



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - TRADES UNION CONGRESS**

Introduction

1. In my [Opening Statement](#) on 21 July 2022, I explained that Modules would be announced and opened in sequence, with those wishing to take a formal role in the Inquiry invited to apply to become Core Participants for each module. On 31 August 2022, the Inquiry opened Module 2 and invited anyone who wished to be considered as a Core Participant to that Module to submit an application in writing to the Solicitor to the Inquiry by 23 September 2022.
2. On 23 September 2022 the Inquiry received an application from the Trades Union Congress (“TUC”) (“the Applicant”) for Core Participant status in Module 2. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 2, which states that these modules will examine the decision-making by the UK Government during the Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry’s Terms of Reference.

Application

4. Applications for Core Participant status are considered in accordance with Rule 5 of the Inquiry Rules 2006, which provides:

5.—(1) The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.

(2) In deciding whether to designate a person as a core participant, the chairman must in particular consider whether—

- (a) the person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;*
- (b) the person has a significant interest in an important aspect of the matters to which the inquiry relates; or*
- (c) the person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.*

(3) A person ceases to be a core participant on—

- (a) the date specified by the chairman in writing; or*
- (b) the end of the inquiry.*

5. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I considered whether the application fulfils the requirements set out in Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 2.

Summary of Application

6. The application states that the TUC brings together 5.5 million working people who make up its 48 member unions. The member unions span an array of sectors across the UK, all of which were affected by the pandemic. The application is made on the basis that the TUC played a direct and significant role in respect of the issues to be investigated in Module 2, namely involvement in the development of guidance, policy and decision-making on workplace safety issues. It further states that the directness of the TUC's involvement is demonstrated by the fact that many frontline workers impacted by the resulting risks of contagion were in sectors represented by the TUC (such as health, social care and public transport).
7. The TUC asserts that it is able to assist the Inquiry in investigating the impact and effectiveness of communications about workplace safety and that its expertise regarding workplace inequalities is of particular relevance to Module 2 as one of the disproportionate impacts upon vulnerable groups and existing inequalities was in the workplace. The application also asserts that the TUC has a significant interest in important aspects of the matters in respect of Module 2 particularly those which relate to workplace safety.

Decision for the Applicant

8. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, to designate the Applicant as a Core Participant in Module 2. I consider that although the Applicant did not play a direct and significant role in relation to the core political and administrative decision-making in response to the Covid-19 pandemic, that it does have a significant interest in Module 2 of the Inquiry.
9. The Core Participant Protocol provides that while I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant matters. It further explains that the designation of Core Participant status to groups representing the interests of more than one person would assist the fair and efficient running of the Inquiry. I additionally have regard to my duty to act with fairness and with regard to the need to avoid any unnecessary cost to public funds. I consider that the Applicant is best placed to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of workers in relation to Module 2, having regard to the need to manage the Inquiry effectively and efficiently. This is because the TUC can assist the Inquiry in understanding the perspective of a sufficiently large group of frontline or otherwise vulnerable workers when it examines the core political and administrative decisions taken in response to Covid-19, without considering in detail any individual cases of harm or death.

Legal Representation

10. Applications for designation as the Recognised Legal Representative of a Core Participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide:

6.—(1) Where—

- (a) a core participant, other than a core participant referred to in rule 7; or*
- (b) any other person required or permitted to give evidence or produce documents during the course of the inquiry,*
has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.

7.—(1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that—

- (a) their interests in the outcome of the inquiry are similar;*
- (b) the facts they are likely to rely on in the course of the inquiry are similar; and*
- (c) it is fair and proper for them to be jointly represented.*

(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.

(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.

(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.

11. I am satisfied that the Applicant has appointed Gerard Stilliard of Thompsons Solicitors as its qualified lawyer in relation to this Module. I therefore designate Gerard Stilliard as TUC's recognised legal representative in accordance with Rule 6(1).
12. Directions will be given in relation to applications for an award under section 40(1)(b) of the Inquiries Act 2005 of expenses to be incurred in respect of legal representation, at the forthcoming preliminary hearing. I will determine any such applications in accordance with the provisions of section 40 of the Inquiries Act 2005, the Inquiry Rules 2006, the [Prime Minister's determination](#) under section 40(4) and the [Inquiry' Costs Protocol](#).

Rt Hon Baroness Heather Hallett DBE
Chair of the UK Covid-19 Inquiry
13 October 2022