

# Trades Union Congress investigation into underreporting of UK workplace Covid-19 deaths confirms its own role in endangering workers

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The Trades Union Congress (TUC) investigation into workplace Covid-19 infections and deaths presents a devastating picture of the non-compliance of employers with their statutory responsibilities to report deaths, injuries and illness, as well as “dangerous occurrences”.

The 15-page document, “RIDDOR, Covid and under-reporting,” refers to the requirement to inform the Health and Safety Executive (HSE) of such events under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) law. It explains:

“Despite the total of 15,263 registered working-age adult deaths from Covid-19 in the year April 2020 to April 2021; just 387 Covid fatalities were reported under RIDDOR as work-related in the same period, according to HSE database.”

Only 2.5 percent of the total deaths of working-age adults over this period have been deemed to be the possible result of occupational exposure. The deaths which have been investigated, or are in the process of investigation by the HSE, is even lower, just 216.

According to *The Observer*, there have been at least 3,872 Covid outbreaks in workplaces and 4,253 outbreaks in education settings. While 68,000 members of the public have been fined for breaching lockdown measures, no employer has faced prosecution for contravening Covid regulations.

There is a stark contrast between the damning evidence brought together in the report and the attempt by the TUC to explain this away as simply the outcome of flawed reporting procedures “letting bad bosses off the hook.”

The employers responsible for the underreporting of Covid-19 infections and deaths includes the National Health Service (NHS), Britain’s largest employer with a workforce of 1.3 million. The report makes clear that health care workers on the frontline of the pandemic have paid the

highest price because of the disregard for their safety. The failure of the government to provide proper personal protective equipment (PPE) is well-documented. But the cases deemed valid to report through RIDDOR were narrowed down to instances in which face masks had become broken or torn off by distressed patients.

The report states, “Since April 2020, hundreds of Covid clusters have been identified inside hospitals, care homes and other health care facilities, with 886 health care workers recorded as dying with Covid-19 by the end of 2020. Many of these deaths were not recorded under RIDDOR.”

Specific examples of unreported workplace fatalities in which the employers concerned had not followed social distancing rules, provided adequate PPE, or had refused to declare an outbreak include the single largest workplace outbreak at the Driver Vehicle Licensing Agency (DVLA) offices in Swansea. Run by the Department of Transport, a government agency, in January 2021 it was confirmed that 560 workers had tested positive for Covid and one had died.

“[C]ommunity transmission,” the report explains, was used as “an excuse” to prevent a formal investigation into the workplace fatality. It was only after the HSE belatedly announced an investigation into the death that the DVLA submitted a RIDDOR report, two months later, and in breach of the 10-day statutory requirement.

At food supplier Bakkavor, there was an outbreak of 70 infections and two deaths among its workforce in Kent, after reports of a lack of social distancing and inadequate face coverings. When this was reported to the HSE a Notification of Contravention was issued. The report states, “It is unknown whether either death was eventually reported via RIDDOR.”

The report points out that the data from the contact tracing system conducted by Public Health England (PHE) is not coordinated with the RIDDOR system of reporting

workplace outbreaks. While it tracks the activities of people before the onset of their symptoms to identify those at risk of transmission, including at gyms and cafes, there is no proof the data is used to determine whether an infection or fatality is the result of occupational exposure.

No reference is made to the many publicised cases in which educators, transport workers and office workers have protested against being instructed by their employer to turn off their test-and-trace app while at work.

The role of workplace transmission is indicated by the high number of Covid-19 fatalities in certain occupations, with NHS workers recording the highest rate, followed by transport and storage drivers and operatives. According to the Office of National Statistics (ONS), between March 9 and December 28, 2020, 608 transport and storage workers died, but only 10 notifications were sent to the HSE from April 10, 2020 to April 17, 2021. This pattern was repeated across all high-risk occupations, including construction, with 305 ONS reported deaths and 3 HSE reported deaths, and education, with 139 ONS reported deaths and 9 HSE reported deaths.

Until “late 2020” the HSE guidance on RIDDOR reporting of Covid-19 in the workplace exempted employers whose workforce interacts with the general public, as opposed to those who worked with “persons known to be infected.” This veto removed from protection swathes of key workers whose health was threatened by their public-facing occupational roles, such as bus, rail and tram workers, and shop workers and delivery drivers. The report states mutedly that while this exemption no longer applies, “significant numbers of Covid-19 infections and indeed deaths, have gone un-reported, including in transport, retail and other customer facing jobs.”

Rather than demand the prosecution of employers who have acted in a criminally negligent way, the report urges, “Employers should be encouraged to make retrospective reports to account for this.” It correctly criticises the defunding of the HSE and the major loopholes created in its reporting requirements for Covid-19, but cannot identify the major reason why all of this went unopposed—the corporatist relations between the trade unions, employers and the government.

Last April, the TUC issued a joint statement with the Confederation of British Industry (CBI) and the HSE which insisted, “Firms that can safely stay open and support livelihoods should not be forced to close by misunderstandings about the government guidance.”

This was the green light for non-essential business to remain open during the first lockdown and throughout the pandemic. Workers in major warehouses protested being kept on the job in unsafe conditions, as outbreaks occurred,

while the pandemic profiteers in online retail such as Amazon, ASOS and Sports Direct emerged immeasurably richer.

The TUC bolstered the widely discredited HSE after it was confirmed that it had been effectively stood down as the pandemic took hold last March, with the agency advising its inspectors that it was unsafe to enter workplaces.

The HSE continues to designate Covid-19 workplace infections as falling within a lower tier of “significant” rather than “serious” risk. Its website states, “We are acutely aware that workers have died following a positive Covid test and for some workers it is a very serious condition, which may have long-lasting consequences. However, for many workers, symptoms may be very mild.”

The lower risk classification facilitates the absence of enforcement activity, with only three Prohibition Notices issued by the HSE in the first full year of the pandemic up to March 2021.

Both the TUC and the Labour Party have marched in lockstep with Boris Johnson’s Conservative government and its herd immunity policy, ensuring that no health emergency measures were adopted that would interfere with the continued pumping out of profits from the working class by the major corporations.

The feigned outrage within the TUC’s report is aimed at deflecting attention from its continued collusion with the government in lifting social distancing measures on a permanent basis, which is preparing a third deadly wave of the pandemic. The widespread support for the campaign by the Socialist Equality Party and London Bus Rank-and-File Committee for the reinstatement of driver David O’ Sullivan shows that key sections of workers are now turning to an alternative perspective on which to fight to defend their health and livelihoods.



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