

To: Minister for the Economy

From: Marie Mallon

Chair of the NI Engagement Forum

Date 8 April 2020

Priority Sectors during Covid-19

1. Pursuant to its terms of reference, I am presenting to you the Forum's first structured advice. All elements of the submission have the support of each member of the Forum, except for the proposal to establish a Registration Scheme, where one employer representative (**FSB**) and the DfE official supporting the Forum, did not agree.
2. The Forum has now held four full meetings along with a multiplicity of sub-group meetings and has established a hugely positive and collegiate approach to its work. The level of commitment has been incredible with project groups working long hours throughout last weekend. This is even more remarkable given that all members have very significant day jobs.
3. The Forum has now completed the first two of its key tasks as set out in its terms of reference:
 - a list of key workers and essential/non-essential businesses; and
 - an agreed Emergency Code of Practice that will offer practical assistance to essential businesses and their workforce to fully comply with the Health Protection Regulations and PHA/HSE guidance (single code developed by HSE, LRA and PHA).
4. On the first task, there has been a longstanding expectation that a list of essential businesses is required. The Forum is cognisant that there has been much debate about what constitutes an essential business and has addressed this challenge through the development of a framework of **priority** sectors/sub sectors and then drilled down into the industries that operate within these sectors.

5. The Forum has agreed **the attached list**, which represents the combined insights of all of the business organisations and trade unions in Northern Ireland; and which provides the Executive with a comprehensive and credible list of **priority** sectors and industries.
6. This work brings much needed clarity to the public discourse around what constitutes an essential business; and publication of the **priority** list will allow NI companies to understand/justify the continuance of their business operations.
7. The Forum has also produced a narrative that should accompany the priority list when publicised on the appropriate Government websites; reaffirming that the Forum's number one priority is the preservation of life while seeking to accommodate the needs of the economy.
8. The Forum is very clear that its role is not to state whether an individual business should remain open/or close; and has developed a simple eligibility test that allows individual businesses to self-determine against transparent criteria. The eligibility test is structured around two requirements;
 - The Forum's publication '**Covid-19: Working Through This Together, A Practical Guide to Making Workplaces Safer**'; and
 - The list of priority sectors.
9. Businesses that do not meet the eligibility test can consider repurposing their operations to align with a priority sector/service. The Forum have also proposed a Registration process for all businesses to declare that they are part of one of the priority sectors.
10. The Forum understands that the Minister may have concerns about the regulatory burden of such a process and the capacity of the Department to oversee the registration process. The Forum envisages a light touch approach based on a self-declaration process. The only validation would be in response to a challenge from an employee/trade union or from another employer.
11. There may be questions about the purpose of a Registration Scheme. The Forum sees a number of purposes/benefits;
 - The issue of public confidence cannot be underestimated, a register of businesses will be available for public scrutiny;
 - Not unreasonable that the public, as consumers and workers, can have confidence that a business is within a priority sector and has the necessary safety standards in place;
 - Will also allow the statutory agencies with a validation and/or enforcement role to understand which businesses are able to continue;

- Will provide support to smaller companies within essential supply chains that are being criticised within their communities for remaining open for business.

12. The Minister may have concerns that the Forum has stepped outside of its own terms of reference in considering a Registration process. The Forum is content that the deliberations about a registration process are consistent with the fourth element of its terms of reference and are a genuine attempt to provide the Minister with best advice.

'Advise on additional decisions/contingency measures that may be required, including further closures or restrictions on types of businesses and more rigorous social distancing.'

13. The second task was to develop an Emergency Code of Practice that would offer practical assistance to businesses and their workforce to ensure that workplaces are safe. The Forum determined that an Emergency Code of Practice did not set the right tone for what must be a collaborative response to health and safety, involving employers, employees and their trade union representatives; and have agreed the following title.

'Covid-19: Working Through This Together – A Practical Guide To Making Workplaces Safer'

14. The development of this guide has been informed by professional advice from the HSE, HSC and the LRA as well as input from an employer and trade union perspective. The key objective being to ensure that the guide does not compromise any statutory requirements and have practical application in the workplace.

15. In summary, I have attached the following inter-related proposals for your consideration;

- The first being a list of priority businesses along with an eligibility test and registration scheme; and
- The second a new guide.

16. The Forum does understand that it is an advisory body and that it is for the Minister, to accept, revise or reject any of the Forum's proposals. I want to emphasise that the list of priority sectors, the eligibility criteria and the practical guide to making workplaces safer can be introduced even if the Registration proposal is not accepted.

17. The Forum is committed to continuing its work and has agreed to meet again next Wednesday. I know that you have many competing pressures but it

would be very helpful if you were able to provide feedback on these proposals in advance of our next meeting.

18. The Forum take their responsibilities very seriously and are committed to providing you and the Executive with best advice on an ongoing basis. The Forum would be happy to provide further direction on any issues that you wish to mandate the group to consider.
19. Once you have had time to consider the proposals set out in this briefing note, I am available to discuss.