.

- *Facilitating home working*

During the crisis period it should always be the norm to be able to work from home wherever possible. Employers should be as supportive and flexible as they can, given the exceptional strains that will be placed on some workers. Rules need to flex to allow those with caring responsibilities to carry on working.

- *Protecting the health and safety of all workers, but particularly frontline or key workers who face particular risks*

Appropriate Personal Protective Equipment should be provided, special health and safety arrangements set up to ensure safe workplaces, and continuing risk assessment of working practices undertaken in this fast-moving situation.

- *Ensuring all workers are provided with clear and comprehensive information on work-related risks on an ongoing basis*

All workers should be aware of and have access to workplace guidance and procedures relating to COVID-19, including on the management of self-isolation and sickness absence. Workers need to know clearly and simply what their responsibilities are and also their employer's legitimate expectations of them.

- *Protecting the position of contracted workers as well as core staff.*

Temporary agency workers and self-employed contractors should be treated as if they were employees during the current health crisis.

Fundamentally, employers should look to maintain jobs and pay their workers throughout this crisis and to make use of Government support to achieve this. Employers should make use of the backdating of the HMRC grant to 1 March to ensure furloughed workers are compensated for lost earnings with existing contracts respected.

As an employer, the Scottish Government is modelling this behaviour. An agreement between the Scottish Government and the civil service unions has been concluded on how they will work together during the coronavirus crisis. This sets our expectations for the approach to be taken by public sector employers and beyond across Scotland.

In addition to regular engagement with businesses and public sector bodies, a structure to facilitate a strategic dialogue between the STUC and the Scottish Government - across all relevant departments and public sector employers and agencies - has been put in place to help management of the crisis; to share information and to ensure the co-ordinated, consistent and effective response that is fully informed by the perspectives of unions and workers. We are also identifying areas where new or reinforced engagement is needed, including cross portfolio areas such as social care.

The national endeavour to get us through this health crisis will require an unprecedented economic response shared collectively, deliberately and with purpose - by unions, business, the public sector, workers and the public.

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