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# Midwives and MSWs: Working During the Coronavirus Pandemic

## Information to Members as of 3 August 2020

### Employer responsibilities

#### What should I expect from my employer?

The general duty of an employer is to maintain health and safety.

Employers are under a duty to ensure “so far as is reasonably practicable” the health, safety and welfare at work of all their employees. This includes providing a safe system of work and the provision of information and training and supervision as is necessary to ensure the health and safety at work of employees.

Employers are required to carry out a “suitable and sufficient” risk assessment to identify the risks to the health and safety and take “reasonably practicable” steps to eliminate or reduce that risk. Employers must consult employees in good time on health and safety matters including what the risks at work are, the steps taken to manage and control those risks and how information and training will be provided.

Employers should therefore identify in consultation with elected health and safety representatives, (or the workforce if there are no elected health and safety representatives), if COVID-19 presents a risk in the workplace. Where there is a risk (which is likely) the employer should take steps to prevent the risk. A record of the risk assessment should be kept where the employer employs five or more employees and reviewed as matters change.

The measures it is “reasonably practicable” for an employer to take depends on the risk, taking into account a particular job or workplace as compared to the time, cost and physical difficulty of taking measures to avoid or reduce the risk. The risk must be a real risk as opposed to a hypothetical risk. In cases where the risk is small it may not be reasonably practicable for the employer to take a measure which would be difficult and or too costly. On the other hand, if the preventative measure can be taken without much difficulty it is likely to be reasonably practicable for the employer to take it (Thompsons March 2020).

In summary employers should:

- Assess the risks at work of COVID-19.
- Implement preventive measures, where risks are identified.
- Inform staff of the risks and preventative measures taken and



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- Monitor and review the situation in consultation with employees and appropriate health and safety reps.

Employers should ensure that all midwives and maternity support workers are provided with relevant factual information on Covid-19, the steps being taken to identify and manage suspected cases and what staff can do to protect themselves, including reinforcing hand hygiene (please see [i-learn module](#) on hand washing). The RCM has called on the Government to ensure that midwives and maternity support workers receive appropriate personal protective equipment to ensure they remain safe and well so they can continue to care for people (please see RCM website for updates).

Employers are responsible for complying with all health and safety standards, contractual and statutory employment rights as well as equality rights. If you are concerned you need to contact your local health and safety (H&S) representative. If you do not have a local H&S representative please contact the trust/Health Board health and safety officer or committee.

Staff who may be required to deliver clinical care to affected women should have the necessary skills and experience and be provided with training and information on any additional infection prevention and control measures needed to work in such environments.

### **Personal Protective Equipment (PPE)**

The RCM have produced the following [guidance document](#) which advises you of your rights and responsibilities at work, and how the RCM will support you in the event of a shortage of PPE.

The RCM has also produced a protection poster as a useful guide for your hospital notice boards. That can be found [here](#).

### **What other safeguards should my employer be putting in place?**

Rest breaks are very important, even more so at times like this, as fatigue can lead to mistakes and increase the risk of infection. The duty is on your employer to ensure staff can take regular breaks and monitor working hours to prevent the onset of mental and physical fatigue. Wearing protective clothing for long periods can be uncomfortable and hot so, as well as rest breaks, it is also important for staff to keep hydrated.

Midwives and maternity support workers, including those working through employment agencies and in the independent sector, should check their contract of employment and local policies in the first instance, or contact their employer or local occupational health service, for information and advice.



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## **Employees Responsibilities**

### **What are the duties on employees?**

Employees are also under a duty to take reasonable care for the health and safety of themselves and others who may be affected by their actions or omissions at work. For example, by not coming into work if they have been advised to self-isolate. They are also under a duty to cooperate with any preventative steps taken by the employer. For example, by complying with good hygiene rules/practices.

Employees who feel unwell should ensure that they contact the employer in accordance with the employer's sickness absence policy during this period and/or procedure and inform the employer.

**We have been contacted by a number of members with the following questions. Although the information is changing frequently so it is important you visit our website regularly please find following FAQs**

## **Concerns about exposure**

### **What should I do if I feel anxious about possible risk of exposure?**

You may have concerns about possible exposure to coronavirus in your workplace or in your personal life, for example after travel. For work-related concerns, contact your local infection prevention control lead, follow their advice and alert your manager. If you are not aware who your infection prevention control lead is, check your local policy or ask your manager.

For other queries, find more information on [the NHS website](https://www.nhs.uk) which is continually being updated.

### **Do I have to come into work even if I am concerned I may catch coronavirus?**

The short answer is yes unless the employee has been advised in accordance with government guidance to self-isolate they should come into work

### **Are Workplace Representatives still entitled to time off for trade union duties?**

The National Social Partnership Forum (SPF) has published a statement on industrial relations during the pandemic (the SPF is made up of NHS Employers, the NHS trade unions and the Department of Health and Social Care). The statement reiterates the importance of partnership working during this time. You can access the statement [here](#).



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The statement also sets out principles for disciplinary matters, grievances, and other employment procedures.

During the period of the emergency, trade union and other staff representatives may require additional time off and facilities to fully participate in local partnership processes. Employers should ensure representatives are allowed the time and facilities needed to carry out their duties and be fully involved in the local partnership arrangements, in order to best support staff.

Trade union representatives for their part will recognise and respond to the context in which they are working with even greater sensitivity with the care of patients during this time a clear and shared priority.

### **I am a community midwife, can my employer force me to work in the hospital?**

During these exceptional times you may be asked to work in different ways (within the maternity team). You should be supported to do this and if you have any concerns these should be listened to. Remember the NMC Code: you must 'work within the limits of your competence'. If you feel you are being asked to do something beyond this speak to your line manager, your supervisor or PMA or your WPR. You should receive the training you need to work in a new area and appropriate safeguards should be put in place. RCM iLearn has a number of courses which may be useful <https://www.rcm.org.uk/clinical-advice-during-the-crisis>

### **My employer has asked me to go and work on a COVID ward, do I have to go?**

The RCM believes staff working in maternity should be ring-fenced and not expected to work in other parts of the hospital. Maternity care cannot be put off or delayed so we need midwives and MSWs in maternity units. By working in a Covid ward you risk bringing infection back into a maternity unit. If you are a registered nurse as well as a midwife and you are asked to work on a covid ward you should speak to your line manager. We have already raised this with NHS Employers who have agreed that maternity must be ringfenced.

RCM Medical Malpractice Insurance covers all full members who are providing midwifery and nursing care (dependent on your qualification and registration) within the NHS and other local or national authorities; for maternity support worker members and for student midwife members. You can access more information [here](#). If you are a dual registrant and decide to work as a nurse the NMC Code, applies: you must 'work within the limits of your competence'. You should receive the training you need to work in a new area and appropriate safeguards should be put in place.



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If you are a direct entry midwife you should not be working as a nurse in any other area. You are not on the nursing part of the register and therefore cannot work as a nurse in any capacity. You have a responsibility as a registrant to adhere to the code of conduct and must be competent and confident to work within the area of your scope of practice and registration. If you are on the midwifery part of the register only and are asked to work in a nursing role you should refer to the NMC code. It is important to note your membership with the RCM does not cover you if you are working outside your sphere of practice.