



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - INDEPENDENT WORKERS UNION OF GREAT BRITAIN, UNITED VOICES OF
THE WORLD, THE APP DRIVERS AND COURIERS UNION

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. The Provisional Outline of Scope for Module 2 provides that this module 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.
3. On 23 September 2022 the Inquiry received applications from Independent Workers Union of Great Britain ('IWUGB'), United Voices for the World ('UVW') and The App Drivers & Couriers Union ('ADCU') ('the Applicants') for Core Participant status in Module 2. Those organisations constitute trade unions who are not affiliated to the TUC.
4. I made a provisional decision not to designate the Applicants as a Core Participant in Module 2, thereby declining the Applicants' application ("the Provisional Decision"), on 13 October 2022. The Applicants were provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.

5. On 20 October 2022, the Applicants submitted a renewed application for Core Participant status in Module 2. This notice sets out my determination of the Applicants' application for Core Participant status in Module 2.

Application

6. 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.*

7. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I have 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.
8. I have taken into account all of the information upon which the Applicant has relied. The fact that I have not, in making this determination, referred to every matter which is set out in the application does not mean that I have not considered it. The summary below is intended to capture what appear to be the most important points made in support of the application.

Summary of Application

9. The Applicants' original application stated that IWUGB had a direct and significant role, and significant interest, in matters to which Module 2 relates as its members continued to work during the pandemic as vital key workers, often at significant personal risk to their health. IWUGB also states that it can assist the Inquiry in addressing the disparate impact of the pandemic on precarious, frontline, migrant and outsourced workers during the pandemic.

10. The application on behalf of UVW was also made on the basis that UVW had a direct and significant role, and significant interest, in matters to which Module 2 relates, as its members continued to work during the pandemic ensuring the economy functioned and vital services were provided. Its members were said to be 'disproportionately negatively impacted in respect of health and economic outcomes of Covid-19'. Many members of the applicant group were not provided with PPE, contracted the virus and at least one member died as a result. UVW states that it is concerned that the government fundamentally failed properly to understand the massive threat the pandemic posed to workers generally, and out-sourced workers in particular, and that their 'poor decisions' impacted UVW members who were on the frontline during the pandemic.

11. The application stated that ADCU also had a direct and significant role, and significant interest, in matters to which Module 2 relates as its members were considered key workers on the frontline during the pandemic with at least two members dying after contracting the virus at work. ADCU wishes to interrogate the reasons why the pandemic had such severe impacts on its members and is concerned that the government fundamentally failed properly to understand the massive threat the pandemic poses to workers generally and out-sourced workers in particular.

12. I am grateful for the combined application for redetermination made by the Applicants. It is submitted that individually and collectively these Trade Unions organise some of the most marginalised and traditionally underrepresented workers in the UK. Their members are cleaners, security staff, couriers and taxi drivers. Many work in the 'gig' economy, they are self-employed, often on zero hours contracts, and many secure their work through apps (such as Deliveroo and Uber). There are now approximately

20,000 to 25,000 workers organised within these unions that are non-affiliated to the TUC.

13. The application states that during the pandemic, workers cleaned offices, acted as security, delivered food, or drove essential workers to work. They were crucial in keeping essential services running. Minicab drivers were greatly exposed during the pandemic and had one of the highest occupational fatality rates.
14. The Applicants set out how the majority of the membership of each of these unions is made up from BAME or migrant communities. For example, within the minicab industry (that operates through Apps) 94% of the workforce is drawn from BAME communities and many are women. It is submitted that the experience of the workers organised by the IWUGB, UVW and the ADCU cannot be represented by officials from the TUC. The submissions set out a number of reasons why there is a major gap between the experience of TUC officials and the experience of these workers who are not organised by them.

Decision for the Applicants

15. I wish to reiterate my deep sympathy to each and every person who has experienced the tragic loss of a loved one as a consequence of the Covid-19 pandemic. I am mindful of the impact the pandemic has had on the Applicants' membership. I wish to reassure the Applicants of my ongoing commitment that inequalities will be at the forefront of the Inquiry's investigations. This will include a focus on the disparities evident in the impact of the pandemic on different categories of people.
16. I have considered with great care everything that is said in the Applicants' renewed application. I have also reminded myself of what was said in the original application to enable me to assess the merits of the application for Core Participant status as a whole. Having done so, in my discretion, I consider that although the Applicant has a significant interest (Rule 5(2)(b)), that interest is not sufficient to warrant designation as a Core Participant in circumstances where I consider there are more representative organisations to advance and ensure consideration of that interest in Module 2. I am also mindful of the need to manage the Inquiry effectively and efficiently. Therefore, in

my discretion, I have decided not to designate the Applicants as a Core Participant in Module 2. I confirm that this is my final decision.

17. Whilst I appreciate that the Applicants' membership have undertaken valuable and important work during the pandemic, I am satisfied that it played no role in core political and administrative decision-making. I do not therefore consider that the Applicant played a direct or significant role in core political and administrative decision-making (Rule 5(2)(a)).
18. 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 am also not obliged to designate a person or organisation that meets the criteria set out in Rule 5 of the Inquiry Rules as a Core Participant. It further explains that I particularly invite applications from groups of individuals and organisations with similar interests, rather than from individual persons and organisations and 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.
19. I do not consider, having regard in particular to the need to manage the Inquiry effectively and efficiently, that its interest in decision-making by the UK Government is sufficiently significant as to grant it Core Participant status in this Module. I am determined to run the Inquiry as thoroughly and as efficiently as possible, bearing in mind the Inquiry's wide-ranging terms of reference and the need for the Inquiry process to be rigorous and fair. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people and organisations in this country could potentially have an interest in it and a significant one at that, but not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.
20. The Applicants should be aware however that I have sought to ensure that the interests of at risk and other vulnerable groups (including those with protected characteristics) are considered during Module 2 in accordance with the provisional outline of scope and the Terms of Reference. In furtherance of those aims I have

designated those I consider to be most representative or best placed to advance their interests as Core Participants. There is a broad spectrum of designated organisations across a number of at risk and other vulnerable groups. I am satisfied that those organisations taken together provide sufficient representation. I will of course keep this under review.

21. My decision not to designate the Applicants as Core Participants in Module 2 does not preclude them from making any further applications in respect of any later modules. In my Opening Statement, I said that I will publish more information about the issues intended to be covered by later modules in the coming months. The Applicants may wish to consider applying for Core Participant status in relation to future modules likely to deal directly with the impact on business, public sectors including key workers and vulnerable and at risk sections of society including those with protected characteristics.
22. I note the assistance the Applicant believes it can provide. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be reaching out in due course to a range of individuals, organisations and bodies to seek information, to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.
23. The Inquiry will also listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic, through the listening exercise. I made clear in my Opening Statement that this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic on those who come forward to be used as evidence during the Inquiry's module hearings. The Applicants and those it represents will have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.
24. Finally, may I take this opportunity to thank the Applicant for their helpful submissions.

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

25 October 2022