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**WITNESS STATEMENT OF SHAVANAH TAJ (Wales TUC)**

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I am Shavanah Taj, General Secretary of the Wales Trades Union Congress ("WTUC"). My office address is Wales TUC, 1 Cathedral Road, Cardiff CF11 9SD.

1. I make this statement on behalf of the WTUC in response to a letter dated 9 November 2022 sent on behalf of the Chair of the UK Covid-19 Public Inquiry (the "Inquiry"), pursuant to Rule 9 of the Inquiry Rules 2006.
2. This statement is structured as follows:
  - a. Introduction;
  - b. The structure and role of the WTUC;
  - c. Liaison and communication with the Welsh Government;
    - i. The general arrangements for communication with the Welsh Government;
    - ii. Liaison with the Welsh Government in the early period: January to March 2020;
    - iii. WTUC's gathering of views and evidence;
    - iv. Communication and liaison in respect of specific Non-Pharmaceutical Interventions ("NPIs");
  - d. Public health communications and public confidence;
  - e. Public health and coronavirus legislation and regulations.

## **A. INTRODUCTION**

3. This statement is made for the purposes of module 2B of the Inquiry which is examining the Welsh Government's core political and administrative decision-making between early January 2020 and May 2022, when the remaining Covid-19 restrictions were lifted in Wales.
4. The Trades Union Congress ("TUC") brings together 5.5 million working people that make up its 48 members unions, from all parts of the UK. The WTUC is part of the TUC. It represents around 400,000 workers in Wales through its affiliated unions. The WTUC exists to improve the economic and social conditions of workers in Wales.
5. The sacrifice made by workers across a number of sectors was vast, from the provision of health and social care to those in desperate need, to the maintenance of an education system such that children could learn and key workers with children could work, to the transport sector which continued throughout to transport key workers, to the retail sector which allowed us to buy food, to sectors providing a variety of goods and services such as food and clothing which enabled society to continue. For the WTUC itself the pandemic was a significant challenge: it was a time when the need for union support was particularly acute, but union reps faced the challenges of performing their roles in the context of restrictions which, at times, precluded them from being allowed onsite and in workplaces.
6. Throughout the pandemic the WTUC had frequent communication and liaison with the Welsh Government. The context for the communication was the approach in Wales to social partnership, of trade unions, employers and Government working together to resolve issues. Social partnership was well embedded in Wales before the pandemic. It is about delivering change by finding shared goals and listening in order to negotiate the best possible outcome. From the start of the pandemic, Wales' social partnership model quickly became an effective way of dealing with the enormity of the situation. It demonstrated the effectiveness of ensuring that the balance was struck between the interests of employers and the interests of workers. Decisions were ultimately, of course, taken by the Welsh Government's cabinet, but we believe that the quality of decisions was often improved from the input provided by social partners.
7. A particular value of social partnership in the context of the pandemic was that the WTUC was well informed as to how, in practice, the various approaches to NPIs were being implemented across a range of sectors. The WTUC took care to seek to understand and

to gather information not only across sectors, but particularly in relation to the differential impact of the pandemic and NPIs upon disadvantaged groups. Through the established lines of communication, that knowledge could be fed back to the Welsh Government. Our impression is that the Welsh Government certainly sought to make appropriate, science-led decisions, with appropriate consultation with its social partners, including the WTUC and affiliated unions.

8. It was not, of course, without difficulty. In some areas, and whatever the consultation undertaken by and will of the Welsh Government, the arrangements for devolution and the financial settlement precluded the Welsh Government from taking the action it would have wished to. It was clear during the pandemic that the Welsh Government wished to support workers and organisations financially, above and beyond the measures the UK Government had introduced. However, the UK Government's financial settlement for Wales is such that the Welsh Government's hands were tied. Some emergency financial schemes were introduced in Wales, but they were quite limited. In addition, the nature of the devolution settlement meant that the Welsh Government lacked pre-existing channels with which to communicate their key messages with workers and this meant that too often there was insufficient relevant focus on how key communications supported people in dealing with workplace risks.
9. A further and very significant challenge was the inadequacies in the mechanisms available for monitoring and enforcement of health and safety in workplaces. Whatever the efficacy or otherwise of the political decision-making processes around NPIs, there will be a deficiency in the effectiveness of those NPIs if there is no adequate means of monitoring and enforcement in workplaces. I am uncertain as to whether this issue is being enquired into as part of module 2, or elsewhere in the Inquiry, but the WTUC considers it to be an issue of very significant importance if the Inquiry is to learn key lessons and enable Wales (and the UK) to be better equipped for future pandemics. Our unions found consistent and authoritative evidence that a significant number of employers failed to take sufficient precautions against the disease throughout the pandemic. Workers repeatedly reported that they were not being consulted – as legally mandated – on covid risk assessments and other breaches flowed from this lack of consultation. These included failures on social distancing and the provision of PPE. Despite clear evidence of regulations not being adhered to, the Welsh Government was unable to change or improve this situation. Further, Health and Safety Executive (“HSE”) and local authority environmental health protection officers were not able to adequately enforce coronavirus regulations designed to safeguard workers and the public at any point during the period in question, in

substantial part further to pre-existing shortages of resources due to department cutbacks of HSE funding. There is clearly a need to ensure better consultation with unions on the management of workplace safety standards, greater recognition among employers of their statutory duties in regard to the role of safety reps and more effective communication between safety reps and regulators at the HSE and local authorities in enforcing compliance with guidance and regulations.

10. A further significant issue for the WTUC was the disparate impacts of the pandemic upon vulnerable groups. It is widely recognised that the pandemic adversely affected some parts of the population more than others and the WTUC was concerned that this would disproportionately affect those that are already vulnerable. The pandemic intensified and exacerbated existing inequalities, making worse what was already a set of unequal relationships. As set out below, the WTUC undertook significant work to seek to understand that disparate impacts and to advocate for those who were particularly effected. Looking to the future, it will be important to see how the Welsh Government addresses the inequalities brought to the fore by the pandemic. We hope that it can be informed by this Inquiry.

## **B. STRUCTURE AND ROLE OF THE WTUC**

11. The WTUC is part of the TUC and sits within the TUC's Organisational Services and Skills Department. It is an integral part of the wider organisation but autonomous in some policy areas.
12. The WTUC has devolved responsibility within the TUC for:
  - a. matters which are within the powers of the Welsh Government and the Senedd;
  - b. matters that are wholly specific to Wales; and
  - c. developing policy on matters which impact substantially differently on Wales than elsewhere in the UK.
13. Regarding clearly UK-wide, non-devolved matters that do not impact Wales substantially differently to the rest of the UK, WTUC provides advice to the TUC on delivery in the Welsh context. There are areas of interest to module 2B to which steps taken by the TUC (as opposed to the WTUC) are clearly relevant, and I have included those matters within this statement.

14. The WTUC consists of trade unions that are affiliated to the TUC and who have members in Wales and trades union councils in Wales registered with the WTUC. I exhibit a list of affiliated trade unions [Exhibit ST/1 - INQ000068440].

15. The general role of the WTUC consists of the following:

- a. to promote the interests of all or any of its member organisations or the interests of past and present individual members of such organisations living or working in Wales;
- b. to improve the economic, equality and social conditions of workers in Wales, whether or not such workers are employed or have ceased to be employed;
- c. to give effect to the policies of Welsh Congress and to give effect in Wales to the policies adopted by the TUC and to keep trade union members in Wales informed of those policies;
- d. to co-operate with and assist other organisations having similar objects to the WTUC; and
- e. to assist in the complete organisation of all workers in Wales eligible for membership of its member organisations.

16. The WTUC has 21 staff members. I exhibit an organisational chart [Exhibit ST/2 - INQ000068441]. In addition to me, those carrying out specific organisational roles are:

- a. Julie Cook – National Officer;
- b. Sian Cartwright – National Officer;
- c. Joe Allen – Policy Officer;
- d. Rhianydd Williams – Policy Officer (Equalities);
- e. Ceri Williams – Policy Officer;
- f. Nisreen Mansour – Policy Officer; and
- g. Ffion Dean – Digital Communications Officer.

### **C. LIAISON AND COMMUNICATION WITH THE WELSH GOVERNMENT**

(i) The general arrangements for communication with the Welsh Government

17. In this section I provide an overview of the general arrangements that existed during the course of the pandemic for communication and liaison between the WTUC and the Welsh Government.

### *Social partnership in Wales*

18. An important point of context to the WTUC's liaison and communication with the Welsh Government is the approach in Wales to social partnership. Social partnership refers to a form of partnership working between employers and workers (through their representative organisations such as trade unions) and the government. It encourages collaboration in the delivering of public services and is intended to be a means of promoting economic growth and improvements in well-being. As the Welsh Government has described it, it *"brings together government, employers and trade unions in areas of mutual interest, to design and implement better solutions."* [Exhibit ST/53 - INQ000180903].
19. Social partnership is part of an approach in Wales which has recognised the value and importance of trade unions, including the importance of collective bargaining in reducing inequality and resulting, ultimately, in a fairer and more prosperous economy. Consistent with the recognition in Wales of the value of trade unions, certain provisions of the Trade Union Act 2016 introduced by the UK Government and which imposed restrictions in relation to trade union membership and action were curtailed in Wales by the Trade Union (Wales) Act 2017. An evidenced based study of the value of trade unions in Wales was published in October 2019 by the Wales Centre for Public Policy [Exhibit ST/54 - INQ000180904].
20. Social partnership was central to the approach of the Welsh Government throughout the pandemic. Before the onset of the pandemic the approach to social partnership was well established, and the Government was considering putting it on a more formal and structured footing. On 7 November 2019 Julie James AM, Minister for Housing and Local Government, published a White Paper seeking views on the Social Partnership Bill [Exhibit ST/53 - INQ000180903]. In the event, the timetable for the Bill was elongated by the pandemic. The White Paper described that the Welsh Government's *"partnership with trade unions and employers is crucial to the way that we work as a Government. By coming together to discuss and collaborate, we can solve problems and find solutions to the social and economic challenges currently facing Wales."* It also described that *"There are many established social partnership arrangements between individual organisations, sector wide representative groups and recognised trade unions in Wales, some of which pre-date devolution, all of which contribute to a collective cultural common practice that define social partnership in Wales"*. That was the context for the liaison between the trade unions and the Welsh Government during the pandemic that emerged shortly thereafter.

21. More recently, on 22 June 2022 the Welsh Government introduced the Social Partnership and Public Procurement (Wales) Bill. The Bill proposes the establishment of a statutory Social Partnership Council comprising members of the Welsh Government, nine representatives of employers, and nine representatives of workers in Wales, nominated by the WTUC. The proposed core function of the Council will be to provide information and advice to Welsh Government Ministers on a range of matters included in the Bill. The Bill establishes a statutory Social Partnership Duty that will apply to specific public bodies to improve the economic, environmental, social and cultural well-being when carrying out procurement, with both workers and employers involved.

#### *The Workforce Partnership Council*

22. One of the forums for social partnership that existed throughout the pandemic was Workforce Partnership Council (the "WPC"). It is a tripartite social partnership structure of the trade unions, employers and Welsh Government covering the devolved public services in Wales. Its terms of reference describe social partnership as *"a set of behaviours which all partners commit to uphold in supporting our dedicated public service workforce to deliver strong, effective public services."* [Exhibit ST/55 - INQ000180905]. It operates in *"equal partnership between Welsh Government, Employers and Trade Unions – respecting the sovereignty and decision-making structure of each partner."* The WPC is described in its terms of reference as *"a source of expert guidance and agreed direction on cross – public services workforce matters"*. The WPC is supported by a Joint Executive Committee (JEC) comprising members of each of the three social partners of the WPC. Minutes of the meetings of the WPC and JEC are made publicly available.

23. The WPC meetings provided regular opportunities for union representatives, employer representatives, and members of the Welsh Government to discuss pressing concerns and developments. Government representatives were able to provide updates as to Government policy, and the unions were able to feedback concerns. WPC/JEC meetings took place on the following dates and I exhibit the minutes/meeting documents for each:

- a. 16 January 2020 [Exhibit ST/94 - INQ000180943];
- b. 18 March 2020 [Exhibit ST/95 - INQ000180944];
- c. 25 March 2020 [Exhibit ST/3 - INQ000068442];
- d. 27 April 2020 [Exhibit ST/96 - INQ000180945];
- e. 11 May 2020 [Exhibit ST/97 - INQ000180946];
- f. 13 July 2020 [Exhibit ST/98 - INQ000180947];

- g. 26 August 2020 [Exhibit ST/99 - INQ000180948];
- h. 16 September 2020 [Exhibit ST/100 - INQ000180844];
- i. 2 November 2020 [Exhibit ST/101 - INQ000180845];
- j. 16 November 2020 [Exhibit ST/102 - INQ000180846];
- k. 21 January 2021 [Exhibit ST/103 - INQ000180847];
- l. 2 March 2021 [Exhibit ST/104 - INQ000180848];
- m. 15 March 2021 [Exhibit ST/105 - INQ000180849];
- n. 7 June 2021 [Exhibit ST/106 - INQ000180850];
- o. 2 September 2021 [Exhibit ST/107 - INQ000180851];
- p. 4 November 2021 [Exhibit ST/108 - INQ000180852];
- q. 9 February 2022 [Exhibit ST/109 - INQ000180853]; and
- r. 30 March 2022 [Exhibit ST/110 - INQ000180854].

*Shadow Social Partnership Council*

24. The first iteration of the Shadow Social Partnership Council was established in late 2019, in anticipation of the Social Partnership Council which would be created as a result of the (not yet laid) Social Partnership Bill. A draft Terms of Reference was produced for the meeting on 23 March 2020 [Exhibit ST/4 - INQ000068443] and the Welsh Government proposed to expand the membership on 1 May 2020 [Exhibit ST/5 - INQ000068444]. A definitive list of members was not shared, but the meeting minutes provide a good indication of who would typically attend [Exhibit ST/6 - INQ000068445].
25. During the meeting of the SSPC on 14 May 2020 it was agreed that membership should be extended on a temporary basis due to the exceptional circumstances presented by the pandemic, and the First Minister convened fortnightly meetings of the SSPC. As explained in a letter of the Minister for Housing and Local Government of 10 June 2020, it was thought by the Welsh Government to be *“vital that we get a full and rounded view of the issues facing the public, private and voluntary sectors going forward”* and the SSPC *“provides an opportunity for social partners to engage on recovery from the Covid19 outbreak at a high level and to explore how social partnership can contribute to the more detailed planning which needs to take place”* [Exhibit ST/7 - INQ000068446].
26. I am aware of SSPC meetings taking place on the following dates and I exhibit those minutes that are in my possession:
- a. 23 March 2020;
  - b. 14 May 2020 [Exhibit ST/111 - INQ000180855];



- c. 28 May 2020 [Exhibit ST/112 - INQ000180856];
- d. 11 June 2020;
- e. 25 June 2020;
- f. 9 July 2020 [Exhibit ST/113 - INQ000180857];
- g. 20 July 2020 [Exhibit ST/114 - INQ000180858];
- h. 3 August 2020 [Exhibit ST/115 - INQ000180859];
- i. 17 August 2020 [Exhibit ST/116 - INQ000180860];
- j. 7 September 2020 [Exhibit ST/117 - INQ000180861];
- k. 8 October 2020 [Exhibit ST/118 - INQ000180862];
- l. 15 October 2020 [Exhibit ST/119 - INQ000180863];
- m. 22 October 2020 [Exhibit ST/120 - INQ000180864];
- n. 28 October 2020 [Exhibit ST/121 - INQ000180865];
- o. 12 November 2020 [Exhibit ST/122 - INQ000180866];
- p. 26 November 2020 [Exhibit ST/123 - INQ000180867];
- q. 10 December 2020 [Exhibit ST/124 - INQ000180868];
- r. 16 December 2020;
- s. 19 December 2020 [Exhibit ST/125 - INQ000180869];
- t. 14 January 2021 [Exhibit ST/126 - INQ000180870];
- u. 28 January 2021 [Exhibit ST/127 - INQ000180871];
- v. 10 February 2021 [Exhibit ST/128 - INQ000180872];
- w. 10 March 2021 [Exhibit ST/129 - INQ000180873];
- x. 24 March 2021 [Exhibit ST/130 - INQ000180874];
- y. 31 March 2021 [Exhibit ST/131 - INQ000180875];
- z. 22 April 2021;
- aa. 13 May 2021 [Exhibit ST/132 - INQ000180876];
- bb. 3 June 2021 [Exhibit ST/133 - INQ000180877];
- cc. 17 June 2021;
- dd. 1 July 2021 [Exhibit ST/134 - INQ000180878];
- ee. 5 August 2021 [Exhibit ST/135 - INQ000180879];
- ff. 16 September 2021 [Exhibit ST/136 - INQ000180880];
- gg. 7 October 2021 [Exhibit ST/137 - INQ000180881];
- hh. 28 October 2021 [Exhibit ST/138 - INQ000180882];
- ii. 18 November 2021 [Exhibit ST/139 - INQ000180883];
- jj. 9 December 2021 [Exhibit ST/140 - INQ000180884];
- kk. 16 December 2021 [Exhibit ST/141 - INQ000180885];
- ll. 13 January 2022 [Exhibit ST/142 - INQ000180886];
- mm. 20 January 2022 [Exhibit ST/143 - INQ000180887];

nn. 10 February 2022;  
oo. 3 March 2022; and  
pp. 13 April 2022 [Exhibit ST/144 - INQ000180888].

27. The meetings typically took the form of an update from the First Minister on the Covid-19 situation in Wales, and then two further updates (usually from other Ministers or the Chief Medical Officer) about the Welsh Government's response to the pandemic, including updates on the vaccination programme and briefings about Cabinet's direction ahead of the coronavirus press conferences. The SSPC would typically meet after Cabinet had taken decisions which provided an opportunity to advise on how these would be announced and what needed to be considered for the roll-out or relief of certain measures. For example, during the period that the Welsh Government were conducting 21 day reviews of the coronavirus regulations

*Other social partnership arrangements*

28. Social partnership arrangements, for both health and schools in particular, also played a role in advising the Welsh Government on sector-specific interventions and workforce experiences. They also provided routes through which unions could, where appropriate, seek stricter NPIs to protect workers' health and safety. National arrangements in the private sector and local government were also used to advise on the coronavirus response, and arrangements for sectors including social care, retail, and the hospitality and night-time economy emerged in the pandemic to advise on the use of NPIs, the vaccine roll-out and financial support.

*Senedd committees*

29. The WTUC also attended and answered questions on Covid-related matters at the Economy, Trade and Rural Affairs Committee meetings on 3 March 2022 [Exhibit ST/145 - INQ000180890] and 15 July 2021 [Exhibit ST/12 - INQ000068451], and the following Senedd Economy, Infrastructure and Skills Committee meetings:

- a. 30 April 2020 – Covid-19: Business and Job Support [Exhibit ST/8 - INQ000068447];
- b. 23 September 2020 – Covid-19: Recovery [Exhibit ST/9 - INQ000068448];
- c. 4 November 2020 – Covid Recovery for All [Exhibit ST/10 - INQ000068449]; and
- d. 27 January 2021 – Remote Working: Implications for Wales [Exhibit ST/11 - INQ000068450].

### *Regular briefings*

30. Early in the pandemic an arrangement was agreed for the TUC to provide regular briefing documents summarising for the Welsh Government the key and current issues being raised by the range of unions. I provide the briefing notes in my possession, dated 18 March 2020 [Exhibit ST/13 - INQ000068452], 27 March 2020 [Exhibit ST/14 - INQ000068454] and 3 April 2020 [Exhibit ST/15 - INQ000068455]. They were sent to Jo Salway (Director, Social Partnership and Fair Work) and Jane Runeckles (Special Advisor to the First Minister). The purpose was to provide a top-line summary of the most pressing issues. For example, the 18 March 2020 briefing states the points raised as being “*the key issues raised by a wide range of unions over the last 24 hours.*”
31. The concerns raised were across a number of matters and I do not set them out in full. For example, the 18 March 2020 minutes record that we called upon the Welsh Government to work with unions and the manufacturing industry to utilise excess capacity and switch to production of essential equipment for the NHS, as car plants such as Ford Bridgend had closed. The same briefing also drew the Government’s attention to the TUC’s March 2020 report on *Protecting Workers’ jobs and livelihoods – The economic response to coronavirus* [Exhibit ST/16 - INQ000068456]. The report provided key information as to the size of and particulars issues faced by different work sectors, as well as a comparative analysis of the financial support measures implemented in a number of European countries. Similarly, the 27 March 2020 briefing drew attention to the TUC’s 23 March 2020 policy proposal on *Fixing the safety net: What next on supporting working people’s incomes?* [Exhibit ST/56 - INQ000180906]. Concerns were raised relating to the availability of and the need for clear guidance on the use of PPE in a range of sectors.
32. A response would sometimes be provided to our briefing documents. For example, on 31 March 2020, Martin Mansfield, trade union secondee into the Social Partnership and Fair Work Directorate, emailed me in response to the 27 March 2020 briefing document referenced above [Exhibit ST/17 - INQ000068457]. In his email, Mr Mansfield explained that the Welsh Government would be working on a system for dealing with concerns so that they can “reduce duplication and respond to issues at the appropriate level and with pace”. Mr Mansfield also identified 16 issues raised by the WTUC where a more specific response might be required and for which he needed further detail from the WTUC. This line of communication – involving other officials from the Social Partnership and Fair Work Directorate – was intended to enable the Welsh Government to gather information from

the WTUC about Covid-19 in the workplace. However, it proved to be fairly ineffective; meetings were often poorly attended and officials did not want to engage with the detail of the issues. The role of local government as an enforcement agency was particularly problematic. We repeatedly asked for information about local government enforcement officers but this information was not provided. The Welsh Government, particularly earlier in the pandemic, was often unwilling or unable to engage on issues about workplace-specific matters, highlighting that this was the responsibility of local enforcement agencies and beyond their scope. These briefing meetings were abandoned after a few months. Ministers (as opposed to their officials) were at times more willing to pursue these workplace health and safety issues.

*Informal lines of communication with Welsh Government*

33. The various social partnership arrangements with the Welsh Government enabled frequent and generally meaningful communication and liaison in an appropriately formalised manner. Those arrangements were frequently supported by more informal communications between the WTUC and ministers, or, more usually, their supporting civil servants. An example would be the emailed briefing documents described above. I had a good line of communication with a number of ministers and their special advisors and officials. Ministers and officials with whom I had direct communication included the First Minister, Ken Skates (then Minister for Economy, Transport and North Wales), Julie James (then Minister for Housing and Local Government), Jo Salway (Director, Social Partnership & Fair Work), Jane Hutt (Chief Whip and then Minister for Social Justice), Hannah Blythyn (Deputy Minister for Housing and Local Government, then Deputy Minister for Social Partnership), and Jason Thomas (Director of Culture, Sport and Tourism). However, communications were generally focused on raising matters promptly and for the purposes of assisting and facilitating the formalised social partnership arrangements described above. I cannot recall instances of discussing matters via informal channels that were not also discussed in the formal meetings which were minuted.

(ii) Liaison with the Welsh Government in the early period: January to March 2020

34. In this section I set out the extent to which the WTUC had liaison with the Welsh Government in the early period, leading up to the first national lockdown on 23 March 2020.
35. With reference to a chronology prepared by the Senedd, I understand the context to be that on 30 January 2020 the WHO declared Covid-19 as being a Public Health Emergency

of International Concern. The following day the first case was confirmed in the UK (not in Wales). On 7 February 2020 the Chief Medical Officer for Wales stated that Public Health Wales was supporting the UK Government's respiratory hygiene awareness raising campaign that had been launched 7 days earlier ("Catch it, Bin it, Kill it"). It was said that there were no cases in Wales and robust arrangements were in place to manage cases and protect the public. On 28 February 2020 the first case was confirmed in Wales in a patient who had travelled from northern Italy. There were, of course, a number of developments across the UK in early March. On 11 March 2020 the UK Chancellor announced a package of measures to support public services, individuals and businesses affected by the pandemic, and on 12 March 2020 the UK moved to the delay phase, with advice to self-isolate for 7 days upon displaying symptoms. On 16 March 2020 the advice was changed to self-isolation for 14 days, and that all non-essential contact and unnecessary travel should stop. The first national lockdown commenced on 23 March 2020.

36. The first significant liaison with the Welsh Government was on 12 March 2020 when the Ministers for Health and Social Care, and for Housing and Local Government, held a conference call with the WTUC. I followed this up on 14 March 2020, by way of a letter to the First Minister setting out what we considered to be the immediate priorities, which I also shared with affiliated unions [Exhibit ST/18 - INQ000068458].

37. The letter referred Mr Drakeford to the TUC's March 2020 'Covid-19 Coronavirus Guidance to unions' which provided guidance for trade union reps on the workplace issues in the context of the pandemic [Exhibit ST/19 - INQ000068459], and invited the Government to circulate it through the WPC and wider sectoral arrangements. The letter raised concerns as to the procurement of PPE, the dissemination of workplace safety guidance, the adequacy of sick pay, and support for those suffering hardship.

(iii) WTUC's gathering of views and evidence

38. The advice given and representations made to the Welsh Government by the WTUC was predominantly based upon the feedback and information provided by the WTUC's affiliated unions and its members. As described above over forty unions are affiliated to the WTUC, representing over 400,000 workers across a range of sectors. According to the latest figures from the ONS 36 per cent of all Welsh employees are members of a union. Furthermore, 63 per cent of Welsh employees have a trade union presence in their

workplace [Exhibit ST/57 - INQ000180907]; [Exhibit ST/58 - INQ000180908]. Each workplace that officially recognises a trade union will have a union branch, made up of representatives (known as 'reps') with specific roles such as chair or secretary. These reps are closely in touch with the experience of their colleagues in the workplace. During the pandemic, reps provided daily updates to full time officers of their unions. In turn, full time officers provided summary updates to the WTUC, who then collated and shared the information with the Welsh Government. Information was shared through the social partnership mechanisms I have already described. In summary, the WTUC's network reached the coal face of hundreds of workplaces across Wales in all sectors. During the pandemic we used this network to provide regular updates to the Welsh Government. Without this network, the Welsh Government would not have been as well informed about the impact of their actions on workplaces.

39. It is right to acknowledge that the pandemic was a challenging time for union reps themselves, many of whom were exhausted and stressed. It is a critical role but generally poorly acknowledged, and often unpaid, but they were crucial to being able to provide meaningful information to the Welsh Government. It was difficult for the reps to keep up to date and to understand the constantly developing guidance and regulations. They were also working with and trying to support many workers who feared for their lives and some who were struggling to maintain their livelihoods. I recall, as an example, a union rep who was part of a Whatsapp group with taxi drivers in Cardiff and Newport, some of whom were suicidal as they struggled with losing their livelihoods, a lack of financial support, difficulties with obtaining appropriate PPE, and a myriad of issues. I also recall a taxi driver dying of Covid-19 and the union rep and taxi drivers seeking to support the driver's bereaved wife and three children. Government guidance rarely recognised or said anything about reps, unless we pushed for it to be included (such as the requirement, which exists in law, to engage with reps in adopting reasonable health and safety measures).

40. The TUC also undertook a number of more formalised evidence gathering processes and published a number of reports seeking to inform public dialogue as to the experiences of those at work during the pandemic. I provide a summary of the key examples.

### *Pregnant women and mothers*

41. On 2 April 2020, the TUC launched a blog: 'Pregnant and worried about coronavirus? Here's what you need to know' [Exhibit ST/59 - INQ000180909]. The blog provided advice, as well as calling upon the UK Government to raise awareness of existing legal protections for pregnant workers.
42. The WTUC called on the Welsh Government to address issues regarding the safety of pregnant women and mothers, through a report by the WTUC Equality Committee sent to the Welsh Government on 21 April 2020 [Exhibit ST/20 - INQ000068460]. We called for employers to take reasonable action, such as altering working conditions or hours of work, to ensure pregnant women avoided a risk of exposure to Covid-19. If it was not reasonable to alter working conditions or hours of work, or if it would not avoid the risk, then, we said, the employer is required to offer any suitable, safe alternative work that was available. In circumstances where no such work existed, which was likely given the restrictions of social distancing, we explained that the employer must suspend the employee from work on full pay for so long as is necessary to avoid the risk posed by Covid-19. This was consistent with the rights afforded by the Employment Rights Act 1996.
43. On 11 June 2020, the TUC published a report *Pregnant and precarious: new and expectant mums' experiences of work during Covid-19, A TUC Women's Equality Briefing* [Exhibit ST/21 - INQ000068461] which reported on the results of a survey by the TUC of over 3,400 pregnant women and mothers on maternity leave to find out about their experiences of work during the pandemic. The report highlighted that:
- a. one in four pregnant women and new mothers had experienced unfair treatment or discrimination at work, including being singled out for redundancy or furlough;
  - b. pregnant women's health and safety rights were being routinely disregarded, leaving women feeling unsafe at work or without pay when they were unable to attend their workplaces;
  - c. low-paid pregnant women were almost twice as likely as women on median to high incomes to have lost pay and/or been forced to stop work (either by being required to take sick leave when they were not sick or to take unpaid leave, start their maternity leave early or leave the workplace altogether) because of unaddressed health and safety concerns; and
  - d. 71% of new mothers planning to return to work in the next three months were at that time unable to find childcare to enable them to do so.

## *BAME workers*

44. From the beginning of the pandemic, unions reported that BAME people were being discriminated against in a number of ways – being singled out for more dangerous or difficult work, not getting access to adequate PPE, not being protected despite having underlying health conditions, being targeted when hours or jobs were being cut, and being racially abused by colleagues or customers.
45. The First Minister established the BAME Covid-19 Advisory Group. Its terms of reference explained that *“The First Minister and Cabinet are concerned that people of some ethnic groups appear to be disproportionately impacted by COVID-19, with consequent adverse health outcomes. A group will be convened to advise the First Minister on this matter. The group will work with stakeholders from BAME communities and expert advice within Wales and also across UK (especially PHE) and international colleagues to share information and approaches to address this issue”*. I attended the majority of the meetings of the group, including the meeting on 29 April 2020 [Exhibit ST/22 - INQ000068462]. I also assisted the Chair, Professor Emmanuel Ogbonna, in drafting the resulting report [Exhibit ST/23 - INQ000068463].
46. On 1 April 2020 a letter was sent to unions to ask them to provide evidence on the Equality impact of Covid. On 2 April 2020 a Wales TUC Equality Committee meeting took place and unions shared their equality impacts. The WTUC Equalities Committee invited the Deputy Minister and Chief Whip (DMCW Jane Hutt) to attend two meetings on 21 April 2020 [Exhibit ST/24 - INQ000068464] and 5 May 2020 [Exhibit ST/158 - INQ000267875] to discuss the concerns of the impact of Covid-19 on people with protected characteristics. The WTUC Equality Committee Report, which I refer to above [Exhibit ST/20 - INQ000068460], was provided prior to the meeting, setting out concerns in respect of the particular impact of the pandemic on pregnant women, on the different impacts according to gender, on parents and carers, on the disabled, on migrant workers, religion, sexual orientation and gender reassignment, and on different ages. In this document the WTUC highlighted the apparent higher number of BAME frontline health workers that were dying and called for more concrete data in order to understand the reasons why ethnicity appeared to be a strong risk factor. The meeting was chaired by WTUC President, Ruth Brady. The DMCW wanted this to be an opportunity for those present at the meeting to ask questions and provide evidence about what was happening on the ground, which could inform longer-term policies to prevent further deepening of inequalities post Covid-19. Similar meetings were being held with other equality forums for the same purpose.



The Minister committed to sharing the WTUC paper and issues raised during discussion with her Cabinet colleagues and stated that it was important to keep equalities and human rights at the forefront. She also suggested that an assessment should be made in the near future of how points from the meeting had been taken forward and she agreed with the WTUC that regular meetings would be useful during this crisis period.

47. The TUC provided a response in May 2020 to the Select Committee inquiry into Covid-19 and the impact of it on people with protected characteristics [Exhibit ST/25 - INQ000068465].
48. In order to put the voice and experiences of BAME workers at the heart of the debate about the disproportionate impact of Covid-19 the TUC put out a call for evidence in June 2020. Over 1,200 workers responded and told the TUC their stories. The WTUC itself launched a survey for BME workers to share their experience of how they had been treated both before and during the pandemic and for suggestions as to what needs to change [Exhibit ST/26 - INQ000068466].
49. The results of the TUC call for evidence were produced in the TUC's report published on 17 July 2020, *Dying on the job – Racism and risk at work* [Exhibit ST/27 - INQ000068467]. The report noted a number of key factors which placed BME workers at greater risk, including disproportionately high representation in low waged occupations where they are expected to do the hardest and most dangerous work, and that BME workers were disproportionality working in the frontline jobs that were keeping our communities going through the crisis, whether it was nursing the sick in hospitals, looking after the elderly in care homes, keeping public transport going, or producing and distributing food.
50. However, there was also significant evidence of BME people being discriminated against during the course of the pandemic in a variety of ways. The report found that one in five of those who responded to the call for evidence said they had been treated unfairly because of their ethnicity at work during the pandemic and around one in six said they had been put at more risk at work because of their ethnicity. There were accounts of BME workers being singled out for higher risk work, denied access to PPE and appropriate risk assessments, unfairly selected for redundancy and furlough and hostility from managers if they raised concerns. The report set out, in the short term, and in response to the pandemic, urgent steps that employers needed to take. These included conducting appropriate risk assessments for BME workers that considered the particular risks for BME workers, informed by thorough, sensitive and comprehensive conversations with BME staff

that identify all relevant factors that may influence the level of risk they are exposed to, including any underlying health conditions and work arrangements.

51. The WTUC set out the issues facing BME workers on the TUC website [Exhibit ST/60 - INQ000180910]. It also made available a video and slides of a presentation by WTUC Policy Officer, Nisreen Mansour, at the WTUC's 'Build Back Better' event in early July 2020, explaining what the ONS data was telling us about the current issues faced by BME workers in Wales [Exhibit ST/61 - INQ000180911]. These issues formed an important part of the Wales TUC Equalities Committee meeting on 9 July 2020 with the Counsel General and the Deputy Minister and Chief Whip. The meeting focused primarily on plans for the path to recovery in the context of existing inequalities intensified by the pandemic [Exhibit ST/28 - INQ000068468].
52. On 7 September 2020 the WTUC partnered with the Ethnic Minorities and Youth Support Team (EYST) to launch a multi-lingual helpline to respond to the need for specialist advice for BME communities disproportionality impacted by the pandemic [Exhibit ST/62 - INQ000180912]. We trained their call handlers to deal with employment related matters, and had an arrangement whereby more complicated matters could be relayed to the appropriate union. The line provided an accessible first port of call for information on a range of specialist, mainstream and community organisations, with call handlers speaking a range of languages.
53. Although there was this evidence gathering and understanding about disproportionate impact, it will be important when the Inquiry comes to look at specific sectors to examine the extent to which safety measures were implemented which actually responded to assist these communities.

#### *Health and safety reps survey*

54. More generally, the TUC conducts a biennial survey of its affiliated union safety representatives. The report is used by the TUC to understand the changing experience of safety representatives at work and to help provide more support. The survey is also used to inform public policy debates. In the 2021 survey additional questions were added to ask specifically about workplace health and safety during the pandemic. 2,138 safety representatives responded and the results were reported in March 2021 in the *Union Health and Safety Reps Survey, 2020/2021* [Exhibit ST/29 - INQ000068469].

55. The report detailed the low levels of workplace visits by health and safety inspectors, be they HSE inspectors, Environmental Health Officers or other relevant safety inspectors. The responses to the survey indicated that more than six in 10 safety representatives did not know of any visit ever by the relevant safety inspectorate. It also set out that, despite Government Covid guidance indicating that employers of more than 50 workers should publish their risk assessment on their public website, only 44% of all respondents to the survey in workplaces of more than 50 employees confirmed that their employer had done so.

56. A significant proportion of safety reps felt that sufficient and appropriate PPE had not always been provided, with the worst case being in NHS hospitals where 44% felt this to be the case. Fewer than one in three safety representatives said their employer was implementing appropriate physical distancing between employees all of the time, with another 37 per cent saying they were doing so “most of the time”.

#### *Covid-19 workplace safety in the food and drinks sector*

57. Also in March 2021, the TUC, Incomes Data Research, the University of Greenwich and the All-Party Parliamentary Group on Occupational Safety & Health produced a joint report on Covid-19 workplace safety outcomes in the food and drinks sector [Exhibit ST/30 - INQ000068470]. It came as a response to the TUC’s calls for a strengthened health and safety agenda, improved safety guidance and tougher regulatory activity in the light of Covid-19. The report sets out the methodology of the research but, in summary, the information was collected through two surveys of both employees and employers. This report highlighted that just over half of workers surveyed said that a Covid-19 risk assessment had been carried out in their organisation since March 2020. Where a Covid risk assessment had been carried out in their workplaces, one third of workers said that they had not been consulted.

#### *Disabled workers’ experiences*

58. As I have already set out, on 21 April 2020, the WTUC circulated the report of the Wales TUC Equality Committee on the *“Equality Impact of Covid 19”* with Welsh Government officials, which outlined the impact on people with protected characteristics [Exhibit ST/20 - INQ000068460]. The WTUC highlighted 10 issues that disabled people and carers were facing, including the lack of any flexibility in Stay-at-Home guidance for parents with children with ALN or who are neurodiverse (flexibility that was present in the guidance in England) and employers not adhering to the law on reasonable adjustments. The report

was discussed at a meeting of the TUC Equality Committee on 5 May 2020. Jane Hutt, Wales Minister for Social Justice, attended the meeting and promised to share the paper with Ministerial colleagues.

59. On 5 June 2021, the TUC produced a report setting out the results of its research into how pre-existing workplace barriers had been affected by the pandemic and the impact it had had on disabled workers [Exhibit ST/31 - INQ000068471]. The TUC found that many of the pre-pandemic issues that affected disabled workers continued to affect those workers during the pandemic, such as difficulties in getting and keeping the reasonable adjustments necessary to work effectively.

*WTUC report on the impact in Wales of Covid on different sexes*

60. On 26 June 2020 the WTUC published an article setting out the issues facing workers in Wales based on sex [Exhibit ST/63 - INQ000180913]. It explained how 40% of all women in employment in Wales were critical workers, compared to 28% of men; women in Wales were more likely to contract Covid than men; and women and those from a minority ethnic background were the groups of workers most likely to be employed within occupations that have the highest risk. It also briefly set out how the WTUC was working with the Welsh Government to investigate how the gender, race and disability gap could be deepened by this crisis and how to mitigate that as much as possible (see, also, the TUC Equality impact of Covid 19 paper discussed above [Exhibit ST/20 - INQ000068460]). However, the WTUC made it clear that this action must be part of a broader strategy to protect the health and safety of people at work, including stronger government guidance (underpinned by regulation) on the safety measures all employers must consider immediately and new powers (via a tripartite network, involving employers, unions and the HSE) for government to compel employers who do not follow these steps to close.

61. The WTUC was also aware of the rise in domestic abuse as a result of lockdowns and the corresponding increased risk of violence against women. We therefore issued guidance on 10 June 2020 to union reps in Wales [Exhibit ST/64 - INQ000180914]. This guidance set out what constitutes domestic abuse, how to spot the signs of someone suffering from domestic abuse and what union reps and employers can do to protect workers from such abuse. We explained that union reps can work with employers to bring in new policies where none exist or to adapt existing arrangements if any changes are needed in response to the particular issues presented by the Covid-19 pandemic.

## *LGBT+ workers in Wales*

62. Additionally, we highlighted the impact of the pandemic on LGBT+ workers in Wales [Exhibit ST/65 - INQ000180915]. Along with high levels of discrimination in healthcare settings, LGBT+ people, including trans and gender diverse people, have higher rates of HIV and cancer, and may have a compromised immune system which made them particularly vulnerable to Covid-19. Practices common amongst trans men, such as chest binding, can exacerbate respiratory conditions and we were also concerned about the impact of Covid-19 on mental health services for LGBT+ people. We recommended that the Welsh government:

- a. provide appropriate funding for LGBT+ services supporting people experiencing domestic abuse and violence;
- b. prioritise work to address homophobia, biphobia and transphobia;
- c. ensure that LGBT+ workers who had been distanced from supportive community structures and faced the lockdown period with hostile and discriminatory family members have appropriate support through housing and mental health services; and
- d. provide further detail on the plans for mental health support post Covid-19.

63. We also recommended that the UK government take active steps to raise awareness of existing legal protections for workers and to reassure LGBT+ workers that they were fully protected from discrimination.

### (iv) Communication and liaison in respect of specific NPIs

#### *PPE*

64. As I have already set out earlier in this statement, the WTUC shared a briefing paper with the Welsh Government on 27 March 2020 [Exhibit ST/14 - INQ000068454], raising various concerns including the availability of and the need for clear guidance on the use of PPE in a range of sectors.

65. On 31 March 2020, the Workforce Partnership Council ("WPC") health trade unions issued a statement [Exhibit ST/32 - INQ000068472]. This statement explained that the unions were establishing a communications process to provide local intelligence about where PPE was failing to reach frontline workers. It also set out some their key concerns, including:

- a. concerns about the clarity of the Welsh Government's FAQs and a lack of detail around what the amount of PPE purchased actually means. The unions wanted to see the figures on stock levels put in proper context and modelled on projected demand;
- b. a gap in provision for those who were not able to access PPE under the guidance but were unable to practice social distancing because of the nature of their roles; and
- c. concerns about PPE provision in private social care settings.

66. On 3 April 2020 there was a meeting between WPC partners and the Welsh Government regarding PPE guidance. The notes of the meeting record the problem in respect of care staff accessing PPE [Exhibit ST/33 - INQ000068473]:

*"Evidence from care staff demonstrates they feel like second class citizens*

*Previously weren't getting any PPE – still some gaps in supply chain, getting to ground level*

*Struggling to get basics. Many staff are buying their own which isn't approved and up to standard regulation as they fear they're not protected – worried about staying in work and community spreading through no fault of their own."*

67. PPE briefings were set up to discuss the availability of resources within the health, social care and later other frontline services, primarily attended by public sector trade unions, government officials and Public Health Wales.

68. The WTUC issued a joint statement with the BMA Cymru on 12 April 2020 following reports from union members, reps and officers about the difficulty in accessing PPE, the quality of what was available, the training on offer and the availability of fit tests [Exhibit ST/66 - INQ000180916].

*Self-isolation and sick pay*

69. The dominant feature of the WTUC's concerns around self-isolation was the extent to which workers, particularly those on low paid and insecure employment, were able to self-isolate without significant financial hardship. Self-isolation was a core part of the public health response to the pandemic, but the reality for many low paid key workers was a

choice between financial hardship in the absence of sick pay or going to work when they ought to self-isolate.

70. On 3 March 2020 the TUC called on the UK Government to respond to the pandemic by providing emergency support for the millions of UK workers who were ineligible for Statutory Sick Pay (“SSP”) [Exhibit ST/67 - INQ000180917]. On 6 March 2020 the WTUC called on the government to tackle coronavirus by guaranteeing sick pay for all workers, regardless of how much they earn [Exhibit ST/68 - INQ000180918]. We drew attention to the TUC analysis to the effect that at least 90,000 workers in Wales did not qualify for SSP. The TUC General Secretary, Frances O’Grady, had written to UK ministers warning that inadequate provision of sick pay could stop people taking public health advice, and some may feel they have no choice but to go to work. As I said then, many of the 90,000 workers were *“already struggling”* and *“won’t be able to meet basic living costs if they stay home from work”* which created *“an impossible choice that has serious implications for us all.”*
71. In the same month the TUC published the report, *Sick pay for all – How the Corona Virus has shown we need urgent reform of the sick pay system* [Exhibit ST/34 - INQ000068474]. The report pointed to the fact that the earnings threshold for statutory sick pay disproportionality impacted women, those in insecure work, and young and older workers, who were more likely to be without sick pay. Further, the rate of statutory sick pay (at £94.25) was low, and amongst the lowest compared with European counterparts. It also expressed the TUC view that workers should be treated as suspended from work when required to self-isolate such that they can receive full pay, and that it was vital that those required to self-isolate could access statutory sick pay.
72. SSPC meetings were used to raise concerns about isolation payments and the extent to which the Welsh Government was monitoring the awareness of this amongst those who were eligible.
73. In November 2020 the Welsh government did introduce the Self-Isolation Support Scheme which provided a £500 support payment to support those needing to self-isolate. While we welcomed the introduction of the Welsh Government’s scheme we were concerned about its administration and proposed a number of ways in which it could be improved. Discussions on this continued into the new year when some improvements were made. We also expressed repeated concerns about the delays in introducing this vital scheme – the Welsh scheme launched some time after the equivalent programme in England (the Test and Trace Support Payment scheme, introduced in England on 28 September 2020).

74. In addition, the GMB, with support from the WTUC, engaged in correspondence with the Welsh Government from March 2020 through to July 2020, raising concerns around PPE and sick pay for health and social care workers [Exhibit ST/146 - INQ000180891]; [Exhibit ST/147 - INQ000180892]; [Exhibit ST/148 - INQ000180893]; [Exhibit ST/149 - INQ000180894]; [Exhibit ST/150 - INQ000180895]. In November 2020 the Welsh Government did introduce the Covid-19 Statutory Sick Pay Enhancement Scheme which ensured that social care workers who were required to self-isolate or stay home due to Covid to receive full pay. The scheme was brought to an end in August 2022. The scheme was important and reflected the Welsh Government's understanding, in consultation with unions, of the importance of putting in place proper sick pay for social care workers. We have since called for the scheme to be continued indefinitely.
75. In January 2021, the WTUC set out its proposals and concerns to the Welsh Government regarding the Discretionary Assistance Fund ("DAF") and the £500 self-isolation support scheme [Exhibit ST/35 - INQ000068475]. On 5 February 2021 the WTUC argued that Wales needed a better self-isolation support scheme, referring to our research with YouGov that 21% of people in Wales said that 10 days isolating would have negative financial impact, and amongst lower paid workers that rose to 43% [Exhibit ST/69 - INQ000180919]. We observed that the Wales support scheme was only open to workers in receipt of certain benefits which severely limited its coverage and effectiveness, with the Resolution Foundation finding that only 1 in 8 workers qualified. As it was put by my colleague and WTUC policy advisor Joe Allen:

*With 7,439 grants awarded [under the self-isolation support scheme] between October 23rd (the earliest eligible date) and 22nd January, that suggests that about £1.2m is going towards helping roughly 2,500 stay at home each month – a seemingly very modest amount for such an important scheme during a period when infection rates have been astronomical.*

*It's not a coincidence that the countries with the best record on Covid have taken this issue seriously. New Zealand offers the equivalent of about £315 a week regardless of income as do Taiwan, Singapore and South Korea. While Finland guarantees 100% of lost income.*

*Closer to home, the Scottish Government has this week recognised the need to do more. They have broadened the payments to anyone who is earning the Real Living Wage (£9.50) or below. This move will mean 200,000 more people will be able to get help.*



*We should now follow this lead in Wales. It's a fairer and simpler approach than our current model. We also need to make sure that the help available is communicated effectively to all who need it.*

*Studies have consistently shown that when it comes to self-isolating there is a gap between what people want to do and what they actually do. Moralising and reprimanding people for not following the regulations is pointless and counterproductive if we're not giving people the proper financial help that they need to do so.*

76. Mr Allen linked to the BMJ research revealing self-reported adherence to self-isolation as being low, with non-adherence being associated with men, younger age groups, having a dependent child in the household, lower socioeconomic grade, greater hardship during the pandemic, and working in a key sector [Exhibit ST/70 - INQ000180920]. The research suggested that practical support and financial reimbursement was likely to improve adherence.
77. In February 2021 the TUC published its report, *Sick pay that works – TUC report on the urgent need for reform* [Exhibit ST/36 - INQ000068476]. This repeated many of the concerns already raised. It also referred to a BritainThinks survey, carried out on behalf of the TUC, which found that almost a quarter of workers (equating to 6.4 million employees) received only basic statutory sick pay. Further, women were more likely than men to receive only statutory sick pay. BME employees were as likely as white employees to receive only statutory sick pay but were more likely to receive no sick pay at all.
78. In June 2021 the TUC published an analysis reporting that a third of key workers said they did not get sick pay [Exhibit ST/71 - INQ000180921]. In December 2021 it was the TUC's analysis that 647,000 festive workers would not be eligible for any sick pay [Exhibit ST/72 - INQ000180922].
79. In November 2019 the UK Government had consulted on removing the lower earnings limit from sick-pay, in a consultation: 'Health is everyone's business: proposals to reduce ill health-related jobs'. It had been stated in the consultation document that "*The government is concerned that employees on lower incomes are missing out on the protection that SSP provides. People may be working when unwell, or relying on the benefit system, when remaining attached to their employer is likely to be more beneficial. The Taylor Review of Modern Working Practices recommended extending SSP to include*

*those earning below the LEL. This would extend SSP protection to around 2m employees, including over 1m who work less than 16 hours per week. The government believes there is a case to accept this recommendation.”* However, in July 2021, and notwithstanding the particularly acute difficulties that arose during the pandemic, the UK Government published its response to the consultation, in which it expressed the view that *“now is not the right time to introduce changes to the sick pay system”* [Exhibit ST/37 - INQ000068477].

80. On 7 August 2021, the Welsh Government increased self-isolation support from £500 to £750.

81. The problem of inadequate sick pay provision, and the public health consequences, remains. In June 2022 the Wales TUC commissioned a YouGov poll which revealed that two thirds of people who had been sick in the preceding 12 months had carried on working [Exhibit ST/73 - INQ000180923]. It was further reported that insecure workers were ten times more likely than workers in more secure jobs to get no sick pay when off sick, only a quarter of key workers were eligible for statutory sick pay, and one in six hospitality workers and one in eight retail workers were ineligible for any sick pay at all. As I stated when the TUC reported on the poll:

*“The sick pay system is completely inadequate and is harming workers by making it unaffordable to stay home when they are unwell. Not only does this mean that people have to go out to work when they’re sick, it means that their colleagues are also at risk if they have an infectious illness. The UK Government’s complete failure to address this shows that they haven’t learnt a single lesson from the pandemic and aren’t interested in making the workplace fairer or safer. The reality is that the majority of workers in Wales have gone to work while they’re sick during a pandemic. The UK’s sick pay system is a liability and this will only get worse as more people struggle to make ends meet because of the cost of living emergency.”*

82. We also called in the same statement for the Covid-19 Statutory Sick Pay Enhancement Scheme to be continued indefinitely.

#### *Lockdowns and local restrictions in Wales*

83. On 14 May 2020 the WTUC issued a statement setting out five principles for the easing of lockdown [Exhibit ST/38 - INQ000068478]. The statement called for the easing of

lockdown to be facilitated by (1) sectoral guidance to be agreed between unions and employers, and issued under the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, (2) a sufficient supply of PPE, (3) a comprehensive testing strategy (including with a greater emphasis on routine testing for *all* key workers), (4) co-ordinated and proactive enforcement activity, and (5) maximising the opportunities of the Job Retention Scheme.

84. On 7 July 2020, the WTUC held discussions with the Welsh Government on reopening the indoor hospitality sector. Following those discussions, I made a statement on behalf of the WTUC and its affiliated unions in the hospitality sector, calling on the Welsh Government to announce a date for the reopening of the sector, in part to prevent job losses [Exhibit ST/74 - INQ000180924]. However, the WTUC made it clear that businesses would need time to put appropriate safety measures in place as no worker should be put at risk for the sake of business survival. Unions were also working with the Welsh Government to bring self-employed and freelance workers back into work through the safe introduction of live music and performances, looking to other countries for examples of good practice.

85. By October 2020, surges in infection rates had led to the Welsh Government seeking to impose some control through local restrictions and an all-Wales 'circuit breaker'. The WTUC supported the Welsh Government's decision to implement a circuit breaker lockdown as it was the right call for public health [Exhibit ST/75 - INQ000180925]. The difficulty is that whilst Wales elected the Welsh Government to make decisions over public health, and the Welsh Government was doing so, the UK Government was responsible for wage support. The UK Government refused to raise wage support for the period of the Wales 'circuit breaker'. The Bevan Foundation estimated that around 200,000 might be impacted by the 'circuit breaker' lockdown. We raised the issue with the Welsh Government and wrote to all MPs and MSs expressing our fears that the proposed successor scheme to the Job Retention Scheme ("JRS") (the proposed Job Support Scheme) would be insufficient and would undermine infection control efforts. This was one of the clearest examples of the UK Government overlooking an issue of major importance when it would only impact Wales and was a reflection of what appeared, at least to the WTUC, to be a strained relationship between the UK and Welsh Governments. In November 2020, the OECD published a report which recommended that nation states with devolved or federal systems should *"introduce, activate or reorient existing multi-level coordination bodies that bring together national and subnational government representatives to minimise the risk of a fragmented crisis response"* [Exhibit ST/76 - INQ000180926]. It is possible that such a mechanism may have assisted in Wales and

the UK. The issue was ultimately resolved by the UK Government's decision to extend re-instate a lockdown of its own and, consequently, the JRS.

86. On 12 March 2021, I wrote to the First Minister regarding the proposed lifting of lockdown measures [Exhibit ST/39 - INQ000068479]. I expressed our concern that messaging and the law was becoming very confusing for employers who were permitted to re-open before the alert level changed. We were also unclear if the Welsh Government still intended to widely publicise the alert level change and remind employers of their responsibility to reviews their risk assessments at that point. In our view, workplace guidance and other measures (such as advice to shielders) were not being promoted to employers and it was also a wider, missed opportunity to reinforce the importance of risk assessments and workplace health and safety. If Welsh Government communications remained relatively quiet then there was a risk of workplace health and safety being perceived as less important when coming out of lockdown. We requested a meeting to discuss the issues raised in the letter but, as far as I can recall, this meeting did not take place. I am not aware of the reason(s) why it did not.

87. On 2 April 2021, the TUC published a paper setting out its view on managing the return to work at the end or easing of lockdown in a way that supports worker safety and worker livelihoods [Exhibit ST/40 - INQ000068480]. The TUC's priority was that any return to work outside the home was managed in a way that minimised the risk to individuals and that working people were not financially penalised or otherwise disadvantaged. Some of the proposals applied to England-only, where devolved powers in Wales and Scotland had set out alternative routes out of lockdown, but others, such as Government telling shielding workers that they should return to the workplace on 1 April 2021 if they cannot work from home report, applied equally in Wales. In that specific example, the TUC called on the Government to:

- a. extend the shielding deadline until everyone in this group had had the chance to get both doses of the vaccine;
- b. set a new date for the end of shielding that accorded with the roadmap for reopening, based on infection rates, hospital admissions and the other metrics used to determine other vital steps;
- c. guarantee that no shielding worker was forced to return to a workplace outside of their home before the end of restrictions and ensure that furlough and individual benefits were available to support this; and
- d. require employers to conduct individual risk assessments that take into account shielding workers' circumstances as they plan to return to workplaces.

## *Working from home*

88. On 27 April 2020 the TUC published a report on *Preparing for the return to work outside the home – A trade union approach* [Exhibit ST/41 - INQ000068481] which set out the TUC's initial thinking on how the mass return to workplaces could be managed, including the need to ensure that clear advice was given to employers and working people on what any change in restrictions means for those in the 'shielded' category (i.e. those whose health conditions put them at additional risk).

89. The WTUC called for greater flexibility and protection for those who were classified as extremely clinically vulnerable, as set out in a briefing note to Jo Salway [Exhibit ST/42 - INQ000068482]. We said:

*"We have raised concerns about the guidance on shielding previously where it relates to extremely vulnerable people who cannot work from home. Currently, the decision on whether people in this group have to go into work is being made for them by their employer as there is no Welsh Government guidance that says: 'if you do not feel safe going into work as this means you are unable to minimise your contacts, then your employer should furlough you.' Some will be lucky that their employer does the right thing and works with them to make the decision, but many will not. And we do not want this left to chance.*

*It is about individual choice – and making sure that all workers who are clinically extremely vulnerable, regardless of their job, are in the same situation where they are able to make the choice about whether or not they remain at home for the period of national restrictions. This feels entirely feasible now that the JRS has been extended."*

90. There appeared to be real confusion within the Welsh Government about the way in which the furlough scheme operated. They continually put the point across that were they to advise clinically extremely vulnerable people to consider shielding and encourage employers to permit this and furlough workers in that situation, that this would require the JRS guidance to be changed. This was not correct and we repeatedly told Welsh Government this (for example, in an email exchange between Nisreen Mansour of the WTUC and Stephen Layne and Jane Runeckles in November 2020 [Exhibit ST/43 - INQ000068483]).

91. Ultimately, the Welsh Government's advice to clinically extremely vulnerable people in relation to going out to work only changed on 22 December 2020 following the decisions taken by some supermarket chains in England (only) to offer a period of full-pay leave to shielding staff following a change in advice by the UK Government.
92. On 17 December 2021, the Welsh Government published changes to its 'work from home' regulations [Exhibit ST/151 - INQ000250965] whereby workers in Wales could face fines of up to £60 for leaving a place where they are living for the purposes of work where it is reasonably practicable for the person to work from home. Despite having met with the Welsh Government through the SSPC on 16 December 2021, the WTUC was not consulted on the plans to fine workers or made aware of the changes to the regulations. The WTUC issued a statement on 21 December 2021, expressing its shock and concern and urging the Welsh Government to urgently repeal the changes, although we acknowledged that the main failing was the UK Government's decision to not reinstate the furlough and SEISS schemes [Exhibit ST/77 - INQ000180927].
93. The next day, on 22 December 2021, the First Minister clarified that the focus, including of any enforcement activity, would be on employers permitting and enabling home working, and that employers who did not comply were at risk of a £1,000 fine. However, we remained opposed to the idea that the potential fine on workers would help them. This was based on the incorrect premise that an individual worker is in a position to challenge their boss if they are not complying with the 'work from home' regulations. We strongly opposed the individualisation of the employer/worker relationship and again called on the Welsh Government to remove the part of the regulations which permitted enforcement officers to issue a £60 fine to individuals [Exhibit ST/78 - INQ000180928].

*Reduction of person to person contact*

94. On 3 April 2020 the First Minister announced that the Welsh Government were going to put into law a 2-metre social distancing requirement in the workplace. In this respect the Welsh Government led the way in protecting the workforce by placing the two metre social distancing rule on a statutory footing. That was welcomed by the WTUC, and by that stage the WTUC had set up a 'whistleblowing' hotline to enable workers to report incidents of workplaces failing to facilitate compliance with the requirement [Exhibit ST/79 - INQ000180929]. The requirement came into force on 7 April 2020.
95. The WTUC attended meetings with Welsh Government officials on the associated guidance and submitted a series of questions to clarify who it applied to, what was intended

by the language used in the regulations, and the consequences of non-compliance. On 9 April 2020, the WTUC and the Welsh Government then made a joint statement setting out expectations of employers [Exhibit ST/44 - INQ000068484]. Statements such as these served to promote the key messages and also highlight where communication needed to be strengthened in order to land with employers and workers.

#### *The use of face coverings*

96. On 8 September 2020, the WTUC called into question the Welsh Government's approach to face coverings [Exhibit ST/80 - INQ000180930]. There had been a rise in cases of Covid-19 and a local lockdown in Caerphilly, with reports suggesting that social distancing rules were not being followed in many shops and supermarkets. In addition, the WTUC felt that the Welsh Government guidance, leaving decisions on face coverings in secondary schools to be made at a local level, risked creating confusion and inconsistency. The WTUC therefore called for face coverings to be made mandatory in shops and in secondary schools across Wales.

97. At the Health and Safety Forum meeting on 23 September 2021, I highlighted that the requirement to wear face coverings in retail settings was not being consistently observed [Exhibit ST/45 - INQ000068485]. I emphasised how 'policing' the requirement was being passed to staff and how those workers were left on the receiving end of unwarranted abuse from some members of the public. I also explained that inconsistencies of approach across local authorities were hampering public understanding of what is required.

#### *Opening or closure of schools*

98. On 4 January 2021 we issued a statement in support of the WTUC affiliated unions who represent the schools and colleges workforce, echoing their call for the Welsh Government to urgently reassess plans to reopen schools [Exhibit ST/81 - INQ000180931]. We supported the unions' proposal of a far more cautious approach to this matter, including moving all schools to home learning for most children, so that only pupils who are vulnerable or the children of key workers return to school while the role of children in transmitting the new coronavirus variant continued to be investigated. Our concerns were not only for the welfare of school staff but also for the wider role played by schools in community transmission.

99. Our statement also raised the issue that there had been other changes to public health policy and advice, such as proposals to introduce Lateral Flow Device testing in schools and the recommendation that those who cannot work from home should not attend the

workplace. Unions that represent workers in the sector were especially concerned that pregnant workers may be disadvantaged and issued a call for the guidance to not discriminate against them. While we understood a reassessment of school reopening plans could have a significant impact on those whose children were delayed in returning to school, we urged the Welsh Government to effectively communicate to employers that workers were eligible for the JRS in those circumstances, so they could either be partially or fully furloughed if they are unable to work. Equally, self-employed workers in this situation could be directed to the Self-Employment Income Support Scheme.

100. On 7 October 2021, the WTUC held its 'Keeping Schools Safe and Open' event, where hundreds of school workers shared their experiences and discussed the huge challenges facing schools as they attempted to operate in the face of high Covid-19 infection rates. Following the event, on 11 October 2021, the WTUC issued a statement on behalf of all the education trade unions pushing the Welsh Government for greater mitigation measures to help protect staff and pupils and to allow schools to stay open [Exhibit ST/82 - INQ000180932].

#### **D. PUBLIC HEALTH COMMUNICATIONS AND PUBLIC CONFIDENCE**

101. An important point of context in respect of public health communications are the long-standing concerns about an information deficit in Wales, with only a relatively small proportion of the population receiving news about the country. For example, according to a Cardiff University survey in 2016, less than 5% of people in Wales read a Welsh newspaper and as a result people are poorly informed about the decisions of the Senedd and Welsh Government [Exhibit ST/83 - INQ000180933]. The problem is recognised by political leaders and academics and there have been at least ten high-level national reviews into how the media covers the Senedd as well as the general state of the Welsh media over the last decade [Exhibit ST/84 - INQ000180934].
102. This news and information deficit was an important factor during the pandemic. It added to public confusion, especially when rules were different in Wales to those in England. LSE research found that while TV news bulletins accurately communicated the distinction between England and the other nations, many newspapers prominently made reference to the UK or England-only, or did not specify the geographical relevance of the lockdown measures [Exhibit ST/85 - INQ000180935].



103. In response, the Welsh Government established a tripartite public interest journalism working group, which includes representatives of the unions, government and employers. It has committed to make recommendations to the Deputy Minister for Arts and Sport, and Chief Whip. The Welsh Government also established an expert panel on the devolution of broadcasting, in June 2022 [Exhibit ST/86 - INQ000180936]. Whilst such a body was not a specific demand of trade unions, its terms of reference reflect our position, which we have held since before the pandemic, that public broadcasters in Wales should be appropriately funded to ensure the future of a democratic nation where citizens are informed on decision making and can participate fully in society [Exhibit ST/46 - INQ000068486].
104. A recurring challenge throughout the pandemic was the need for clear and specific guidance for different work sectors as to the public health measures that were expected of employers, and what employees were entitled to expect. We had frequent liaison with the Welsh Government during this time about their lack of focus on communication with workers in their key online FAQs and info pages. There was little to no guidance available for individuals about what they should expect from their employer or their employer's responsibilities towards them.
105. The WTUC gave a response to the Welsh Government's request for feedback on general Covid guidance for August 2021 [Exhibit ST/47 - INQ000068487]. Our feedback was generally positive but we made a number of constructive recommendations, including making reference to consulting trade union representatives on any return to the workplace, greater prominence to ventilation, and greater detail being needed on those who are clinically extremely vulnerable/clinically vulnerable, pregnant workers and those who may not have taken up the vaccine.
106. With the emergence of the Omicron variant we recognised there was a heightened uncertainty about the public health situation and the importance of individuals and employers remaining well-informed about the latest public health advice issued by the Welsh Government and Public Health Wales. We therefore made a joint statement with the CBI, Chambers Wales and the FSB communicating the importance of booster vaccinations both to individuals and employers [Exhibit ST/87 - INQ000180937]. The statement further directed people to the Welsh Government's website for more details on how to minimise the spread of Covid-19 and on the precautions in place in Wales.

## **E. PUBLIC HEALTH AND CORONAVIRUS LEGISLATION AND REGULATIONS**

107. In the view of the WTUC, an important starting point for considering the role of public health legislation during the pandemic is the effectiveness or otherwise of the public health legislation which existed at the outset of the pandemic, and will likely remain in place when the next pandemic arrives.

108. The Health and Safety at Work Act 1974 lays out a general duty on all employers to ensure the health, safety and welfare at work of all their employees. The Workplace (Health, Safety and Welfare) Regulations 1992 requires employers to provide welfare facilities (including the right number of washbasins), a healthy working environment (including a clean workplace with good ventilation and the right amount of space and heating) and a safe workplace. There are specific laws relating to some higher risk workplaces. The Management of Health and Safety at Work Regulations 1999 imposes a legal duty on all employers to carry out risk assessments. Regulation 3 imposes a duty upon the employer to make a “*suitable and sufficient assessment*” of the risks to health and safety of the employees. Advice as to what is “*suitable and sufficient*” is given by the HSE in its approved code of practice to the Regulations. Further, the effect of the Control of Substances Hazardous to Health Regulations 2002 was to require specific Covid-19 risk assessments.

109. However, although the basic framework health and safety framework was in place, evidence was frequently emerging as to a lack of basic precautions in workplaces. There were particularly acute difficulties in the private sector. The 3 April 2020 briefing to Welsh Government [Exhibit ST/15 - INQ000068455] raised a particular issue regarding private sector workplace safety, describing:

*Some employers are opportunistically self-identifying as essential services and requiring staff to come in. Most notable in call centres, construction and retail sectors.*

*Widespread examples of workers not getting adequate protection. For example:*

- *Issues at BT call centres in Cardiff, Swansea and Merthyr Tydfil. Over 1500 staff are being told they need to attend work at the call*

*centres, despite grave concerns about social distancing not being possible. Workers are still being asked to hot-desk and sufficient hand sanitiser is not available. Although call centre workers have been classified in general terms as key workers, many BT employees report being asked to come to the office to undertake non-essential work, such as sales. Workers who have received a letter from the government have not been allowed to stay home or work from home. Home working is not being facilitated by BT, apart from for managers.*

- Construction workers are being forced to travel to work in a van full of other construction workers and work alongside others, with no risk assessment or social distancing being applied.*
- Workers from a communications company are still being asked to work on laying underground cables. As with construction work, social distancing is impossible.*

*Welsh Government needs to be advocating for clearer rules from UK Government and protections for non-key workers who choose to not go into work. Welsh Government also has a key role in communicating guidance and should be more aggressively using its public platform to tackle employers who are seeking to exploit the situation.*

110. Further, the ability of the agencies responsible for enforcement of health and safety was limited.

111. The HSE is Britain's independent regulator for workplace health and safety. Its primary duties include proposing health and safety regulation and ensuring compliance. On 11 May 2020 the Prime Minister stated that: *"We are going to insist that businesses across this country look after their workers and are covid-secure and covid-compliant. The Health and Safety Executive will be enforcing that, and we will have spot inspections to make sure that businesses are keeping their employees safe."* [Exhibit ST/88 - INQ000180938]. However, by early June 2020 the HSE had received over 6,000 additional concerns from workers about social distancing and other pandemic related matters. The impression of the TUC and affiliated unions was that the HSE response fell woefully short, and that is supported by the HSE's own reporting of its response [Exhibit ST/89 - INQ000180939]. Significantly, of over 6,000 concerns:

- a. 2,684 were passed to HSE 'field teams' for follow up;
- b. of those, 1,331 were considered to require no further action;
- c. in 581 case the action was limited to verbal advice (512) or a letter (69); and
- d. only 47 concerns were responded to with a physical inspection, and one prohibition notice was served.

112. That is striking: six months into a pandemic which had terrible consequences in so many workplaces, the HSE had conducted 47 site visits and issued 1 prohibition notice. It was wholly inadequate. The HSE also confirmed that it had not conducted a single inspection of a care home since 20 March 2020, although it *"continues to receive concerns about worker safety issues related to coronavirus in care homes and is actively investigating these"*. As was observed by the commons select committee on work and pensions, the *"HSE has received thousands of concerns from people concerned about safety at work during the pandemic. It has required just one business to close. It has not, however, inspected a single care home since 10 March 2020. Without records of the number of businesses that have closed voluntarily after an intervention by HSE, it is impossible to get a clear picture of the impact its work has had."* [Exhibit ST/90 - INQ000180940].

113. Whilst on 11 May 2020 the Prime Minister had described a system of 'spot checks' to ensure safety in workplaces, including with an additional £14million of funding for the HSE, by June 2020 the HSE was able to make no more than the vague assertion that it *"has started a programme of interventions to check how businesses are implementing social distancing."*

114. The inability of the HSE in responding to the pandemic was highlighted in the report of the Institute of Employment Rights, *HSE and Covid at work: a case of regulatory failure* (February 2021) [Exhibit ST/91 - INQ000182620]. Those difficulties must be seen, however, against a background of chronic underfunding and lack of capacity. The HSE and local authorities (as the other primary workplace safety regulator) have suffered enormous funding cuts in the last ten years. In 2009/10, the HSE received £231 million from the Government, and in 2019/20, it received just £123 million: a reduction of 54% in ten years. Less funding means fewer inspections: over the same ten-year period, the number fell by 70%, and over a twenty-year period, the number of prosecutions has fallen by 91%. The Government's £14 million fixed-term grant to HSE has not increased the number of inspectors. Instead, most of these funds have gone to contractors who are

unwarranted, lacking a right of entry to workplaces or any enforcement powers, and they do not have the specialist health and safety knowledge of trained HSE inspectors. Long-term, adequate funding of safety regulation is required if society is to keep workplaces safe and ensure employers who break the rules face the necessary consequences.

115. The inadequacy of funding for local authority health and safety enforcement is equally clear. The Financial Times reported in May 2020 that “the number of full-time equivalent local authority health and safety inspectors has halved since 2010 to just 480” and that more than 140 local authorities employ fewer than one full-time equivalent inspector. The de-funding of these enforcement teams has also limited the ability of the remaining local authority officers to engage with stakeholders including trade unions. As a result, we found it consistently difficult to work effectively with local government enforcement.

116. On 22 May 2020 the WTUC called for the creation of a national enforcement forum in Wales to coordinate workplace health and safety compliance and enforcement activity once lockdown was eased [Exhibit ST/92 - INQ000180941]. There was concern that social distancing and other health and safety measures were not being implemented in many workplaces. There also appeared to be confusion about where responsibility rested for enforcing the pandemic related public health regulations enacted in Wales, and the respective roles of the government, local authorities, and the HSE. We called upon the *Welsh Government “to work with us, employers, business and enforcement agencies to establish a national forum to coordinate enforcement activity related to the 2-metre social distancing law and other workplace measures designed to prevent the spread of coronavirus.”* We suggested that the forum should *“produce Wales’s enforcement strategy, as well as online advice and training on how to reopen and operate safely.”* We also called for additional investment in local authority environmental health services to enforce the two-metre social distancing legislation, including exploring urgent action to increase capacity such as bringing back retired officers. See the WTUC’s May 2020 *Principles for Easing lockdown* [Exhibit ST/38 - INQ000068478].

117. By June 2020 the WTUC had been broadly supportive of the Welsh Government’s cautious and science-led approach to easing lockdown measures. However, the difficulty in getting Covid-19 under control remained and the challenges had been underlined by outbreaks in Welsh meat processing plants. According to a Welsh Government statement on 24 June 2020, the first outbreak was centred on the 2 Sisters plant in Llangefni, in Anglesey. At that point there were 200 confirmed cases and the majority were staff members at the plant. The second outbreak was centred on the Rowan Foods plant in Wrexham and at the point there were 97 confirmed cases. We called for a Health and

Safety Taskforce to be established and I stated on 26 June 2020: *“Our priority remains protecting workers’ lives. The agencies that are tasked with ensuring that workplaces are safe have been massively undermined by 10 years of austerity. That’s why we have been calling for a new Welsh Health and Safety Taskforce to be established in order to bring enforcement agencies, unions, Welsh Government and employer bodies together so that we can take a proactive, co-ordinated and strategic approach to workplace safety.”*

118. Some consideration to the issue of workplace safety was given in the Welsh Government’s Health and Safety Forum. The forum exists to bring together social partners, relevant enforcement agencies and others to enhance collective responsibility for Health and Safety at Work. The Terms of Reference describe that the purpose reflects *“a shared commitment to minimising risks workers face, whilst recognising challenges around taking action in a largely non-devolved area.”* Members includes the Welsh Minister for Economy, Transport and North Wales, the Welsh Deputy Minister for Housing and Local Government, trade union representatives, employer representatives, the HSE, and local government environmental health officers. The WTUC pushed the Welsh Government to create this forum and I sent a letter to the First Minister on 18 June 2020 [Exhibit ST/48 - INQ000068488] setting out our detailed proposals, including the forum’s purpose, membership and function. As far as I can recall, the WTUC attended meetings of the Welsh Government’s Health and Safety Forum on the following dates and I exhibit those minutes and documents relevant to the meetings that are in my possession:

- a. 6 July 2020;
- b. 17 September 2020;
- c. 12 October 2020 [Exhibit ST/49 - INQ000068489];
- d. 12 November 2020;
- e. 25 March 2021 [Exhibit ST/52 - INQ000068492]; [Exhibit ST/152 - INQ000180896];
- f. 24 June 2021 [Exhibit ST/153 - INQ000180897]; [Exhibit ST/154 - INQ000180898]; [Exhibit ST/155 - INQ000180899];
- g. 9 August 2021 [Exhibit ST/156 - INQ000180900];
- h. 23 September 2021 [Exhibit ST/45 - INQ000068485]; and
- i. 27 January 2022 (final meeting) [Exhibit ST/157 – INQ000180901].

119. The WTUC and unions provided evidence relevant to NPIs at the Health and Safety Forum meetings. For example, at the March 2021 meeting, GMB highlighted the difficulties in agency staff obtaining PPE and the WTUC presented its Health and Safety survey, flagging concerns around risk assessments in workplaces and the use of PPE.

The WTUC and unions raised similar points at the meetings in June and August 2021. At the final meeting in January 2022, both USDAW and GMB provided input into the discussion around ventilation as a control measure, the use of CO<sup>2</sup> monitors and the importance of guidance.

120. I would like to particularly highlight the meeting on 12 October 2020, where we called for a targeted Health and Safety Action Plan and which focussed on how workers were able to input into inspection activity, what strategic approach inspection authorities were taking, and how workers were being supported in workplaces that faced closure [Exhibit ST/49 - INQ000068489]. We continued to pursue the themes of the meeting with Welsh Government officials and sought improved engagement with local authority enforcement officials. We raised specific concerns about health and safety concerns in some workplaces including Memory Lane Cakes in Cardiff and Fresh Farm Abattoir in Wrexham. While Welsh Government officials were helpful and constructive in attempting to make progress on these issues, we came up against significant reluctance from local authority officers on the issue of improving worker voice and input in the investigation and enforcement process.

121. On 21 June 2021, we called on the Welsh Government to take on a bigger role in tackling bosses illegally denying people's rights at work [Exhibit ST/93 - INQ000180942]. This was following WTUC research showing that only 25% of workers in Wales believed that their employer had followed Covid safety rules. Further research from the TUC showed that nearly half of workers (46%) said their employer had not taken measures to improve airflow at their workplaces and 1 in 4 workers were working from the office or other workplaces despite being able to work from home. The original YouGov survey was undertaken in December 2020 and was funded by the WTUC. The Welsh Government agreed to fund repeats of the surveys in February, March and April 2021. I exhibit presentations made to the Health and Safety Forum in December 2020 [Exhibit ST/50 - INQ000068490], January 2021 [Exhibit ST/51 - INQ000068491] and March 2021 [Exhibit ST/52 - INQ000068492], which summarise this research. It was a constructive that the Welsh Government recognised the importance of these surveys, but the data also showed, ultimately, that tough regulations imposed by the Welsh Government ultimately made limited difference to what was happening on the ground, because the mechanisms for enforcement were so deficient. This caused us to push for Welsh Labour to work to meeting its manifesto commitment by campaigning for control of the Health and Safety Executive (HSE) to be devolved to Wales – at that point in time, the HSE had seen its budget cut in half over the previous ten years and its inspection activity had fallen by 27%.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed:

**Personal Data**

**Shavanah Taj**

Dated: 8 September 2023