

ITUC – Key issues on the return to work

As governments lift restrictions on workplaces in many countries, unions are working to ensure that return to work is safe, for workers and also for the public. Much of the spread of the virus has been, and continues to be, via workplaces. Thus, proper workplace protections are a major means of inhibiting further spread and new outbreaks.

The emergency measures implemented by governments, including workplace closures, have 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 that are an essential basis for re-opening. In many countries, advice from public health authorities does not give sufficient priority to these standards.

The relevant ILO Occupational Health and Safety 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

The ITUC recommends that affiliates take into account the following key principles around the return to work. In every case, governments and employers must engage with unions through social dialogue, collective bargaining and specific negotiations to protect workers' rights and their health, and to reduce the risk of COVID-19 spreading in the workplace and the community. Unions should ensure that the gender dimension is integrated into their strategies and that women workers and union representatives are involved in the process.

More detailed advice on each of the following areas is available from the ITUC on request.

Staging the return to work

Returning to work, especially in larger workplaces, should not necessarily involve everyone returning to work at once. Negotiating phased returns reduces risk and lessens the impact on public transport in particular. Working hours and break times can be staggered to reduce risk.

Social dialogue and collective bargaining

Social dialogue is essential. Existing social dialogue mechanisms should be used, and where necessarily created or improved. Sectoral agreements are important, in particular to ensure that small and medium-sized enterprises are covered. Global Union Federations are providing guidance on sectoral and sub-sectoral approaches – see <https://www.ituc-csi.org/covid-19-responses>.

Maintain and strengthen union and workers' rights

Any temporary changes to rules, working time and procedures must be agreed with unions and be time-bound. Some governments and employers are seeking to use the crisis to erode rights – this must be resisted and the ITUC and GUFs are ready to provide solidarity support where this is happening.

Labour inspection and Occupational Health and Safety need to be reinforced

Governments need to ensure that employers comply with regulations, and the right of workers to refuse dangerous work must be fully protected. Where employers fail to respect health and safety regulations, dissuasive sanctions should be imposed. Enforcement of employers' obligations may need to be reviewed and resources for labour inspection increased to ensure compliance.

Health and safety in the workplace

Arrangements for social distancing, personal protective equipment, sanitary facilities, cleaning, ventilation, availability of anti-viral gel and other measures to ensure workplace hygiene must ensure protection, and be tailored to the specific conditions of the workplace and the type of work being done by each worker. Employers should be responsible for ensuring that the workplace, machinery, equipment and processes required for the performance of work are safe and without risk to health.

Protection of workers' privacy

Testing people for current infection or previous exposure is a vital public health measure along with contact-tracing and other measures. This must be done in a way that fully respects privacy and cannot lead to discrimination.

Vulnerable workers need special protection

Age and other characteristics are important determinants of risk from COVID-19. Workers who are particularly vulnerable need special protections.

Paid sick leave, income support and other government support are crucial

Workers who are affected by the virus, or who cannot work due to public health measures, must receive fully paid sick leave, health care and income support. Social protection schemes must be maintained and extended for as long as necessary, including for platform, self-employed and informal sector workers. Workers must not be made to work in unsafe conditions because they have no alternative.

Tele-working

Employers should be responsible for providing, installing and maintaining the equipment necessary for telework. To verify the guarantee of health and safety measures, labour inspectorates should have access to the place of telework upon notification and agreement by the worker. Measures should be taken to ensure that teleworkers are not required to perform excessive overtime, which should be voluntary and paid. The privacy of teleworkers and the right to communicate with trade union representatives should be fully respected.

Stress and psychological impact

Counselling and other support for workers experiencing stress due to the pandemic must be in place. Enhanced procedures for workers experiencing domestic abuse, which has increased dramatically during lockdowns, need to be implemented.