ITUC COVID-19 Briefing
Key issues on the return to work

As the COVID-19 pandemic develops, governments are beginning to loosen lockdowns and workplaces are re-opening. It is vital that unions be involved so that workers' rights and safety are protected, and so that as we move towards planning for *recovery and resilience*, countries are headed in the right direction – towards a future based on a *new social contract.*

The virus will continue to exist long after the initial waves of infection, and continuous vigilance and health and safety measures at work are crucial to help prevent and mitigate new outbreaks. The development of treatments and vaccines is vital, but they are not a panacea, particularly given the weaknesses of health systems in many countries and the possibility that vaccines may not confer long-term protection.

Much of the spread of the virus has been and continues to be via workplaces. Proper workplace protections are a major means of inhibiting further spread and new outbreaks.

The emergency measures implemented by governments, including workplace closures, have often been on the advice of public health authorities. Re-opening workplaces is complex and must not only take into account broad guidance from public health authorities but also occupational health and safety standards and processes. These are an essential basis for re-opening, yet in many countries, advice from public health authorities does not give sufficient priority to these standards[1].

That is why it is crucial that COVID-19 be classified under the scope of national occupational health and safety regulations and provisions. This crisis also reinforces the importance of occupational health and safety being classified at the ILO as a Fundamental Right at Work.

This guidance is based on union experiences in those countries which have been the first to start the return to work, and the ITUC's surveys of union responses to the pandemic but is intended to be useful in very different circumstances around the world. The points in this guidance cannot be comprehensive: they will need to be supplemented to meet national circumstances. If you need further information, please do not hesitate to contact the ITUC. Further guidance has been made available by the ILO[2].

This guidance is aimed at national decisions about returning to work, touching on sectoral and workplace arrangements only where this may require national action.

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1 The relevant ILO standards can be found at https://www.ilo.org/global/topics/safety-and-health-at-work/areasofwork/occupational-health/WCMS_738178/lang--en/index. htm.
2 https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_745568/lang--en/index.htm

Ten key issues for national unions

1. **Staging the return to work**

The re-opening of workplaces and return to work must be staged, in order to avoid 'second waves' of infections. In some cases, risk assessments may suggest that workplaces should not reopen yet. Many workplaces and work processes will need to be redesigned, in particular those with larger numbers of workers, and this re-design must include consultations with unions. Processes and systems need to be checked to ensure workplaces are safe to start up again after having been inoperative for some time.

Returning to work should start with the most necessary functions which can be carried out with the required social distancing and protections for workers. Sectors and enterprises where people can telework should unlock later, as should those where large groups of people are required to be in close proximity. Similarly, those workers most vulnerable due to age and medical conditions should not be required to return to work and should not face loss of income.

While evidence shows that higher numbers of men are losing their lives to COVID-19 than women, the economic impacts and workplace exposures, such as in health and care sectors, are disproportionately affecting women. A dramatic increase across the world in violence against women is closely linked to the confinement requirements. For these and many other reasons, trade union actions must take into account the gender dimension and specifically ensure that women are protected. This means that women trade union members and representatives must be fully involved.

2. **Social dialogue and collective bargaining are vital parts of the solution**

   a. National recovery processes or bodies should be established to plan, monitor and adjust return- to-work plans. These should involve the social partners and have access to information and expert advice. They can be based on expanding existing social dialogue mechanisms where they are functioning well. Where they are not, they need to be created.

   b. Sectoral plans are essential, especially for workplaces involving regular direct contact with the public. The bodies and processes needed to develop such plans must be tripartite. Such institutions allow those workplaces without existing union representation, especially small- and medium-sized enterprises, to be covered by social dialogue and collective bargaining. Global Union Federations are providing guidance on sectoral and sub-sectoral approaches.

   c. At workplace level, unions must be involved in return-to-work planning so that they can ensure workers' views are taken into account, and that workers' safety and livelihoods are protected. Union representatives can also ensure that management know the views and experiences of employees, and that workers are informed about every step in the process. Any enterprise which fails to engage with unions are putting the lives of workers and the public at risk.

   d. Any changes to regulations must be agreed with unions. There may be occasions where temporary flexibilities are needed to ensure that the return to work can function efficiently and effectively (e.g., changes to working time, numbers of personnel, etc.) But these must only be made where there is consultation and agreement with unions.

   e. Occupational health and safety (OHS) laws need to be strengthened, and the numbers and powers of inspectors must be increased, providing adequate resources, facilities, training and pay. Unions should ensure that, where OHS laws and inspections need to be upgraded to meet the needs of the return-to-work arrangements, this happens.

3. **Health and safety in the workplace**

   a. Consultation with unions and workers' representatives (depending on the structures that already exist) is vital to ensure that workers are protected during the return to work, and to ensure that their experiences inform decisions and practices. Workers need full information about the hazards and risks they face, and the measures being taken, including what they are being required to do.

   b. Risk assessments must be drawn up before workers return to work, must involve consultation with unions, and must be continually monitored and updated. They should be the basis for a clear and unambiguous plan, publicly available, which is clear about the allocation of responsibilities and the role everyone is expected to play.

   c. Suitable and sufficient personal protective equipment (PPE) must be provided at no cost to workers for their commute to work and while they are at work, including appropriate masks (depending on the exposure workers face, e.g., health and care workers will need masks that prevent their exposure as well as gowns, visors, etc., and other workers will need masks that ensure they do not spread the disease) and also including access to soap and water and hand sanitiser.

   d. Reporting to the authorities of COVID-19 symptoms among people who have returned to work, hygiene in the workplace (including workplace cleaning), workplace ventilation (bearing in mind that systems of air circulation can increase the risks of contagion) and arrangements for social distancing are also vital.

   e. Workers should have the right to remove themselves from a situation of serious and imminent danger, without adverse consequences such as loss of pay or disciplinary action. This may require legal change, but it is a principle that should be at the heart of people's OHS rights – and workers need to know they will be supported where they exercise that right.

4. **Work organisation**

   The organisation of work is crucial to a successful return to the workplace and must be discussed with unions at workplace and enterprise level, ideally in the context of national and sectoral plans already agreed by the social partners. Some of the key elements will include:

   a. Designing rotas for staff presence in the workplace, with staggered start and finish times to reduce pressure on commuting as well as reduce the number of people in the workplace at any one time. Remember to factor in breaks and meals and leave sufficient time for support staff like cleaners and facilities management to work safely. Line speeds, work demands and so on should be adjusted to ensure workers are protected without loss of pay.

   b. Telework will often be needed for many of those for whom it is a possibility, and where this changes from an emergency measure to a longer-term phenomenon, extra effort is needed to ensure that staff have adequate facilities at home to do their job, and do it safely, e.g., with ergonomic assessments, equipment such as desks, chairs and IT. Some companies are already moving to telework on a long-term or permanent basis in order to cut costs. Workers should not be forced to accept this, and must have a say, through their unions, in the way the enterprise should operate in future. Where telework becomes the norm, workers must receive fair compensation for the additional costs of moving work into their household in the long term.

   c. Work sharing and reduction in hours may well need to be arranged, with full pay, for staff for whom telework is not possible and full-time presence at the workplace is unadvised. Arrangements should be negotiated with unions so that workers do not lose out.

   d. Paid leave, including any government support where appropriate, may well still be needed for workers who are caring for children or sick relatives, in isolation themselves, or in a vulnerable group. Employers should negotiate with unions to ensure that caring responsibilities are not forced onto staff, particularly women.

e. Mental health arrangements should be discussed with unions, with input from OHS specialists, to deal with isolation and fear about the pandemic.

f. Enterprises and workplaces also need domestic abuse policies to tackle the risks which have already been identified during lockdowns but may well continue through the return to work phases.

5. **Income support**

a. Governments should be urged to maintain state support for wages into the return-to-work phases, allowing for flexibility because not all the employees at any particular workplace will necessarily be able to return to full-time paid work immediately, and many sectors of the economy based on mass participation (e.g., tourism, hospitality, performing arts, etc.) may not be able to open at all for some time or may be so affected by social distancing that they cannot operate economically or with full staffing.

b. In particular, staggered work routines are likely to make work sharing and reduced hours more common, and schemes to support this should be supported by government funding which should also apply to informal, self-employed and platform workers.

c. Continuing income support should be made available for carers, those in isolation or the vulnerable, where they are unable to rely on their normal means of support.

d. Governments should continue to provide, or increase, payments and provision for debts, rent and mortgage payments, medical costs, food and so on, consequent on the pandemic. The gradual re-opening of economies and labour markets is unlikely to bring such needs to an end completely or indeed swiftly.

6. **Sickness pay and wage subsidies**

a. COVID-19 contracted through workplace exposures should be listed as an occupational disease as set out in ILO Recommendation 194[3], providing for reporting, medical care and compensation.

b. Regardless of how it was contracted, workers should be provided full pay if they are off work due to COVID-19 whether that means they have a confirmed infection, are demonstrating symptoms, or are in close contact with people in either category, in all of which cases they should enter quarantine. That will not only provide them with income protection but will also ensure they are enabled not to expose others to possible infection, whether work colleagues, transport and other workers, or vulnerable people in their household. Quarantine arrangements should wherever possible be at home, and if that is not possible, in good conditions.

c. Unemployment benefits for those who are unable to work because of the impact of the pandemic should be extended for as long as necessary. The maximum sum paid should be increased to ensure people do not lose income. And access should be provided for groups like freelancers, platform workers and the self-employed.

7. **Transport to work**

Many workers will need to use public or employer-provided transport to get to work, although there will be complex discussions needed about how far transport should be prioritised for essential workers and those without the alternative of walking, cycling or driving, or teleworking. At the very least, however, discussions will be needed with transport workers' unions about numbers, social distancing arrangements, PPE and other health and safety concerns. For workplaces served by such transport, a number of issues will also need resolving:

a. Arrangements for irregular hours will need to take into account the availability of transport. Delays due to overcrowding will need to be recognised in hours of work and payment systems.

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3 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R194 COVID-19 is already covered in Clause 1.3.9 in that Recommendation; however, it should be explicitly included in national lists of diseases.

b. Safety for staff while commuting will also be an issue that might need discussions at workplace level (e.g., provision of masks and addressing concerns and fears).

c. Where commuting to work during the pandemic produces extra costs for staff, which are not offset by public authorities, compensation from commuters' employers might be required.

8. **Re-opening schools and childcare**

Education unions should be consulted about the health and safety, hygiene and social distancing implications – for teachers and other staff, children, parents and other care-givers – of re-opening schools (and childcare, where many similar issues arise)[4].

Unions should negotiate with governments how parents of school age children are affected in terms of providing distance learning (which is much more difficult to arrange where access to ICT is limited) and financial support when workers are caring for children who may be at home during the day or for less than a normal school day or week.

9. **Testing, tracking, tracing**

When testing, tracking and tracing becomes possible and reliable at scale, it is likely to be a major issue in the return-to-work process. Governments should engage with social partners in advance to address how these processes are carried out in a way that ensures those most in need are prioritised and that tests are made available for people in priority order and frequently enough to make a difference. Workers', and the general public's, privacy and rights over their own data should be a key element in discussions nationally, sectorally and at the workplace.

10. **International solidarity**

a. Net donors should ensure support for overseas development assistance is maintained, so unions will need to press their governments to make specific financing offers. In particular, the ITUC is calling for a Global Fund for Social Protection which will need specific funding commitments from governments.

b. Governments should be encouraged to commit to working for effective multilateral steps to assist those countries in need, such as scrapping debts, without requiring austerity or structural adjustment, and the provision of Special Drawing Rights by the IMF[5].

c. Governments should keep borders open for trade in essential materials and the sharing of information, medicines and medical equipment.

d. There should be special measures to protect migrants and refugees in the labour market and to ensure their special needs are met, including provision for them to travel as appropriate. They should have equal access to social security and health care. Measures to tackle prejudice, racism and xenophobia need to be arranged as well.

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4 For more information from Education International, see https://www.ei-ie.org/en/detail/16760/education-international-guidance-on-reopening-schools-and-education-in-stitutions.

5 Other ITUC demands of International Financial Institutions can be found in https://www.ituc-csi.org/covid-19-responses.

Planning for recovery, reconstruction and resilience

As lockdowns are relaxed and return to work begins, thoughts should also turn to what comes next – recovery, reconstruction and resilience. The ITUC will issue further materials on that process, but there are elements that could be put in place during the return-to-work stage so that governments are steered in the right direction, such as:

- A Job Guarantee Scheme, planned, monitored and administered by social partners that ensures people likely to remain unemployed as a result of COVID-19 restrictions are provided a guarantee of a minimum six-month job with accredited training, paid at least at a decent living minimum wage or the union negotiated rate for the job, whichever is greater, and offered to as many people as possible who face long-term unemployment – but prioritising young workers and those facing unemployment of six months or more; additional, so that workers are not displaced; providing a community, public benefit and/or help to decarbonise the economy, ensuring new jobs contribute to rebuilding the country; meeting local labour market needs; and promoting and protecting equality.

- Unions must ensure that governments resist corporate pressure to deregulate that would reduce unions' ability to protect workers' rights. Many employers and employers' organisations have been behaving responsibly during the pandemic, but some have seen the opportunity to exploit workers' commitment to tackle the crisis, or simply taken the chance to pursue long-established proposals for deregulation and structural reform. As we turn to a recovery phase, many of these voices are becoming louder, demanding austerity to pay for the crisis measures, and for deregulation to 'free up' business and management – contrary to all the evidence of the past forty years which shows that deregulation and austerity only promote inequality and slow to no growth. Governments must govern for the people, not profit.

- Wage rises, negotiated by unions or agreed through social dialogue at national or sectoral level, for the workers shown by the pandemic to be frontline workers in such an emergency, but all too often who have suffered a wage freeze or even wage reductions over the past decade. Permanent and formal employment should be provided for those in such occupations who are self-employed, platform or informal workers through a universal labour protection floor of rights including occupational safety and health as well as decent minimum living incomes and universal social protection. Categorising workers as 'essential' in a crisis such as this should not be used to justify removal of their rights, including the right to strike.

- Some changes made during the lockdown are valuable and should be made permanent, such as maintaining increased funding for health and care services; industrial transformation from military manufacturing to socially useful or environmentally beneficial products; reductions in carbon emissions which have the potential to remove carbon emissions and go toward ambitious Nationally Defined Contributions under the Paris Accord; and keeping existing entitlement extensions to social benefits like sick pay, starting from day one and covering all workers.