



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2C - THE 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 2C 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 (the “**Applicant**”) for Core Participant status in Module 2C. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 2C, which states that this module will examine the decision-making by the government in Northern Ireland 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 2C.

Summary of Application

6. The Applicant has 48 member unions comprising 5.5 million working people spanning a wide range of industries in the private, public and voluntary sector across all devolved parts of the UK. The Applicant represents its members' interests across all four nations and the UK as a whole and the application is intended to represent partnership work with the Northern Ireland Committee of the Irish Congress of Trade Unions ("NIC-ICTU").
7. The application provides detail of the "direct and significant role" trade unions played in the development of policy and guidance as a result of their engagement in the Northern Ireland Executive's "Strategic Engagement Forum".

Decision for the Applicant

8. I have considered with great care everything that is said in the application made by the Applicant. I note that the Applicant's application is representative of the Northern Ireland Committee of the Irish Congress of Trade Unions ("NIC-ICTU") and that the Applicant is representing affiliated membership in Northern Ireland. For this reason, I have decided, in my discretion, to designate the Applicant as a Core Participant in Module 2C.

9. I consider that the Applicant and NIC-ICTU, by virtue of their role in representing the interests of workers in Northern Ireland and particularly workers who had front line positions during the pandemic, may have played a direct and significant role in relation to the matters to which the Inquiry relates (Rule 5(2)(a) of the Inquiry Rules 2006) or otherwise has a significant interest in an important aspect of the matters to which the Inquiry relates (Rule 5(2)(b)).
10. 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. I also consider that the Applicant and NIC-ICTU are well placed, within the context of Module 2C, to represent the interests of a cross section of workers and particularly vulnerable workers in Northern Ireland. I anticipate that this may be an important consideration when the Inquiry considers the extent to which equality considerations informed the key decision making.

Legal Representation

11. 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.

12. 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 the Applicant's recognised legal representative in accordance with Rule 6(1).

13. 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