

# COVID 19: Whistleblowing Complaints Surge



The Health and Safety Executive (HSE) has received 5,585 reports about coronavirus risks since March 2020. Nearly one in 10 (8%) of these complaints were about a lack of personal protective equipment.

In addition to the obvious public health concerns, these reports could have a range of consequences in the field of employment law, including unfair health and safety dismissal claims and whistleblowing unfair dismissal claims.

Complaints filed with the HSE could lead to investigations, enforcement notes and prosecutions. The HSE may also 'name and shame' non-compliant businesses. Companies are therefore advised to not only have robust policies in place, but to ensure that they are continuing to review these as well undertaking COVID-19 risk assessments on a regular basis, particularly if a change in circumstances should arise (for example, a new lockdown).

Where it is necessary for the workplace to remain open, we urge employers to put in extra effort to make sure that employees stay safe. If an employee suffers a detriment as a result of raising concerns, this could ultimately lead to a tribunal claim. Employers are encouraged to allow staff to work from home where possible. For those who are essential workers, it is important to communicate and consult with these individuals as many have genuine concerns regarding their safety; and such lines of communication may reassure them that measures have been put in place to make the workplace COVID-secure and minimise human contact.





Should an employee raise a health and safety concern (such as suggesting that the workplace is not 'COVID-secure') and subsequently feel that they have been placed at a detriment, then (aside from health and safety concerns) this could lead to a claim in the Employment Tribunal.

Official figures show that the number of claims lodged at employment tribunals surged during the first three months of lockdown, as experts warn the coronavirus crisis could see claims "skyrocket".

Whistleblowers who were sacked for raising concerns about employers breaching COVID-19 guidelines are among those being denied justice because of a record backlog of cases at employment tribunals, according to a new analysis of government data. It warned that outstanding claims were set to exceed half a million by spring next year, amid a "perfect storm" of rising demand and restricted capacity.