

National Bargaining News

14th December 2021

News from EIS/FELA National Reps

IF YOU CAN WORK FROM HOME — WORK FROM HOME

"To be blunt, if you had staff working from home at this start of the pandemic, please now enable them to do so again. We are asking you to do this from now until the middle of January when we will review this advice again."
from Nicola Sturgeon First Minister

<https://www.bbc.co.uk/news/live/uk-scotland-59562527>

HEALTH AND SAFETY GUIDANCE TO MEMBERS

An Advanced Learning Covid Recovery Group special meeting chaired by the F&HE Minister Hepburn was convened today (10.12.2021) after the First Minister's lunchtime briefing. The Scottish Government is seeking to ensure that the spread of the Omicron variant is reduced as far as possible. The EIS reported its concerns that a few colleges and many universities are reported as planning to increase their face-to-face provision after Christmas and that more needed to be done regarding ventilation in both sectors. The Minister and the civil servants reported that the Scottish Government's 'Working from Home (WFH)' guidance is that where employers have a workforce that can work from home, then they should be working from home. Furthermore, the Government asked the FE and HE sectors to review their teaching plans in light of Omicron to implement the 'guiding principles' communicated to colleges and universities by the Scottish Government on 15 November 2021.

Health and Safety law

1 Responsibility for H&S under Section 2 of the H&SWA Act remains a management duty, while compliance with management provisions is a responsibility of employees.

2 Under Section 7 of the H&SWA each individual has not only the right but the duty to keep themselves from harm.

3 Baseline measures, in particular the provisions on face coverings/masks are contained in the [Scottish Government guidance available at this hyperlink](#).

These remain in force and are a legal requirement for colleges to implement.

Working From Home

Following the First Minister statement on 7th December it is clear that if you can work from home you should be working from home.

If you feel that you can deliver your classes from home, you should inform your line manager and course team of this position.

This will be the firm position until at least mid January as per the FM statement to Parliament.

We will offer further advice in January 2022.

Face coverings

The wearing of face coverings is a legal requirement in colleges. It is a management responsibility to ensure that the only exemptions applied are when:

- 'wearing one makes you extremely anxious or distressed.
- you've got a physical or mental illness or disability which means you can't wear one'.

Temporary exemptions apply when

- taking medication, such as an inhaler.
- in an indoor communal part of the workplace (including colleges and universities settings) and you are separated from others by a distance of at least 1 metre or by a screen or partition – however, we would still encourage staff to wear face coverings in this situation, if possible.
- when sitting down in a hospitality venue such as a pub, café or restaurant (note that on public transport a face covering must be worn at all times when not eating or drinking).

If someone is not wearing a face covering in a setting where it is required, you can politely ask if they are exempt (but should not investigate the reason for exemption for GDPR reasons).

If the reply is unsatisfactory you should go and find a manager who will take the appropriate action to ensure the legal responsibility of the college regarding face coverings is enforced.

Self Isolation

Public Health Scotland have written to management of all education settings, including colleges, outlining self isolation rules related to Omicron. If you are identified by test and trace as an Omicron case or contact, then you must isolate for 10 days, no matter your age.

Ventilation

Due to the aerosol spread of Covid 19 ventilation is an essential component for safe operation on campus and is an important management responsibility.

To ensure adequate ventilation is in place, regular monitoring of air quality is essential. One means of doing this is checking CO2 levels with CO2 monitors.

When teaching on campus you should:

1 request that air quality in your teaching setting is monitored. This usually means asking for a CO2 test to be conducted 30 minutes after the start of a class.

2 If the CO2 level is above 800ppm you should take action to bring it down to a suitable level. This can take a number of forms:

3 Open windows if they are closed.

4 Find a manager to request a change of classroom; to approve a class break to allow levels to fall/split classes; reduce numbers in class; or move the class to online.

You might find it useful to put any requests to management regarding face coverings and ventilation in writing for future reference if necessary.