

practice. But the draft guidance shared today appears to disregard our suggestions entirely.

This has left me with no choice but to write to you directly to ask that you make immediate and substantial changes to your approach.

The consultation papers suggest government proposes a return to business as usual, with no new requirements placed on employers beyond existing health and safety law, and no government commitment to increased health and safety enforcement or public awareness of their health and safety rights. We believe this approach will risk the safety and wellbeing of workers as they return to work. If the guidance is not significantly strengthened, safe working will not be guaranteed, and unions will have no hesitation in saying so publicly and to our members.

The TUC's immediate and most pressing concerns are set out below. We are particularly concerned that the proposed guidance in some cases appears weaker than existing legislative protections.

- The guidance is not binding on employers and suggests that where safe working practice cannot be achieved employers should continue to operate. The guidance repeatedly suggests that “employers should consider” actions such as enabling social distancing or providing handwashing facilities, but also suggests individual employers can decide to ignore the suggestions. We believe that this leaves far too much to employer discretion. We believe the government should set out clear requirements on employers. The draft papers suggest that it would routinely be acceptable for workers (including vulnerable individuals) to be required to work in jobs which do not allow them to respect 2m social distancing recommendations.
- There are no recommendations on Personal Protective Equipment (PPE). Trade unions cannot be expected to comment on the appropriateness of safe working practice without knowing what the government is asking employers to consider in terms of workers' use of PPE.
- There is no requirement on employers to publish their risk assessments, nor to agree them with recognised unions. The language about risk assessments fails to make clear that this is an existing legislative requirement that is binding on all employers of more than five people. To be clear, we believe that every employer should publish their risk assessment on their own website and on a government portal – before workers return to workplaces en masse. This is a proportionate extension to the existing legislation which would give greater confidence to workers, and a foundation for public scrutiny and enforcement.
- No reference is made to the Health and Safety Executive's existing powers, for example to issue prohibition notices, nor to workers' existing rights to refuse to work