

## Online ventilation tool launched to help assess workplaces

The British Occupational Hygiene Society, a scientific charity and the Chartered Society for Worker Health Protection have developed in collaboration with the Health and Safety Executive a free, online Ventilation Tool to help limit the transmission of Covid-19 in workplaces.

As the government is advising employers to use CO2 monitoring equipment to check whether indoor spaces are sufficiently ventilated and the Welsh government announces millions of pounds of funding for CO2 monitors, the Society, following the publication of its Guidance on ventilation, took a step further and worked with the HSE to create a simple Ventilation Tool to support workplaces and help reduce exposure of workers to Covid-19.

With winter coming and employers contemplating the challenges of Covid-19 and colder weather, good ventilation is key to limit the risk of coronavirus amongst workers and provide clean air especially in enclosed spaces. As ventilation in buildings can be complex, BOHS and HSE decided to develop this non-technical ventilation check tool to provide

guidance and an indication of the effectiveness of the ventilation system used on reducing coronavirus transmission. The tool can be used by employers, building users, and building owners and does not aim to replace ventilation specialists or occupational hygienists assessing risks in a workplace, especially when it comes to more complex ventilation needs.

CO2 monitoring is also very important, as an increase in CO2 concentration in any area could be indicative of poor ventilation that needs improving. BOHS CO2 Monitoring guidance aims to provide basic information on why monitoring CO2 levels can help control the spread of coronavirus, when it does work well, what is a safe CO2 level and how to do the monitoring.

Andrew Curran, HSE's Chief Scientific Officer, commented: "I'm really pleased to see the development of this practical tool which will help to inform decisions about ventilation in work spaces."

You can access the Ventilation Tool here: [www.breathefreely.org.uk/ventilationtool](http://www.breathefreely.org.uk/ventilationtool)

We have also enclosed a copy of UNISON's latest briefing on ventilation in the workplace.

## Dates for your diary.....

At some point in the next few months we hope that we will be able to move to hybrid meetings, with some people attending in person and others able to join online from home.

### November

4th Negotiations Committee, 12pm to 2pm. **NOTE CHANGE OF TIME.**

18th Branch Committee, 6pm to 7.30pm.

19th Unconscious bias training. Two sessions; 10am to 11.30am and 1pm to 3.30pm. Online seminar provided by UNISON regional education. Email Rosie Bent for details and to register ([r.bent@unison.co.uk](mailto:r.bent@unison.co.uk))

### December

2nd Negotiations Committee, 10am to 12.30pm

2nd Confidence Building, bitesize online course. 1pm to 2pm. UNISON regional education. Email Rosie Bent at regional office for details and to register ([r.bent@unison.co.uk](mailto:r.bent@unison.co.uk))

6th Retired member's committee, 11am. Venue to be confirmed.

16th Branch Committee, 6pm to 7.30pm.



# Branch Activist Newsletter

## Care Sector faces catastrophe

UNISON and the National Care Forum (NCF) have written jointly to Sajid Javid calling for urgent action over the staffing crisis engulfing the care sector. The letter to the Health and Social Care Secretary says that we have taken this unprecedented step in response to daily reports from care providers and our members of serious worker shortages. We have told Mr Javid that this recruitment and retention emergency has been triggered by chronic underfunding leading to low wages, staff burnout, and mandatory vaccination.



It comes ahead of the government's spending review next week, and amid warnings that social care desperately needs an injection of cash just so care providers can maintain existing levels of service.

UNISON, the largest union representing employees in social care, and the NCF, the organisation representing not-for-profit care providers, say social care is gripped by a staffing crisis of a magnitude that threatens to overwhelm the sector unless the government steps in.

The letter says: "Care providers are already having to hand back contracts, turn down new requests for care, at home and in care homes, as a direct result of the acute shortage of workers. The government must act now because social care matters to us all.

"This country cannot afford to lose any more care staff. Each and every one of us has a loved one who may well need their skill, support and compassion, or require help themselves eventually. Please don't ignore this catastrophe a moment longer."

Both UNISON and the NCF say what's needed to avert a disaster is a pay boost for care staff to improve recruitment and reduce the numbers leaving, and a retention bonus for those who have "gone above and beyond in the delivery of care during the darkest of times".

Both organisations are also calling on the government to scrap, or delay at the very least, the implementation of mandatory jobs in care homes in England.

In addition, UNISON and the NCF want to see a new dedicated workforce fund to support the wellbeing of existing staff, highlight how valuable they are and persuade them to stay in their social care jobs.

**Our general secretary Christina McAnea said:** "Care employees have been undervalued and ignored for too long. And the escalating staffing crisis is a consequence of this. It's high time for a decent wage boost for all care workers. Without extra government resources, homes will close and domiciliary care will be cut back meaning those dependent on support will suffer."

### Contact the branch office

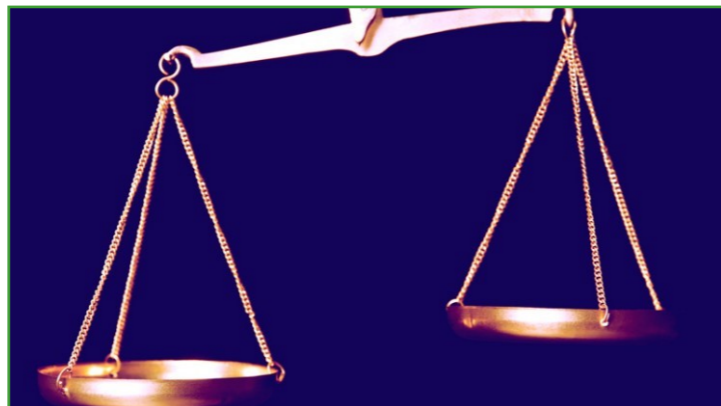
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# The big issue.....

**You will probably deal with cases all the time where an employer wants to make changes to someone's terms and conditions, but what rights do our members have?**

At the heart of the legal relationship between an employer and an employee is the Contract of Employment. Although normally written down, it does not have to be, and a court/tribunal will deem a contract exists once an employee starts to work for the employer in return for payment. Obviously if it is not written down it can be hard to determine what the terms of the contract actually are. Even where the terms of a contract are written down, some terms are implied terms; this is where either party is bound by something because of the law or because of custom and practice. For example there will always be an implied term of mutual trust and confidence between the two parties. As an absolute minimum, the contract should include details of; pay, hours of work, holidays, and length of notice required by either side to terminate the contract.



**So, what happens if an employer wants to change something in a Contract of Employment?** In short, a contract can only be changed through agreement OR by notice being given to end it. Where a trade union is recognised (as in all of our councils and Academies in North Yorkshire) that agreement must be with the trade union(s) and not individual employees. The starting point is always consultation; the employer must consult with the affected staff and trade unions (where a trade union is formally recognised). Where an employer is wanting to remove or reduce a benefit (i.e. less holiday) then a Tribunal will often look to see if the employer offered compensation for the reduced benefit. This is a useful negotiating tool. An employer must also propose 'reasonable' and justifiable changes. For example, reducing pay or benefits must be a reasonable response to something; for example the employer experiencing financial difficulties. Any change must also not make it impossible for the employee to continue to perform their duties, for example changing the workplace so it is not possible to travel.

**What if agreement cannot be reached?** A contract can be changed if the trade union agrees to the change on behalf of its members, or where there is no recognised trade union if the individual staff accept the change. It is important to note that, where a trade union is recognised it can accept changes on behalf of ALL employees, not just those who are union members. Collective Bargaining always applies to all staff regardless of union membership. Employers cannot ignore this fact. Where agreement cannot be reached, an employer will have to decide whether to give notice to terminate the current contract and 're-engage' employees on the new contract. This is commonly known as 'fire and rehire', and is currently lawful in the UK. The Labour Party has pledged to outlaw this practice, as a contract should be binding having been offered and accepted in good faith. Where enough employees are members of the trade union, it might be that industrial action is required to resist the change. It might also be that the changes are unlawful, for example changes to working hours could discriminate against employees with a protected characteristic such as their sex, age or disability. Assuming that the changes are not unlawful, are 'reasonable', can be justified, and the employees do not wish to fight the changes through industrial action then the employer can simply give notice and impose the new contract using 'fire and rehire'. Where this happens, employees retain all their accrued service and benefits. All that changes is the specific terms that the employer wanted to change.

## News in Brief

### NYCC

We are pleased to announce that we have negotiated a Domestic Abuse Charter with North Yorkshire County Council. A copy is included with this newsletter. If you would like to negotiate a similar policy where you work, please let us know and we can help.

### FIRE AND REHIRE LAW DEFEATED

The Labour Party supported a Private Member's Bill last week (22 October) which had been brought by Labour MP Barry Gardiner, which would have introduced restrictions on the use of 'fire and rehire' tactics. Sadly, Conservative MPs used a parliamentary tactic to 'talk out' the Bill which meant it was defeated without a proper vote.

### COVID 'THANK YOU' DAYS

Two of our local councils have announced additional annual leave for staff as a 'thank you' for the Covid response and as recognition that staff have been working so hard these last 18 months without much rest. Harrogate Borough Council is awarding staff with an extra days' annual leave this year, and another next year. Hambleton District Council is awarding its staff Christmas Eve afternoon off with pay, as well as the three days between Christmas and New Year. We are negotiating with all our council employers to offer something similar. The NHS has offered all staff one extra day's leave to be taken on their birthday this year.

## UNISON joins with other education unions to call for Covid safety measures to be brought back

Five education unions, including UNISON, have written to the Secretary of State for Education, Nadhim Zahawi, asking him to urgently reconsider the reintroduction of additional safety measures in schools, given the rising rates of Covid infection and absence among school students.

The five unions, UNISON, GMB, NASUWT, NEU, and UNITE, have also written to all local authorities and directors of public health asking them to consider measures in their local areas.

The unions have pointed to measures now being readopted in several local authority areas in response to rising cases, including social distancing measures, reintroduction of bubbles, avoidance of large gatherings such as assemblies and meetings, and reintroduction of face coverings in secondary schools.

The unions have warned that without such measures, students' education and the health of students, their families and school staff will all be damaged unnecessarily.

**Our assistant general secretary Jon Richards said:** "Ministers must do all they can to stop continued disruption to classroom learning as infections rise. To offer pupils and staff greater protection, face masks must return right away, along with school bubbles and other sensible precautions that were ditched. Air filters are also key to limiting the virus spread and ensuring pupils have a more stable academic year."

In your school, if you have any concerns you should ask your Head Teacher or relevant manager to review their Covid risk assessments. Where you have UNISON Health & safety Reps, they must be involved in the review of risk assessments.

## Follow the branch on social media

We provide and share regular updates, news and interesting articles via the branch social media accounts; If you don't already, why not follow us?



You can also engage with us and share your ideas and views, but please remember never share anything on social media that can identify where you work and never make comments that could bring you or your employer into disrepute. Keep social media and work separate.