



MANCHESTER CLERICAL BRANCH

Union Office, Longford ATE, 10 King Street, Stretford, Manchester. M32 8NS

Telephone: 0161 865 2820. Fax: 0161 660 8533

E-mail: Manchester.clerical@btinternet.com

Web: www.cwumc.org

All Members in O2

7th September 2009

Dear Colleague,

Very Important: Swine Flu – Absence Triggers/Discipline

We are writing to advise you of the current position regarding Swine Flu and sickness absence triggers.

Although there appears to be a lull in the reported number of Swine Flu cases, the Government and International Health Authorities foresee a dramatic rise in the Autumn. The number of Swine Flu fatalities is not significantly greater than ordinary seasonal flu but the former is regarded as more infectious and potentially more dangerous. There is also the potential for Swine Flu to mutate into a more virulent and serious form.

This being so, both the Government and National and International Health Authorities have offered advice on the measures that need to be taken to treat the illness and control its spread. This includes British Government advice to UK employers that they should 'positively encourage any employee who reports feeling unwell with Flu like symptoms to stay at home until their symptoms resolve.' Moreover employers should adopt 'non-punitive' i.e. non-disciplinary policies to deal with such illnesses and these non-punitive policies should be positively emphasized to employees.

Following the initial outbreak the Branch has dealt with over a dozen Swine Flu related cases in O2. In most instances these have come to us because the individuals involved have hit attendance triggers on account of their absence. At hearings the Branch has argued that in accordance with UK Government and national and international advice Swine Flu should not count towards sickness absence triggers and people should not be disciplined for such illnesses. To our astonishment O2 have responded by insisting not only that it is "business as usual" but actively disciplining people for hitting triggers on account of Swine Flu related illness. So far this has included issuing warnings and advising people of potential loss of pay, bonuses and increments.

We want to make it absolutely clear that we regard O2's position to be outrageous. The idea that people with Swine Flu symptoms should feel compelled by threats of

disciplinary action to attend work and potentially infect other vulnerable people and in turn more susceptible members of their family is something we regard as highly irresponsible. It conflicts with UK government advice and in our opinion represents a failure in o2's duty of care to employees in ensuring a safe-working environment.

We have made plain to o2 that staff should be advised in a clear and unambiguous statement that anyone suffering Swine Flu like symptoms should stay at home and, in accordance with government and health authority advice, will not as a consequence be subject to disciplinary measures. Accordingly we are absolutely insistent that any disciplinary action already taken against individuals on account of a Swine flu related illness be revoked and that no disciplinary measures taken in the future.

We have contacted the Unions headquarter's and have been assured that nationally the union is equally adamant that Swine Flu related absences should be treated in a non-punitive manner. This issue is surely best resolved through dialogue and we are hopeful that productive discussions will take place and an agreement concluded in the near future. In the meantime and in the absence of o2 engaging in serious dialogue members can be assured that the Manchester Clerical Branch will vigorously pursue this matter publicly, politically and industrially to a just and satisfactory conclusion.

We will keep you advised of any developments.

Yours Sincerely

Mark Taggart
Branch Chairman

Tracy Buckley
Branch Secretary