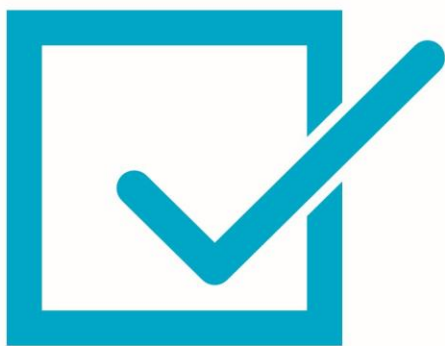




Vulnerable workers guidance



Coronavirus crisis
Workplace checklist



As you know, the National Education Union (NEU) along with other education unions has issued advice on how members can engage in planning for how a return to wider opening of schools and colleges can happen safely.

NEU Cymru has concerns regarding the opening date of 29 June and believe it is too much too soon.

NEU Cymru remains clear that schools can only open more widely when the union's national tests are met and the necessary safety standards have been adhered to using its checklist.

Every employer must consider staff availability as part of its planning and risk assessments with regard to wider opening. NEU Cymru also expects employers to carry out equality impact assessments due to the known greater risks to particular groups, especially Black and disabled employees.

Crucially, NEU Cymru is absolutely firm in its advice that staff who are vulnerable, **or who live with or care for household members who are themselves vulnerable**, should not be required to return to the workplace and allowed to work from home.

At the same time, employees have rights with regard to disclosure of medical information which mean that employers cannot require them to provide such information with regard to themselves or their family members.

The following advice is intended to ensure that you are fully aware of your rights. It will also enable you to communicate appropriately to your employer about your personal circumstances, whether or not your employer contacts you for such information.

Your Health

The Government's position continues to be that everyone who can work at home should do so and that the vulnerable must be protected, whether they are at home or at work. NEU Cymru does not think that requiring the vulnerable to work in school, particularly in schools with up to a third of pupils attending, or travel on public transport offers such protection.

Read the advice below before considering how to advise your employer or respond to any request for information.

NEU Cymru expects head teachers to accept your concerns. You can seek support from the NEU locally if you need it.

Illness or self-isolation

If you are absent due to illness (whether or not due to COVID-19) or you are self-isolating due to suffering COVID-19 symptoms yourself or living with someone who does, you should already have communicated this to your employer who should take it into account in planning for wider opening.

Clinically extremely vulnerable employees

The Government says that all people with serious health conditions that make them extremely vulnerable (the "shielding" category) [must not attend work](#). If you are in this category, you will have a letter from the NHS informing you of this and it is likely that your employer already knows this. The Welsh Government accepts this.

The NEU advice is that you should inform your employer if you are in this category. You and your employer would be in breach of Government advice if you were to consider working at school or were to be asked to attend the workplace.

When you inform your employer, you do not have to tell them the nature of your condition but you can choose to do this if you wish.

Clinically vulnerable employees

The Government advice on social distancing lists a series of [further conditions](#), including pregnancy, which put employees at increased risk of serious illness if they were to contract COVID-19.

NEU Cymru's position is that anyone in a vulnerable category should work from home. Even under wider reopening, the way in which schools will be operating should allow all such staff to be able to choose to work from home.

The NEU advice is that you should inform your employer if you are in this category. You should say that you will not attend school but are available to work from home.

When you inform your employer, you do not have to tell them the nature of your condition but you can choose to do this if you wish.

Employees living with / caring for the vulnerable or extremely vulnerable

The Welsh Government states that employees who live with extremely clinically vulnerable people should only attend work “if stringent social distancing can be adhered to” but should otherwise be supported to work at home. However, the position is that employees who live with vulnerable people who are not clinically extremely vulnerable can attend work.

NEU Cymru’s position is that anyone living with or caring for someone in a vulnerable or extremely vulnerable category should not be expected to run the risk of bringing the virus home from work.

We believe that these colleagues should continue to be allowed to work from home, especially since the way in which schools will be operating for some time should allow this.

The NEU advice is that you should inform your employer if you are in this category. You should say that you have a household member who is vulnerable or extremely vulnerable and that you will not attend school but are available to work from home.

When you inform your employer, you do not have to tell them the nature of your household member’s condition but you can choose to do this if you wish.

Black employees

The apparent greater vulnerability of Black people to Covid-19 is well known. While the reasons for this are still being investigated, employers should take this matter into account in their planning.

NEU Cymru’s position is that Black employees who wish it should be treated in the same way as employees who are clinically vulnerable. You should not need to inform your employer about your ethnicity but you can of course remind them if you choose.

Disabled employees

Employers should take this matter into account in their planning even if the nature of your disability does not create any greater vulnerability to COVID-19.

You should not need to inform your employer about your disability but you can of course remind them if you choose.

Employees who are feeling anxious about returning to work

While there is no Government advice in relation to those who are feeling anxious about a return to work, employers need to consider the mental health of employees as part of their risk assessments as well as their general duty of care. This is particularly true where staff have a previous history of mental health issues which might suggest a greater risk.

NEU Cymru’s position is that employers should consider the position of employees who say they are anxious about returning to work. Such symptoms could easily become more significant and make them unwell. Consideration should be given to allowing such employees to work from home as well.

NEU Cymru advises you to contact your employer as above. You should not simply stay away from work as your employer may treat your absence as unauthorised.

When you inform your employer, while you will have to tell them that your concern is personal anxiety, you do not have to tell them about previous medical history but you can choose to do this if you wish.

Other personal circumstances

The Welsh Government has not issued specific advice to schools about other circumstances but, for example, the Welsh Government has said that employers should take account of individuals on a case by case basis. Another specific situation is that of staff who have to travel to work by public transport, especially involving lengthy journeys or changes, or whose previous arrangements (eg car sharing, lifts) cannot continue.

NEU Cymru’s position is that employers should consider the position of employees who say that their personal circumstances are creating difficulties with regard to returning to work. Again, the way in which schools will be operating should allow some such staff to be able to choose to work from home.

NEU Cymru therefore advises you to contact your employer as above. You should not simply stay away from work as your employer may treat your absence as unauthorised.

Contacting the Union

Please ensure that you tell your workplace rep that you have sent a letter to the head – they will need this information to best represent the members with the head.

If there is no rep in your school, please volunteer neu.org.uk/become-rep

Details on how to contact the union can be found [here](#) if you require further support.

Contacting your employer

Use the template letter below to write to your employer if you need to.

Dear [add name]

I am writing regarding your planning for possible wider opening of the school, your risk assessment regarding staffing matters in particular, and my own position.

I would like to draw your attention to the following matters, which I would like you to consider when you are looking at staff availability and my role following any wider reopening:

- insert information regarding your personal position as discussed above

I would like you to agree that, given these circumstances, I will be able to continue to work from home and confirm to me that that will be the case.

If you propose to require me to return to the workplace, I would be grateful if you let me know the reasons (including a copy of the risk assessment and where appropriate the equality impact assessment relating to my position) for that request.

With best wishes.

[Your name]

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