

London Work, Travel, Convene Coalition

All Change: Transport & Commuting

January 2021

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“Aon's benchmarking for people working in our London office shows that 90 minutes is the average commute time, which suggests most are taking the train, tube or bus. Even prior to COVID-19, London would see congestion pinch points where tube stations were forced to close for safety. The need for social distancing means that footfall for the tube must be much lower. A viable solution to the transport problem demands a more collaborative approach between businesses and organisations like Transport for London, and will likely include shift work and more cycling and walking.”

Nathan Shanaghy, Chief Operating Officer, Aon UK



80%

TfL obtained **80%** of its funding from fare revenue before the pandemic



3% & 13%

Passenger numbers in the capital hit an all-time low in April 2020, with just **3%** using the tube and **13%** riding the bus



2023

TfL plans to operate without government subsidy **by 2023**



27_k

27,000 people work for TfL

Lowest passenger point

(April 2020)



Tube: 3% of normal riders



Buses: 13% of normal riders

“We played our full part in telling people to remain at home and protect the NHS.”

**Vernon Everitt, TfL Managing Director,
Customers, Communication and Technology**

Transport for London: “When the time is right, we want you back”

How prepared was TfL to tackle a Black Swan event pre-pandemic?

From an operational perspective, in terms of keeping buses, tubes and trains going, TfL was well prepared. Its line of business requires well-rehearsed resilience for all eventualities.

“Unfortunately, in the past, we had to respond to terrorist attacks,” says Vernon Everitt, TfL Managing Director, Customers, Communication and Technology, “and lesser examples like the Olympic Games, where we have had to really prepare our operational services to build in resilience.”

However, when it came to financial resilience, the pandemic has demonstrated TfL’s reliance on funding from fare revenue.

“About 80% of our revenue is predominately fare revenue, with 20% advertising revenue, and that dried up immediately upon government instruction to lockdown and avoid public transport,” says Everitt. “We had to turn our business model on its head because we are used to attracting more people to public transport. From the very beginning of the pandemic in March, we had to flip that and ask people not to use us.”

TfL's COVID-19 response

TfL has resilient structures that it stands up for particular events including NYE, Notting Hill Carnival and major sporting events like the Olympic Games. Its gold command structure brings together people from its operating businesses with leaders in comms, technology, and HR.

Upon emerging from the first lockdown, TfL worked to rebuild its ridership. In the early days, it closed some stations and reduced service levels due to demand and staff isolating, but by mid-July 2020 it was running a full service and has been ever since. In the summer, passenger levels climbed to 40% on the tube, and the bus network rose to nearly 60%. The second lockdown has seen numbers fall to 25% on the tube and just under 50% on the buses.

There are 27,000 people who work for TfL, plus thousands more working for the bus networks, and its resilient strategy enabled it to communicate very clear messages relatively quickly.

"We had to make some quite tricky decisions, like furloughing staff, but we were able to make them much faster than we would if we weren't in a crisis.

I don't think there was any lack of communication with the various agencies," Everitt says. "There was a well-rehearsed chain of command and set of relationships between the emergency services, us and City Hall."

As a key part of London's infrastructure, TfL is a member of the London Resilience Group, where all of the capital's agencies come together – the fire brigade, City Hall, the NHS – and TfL represents the transport picture as part of the overall London-wide recovery.

TfL has been working closely with major cities around the world and in the UK; it has been a collaborative effort of transport authorities around the world. "We have all faced exactly the same issues; we might have faced them at different times, but pretty much anything that has happened elsewhere has happened here. We have learnt an enormous amount by comparing notes with our colleagues," Everitt says.

Working closely with the Department of Transport has ensured its messaging is aligned with the national messaging on transport, and it has been in a good position to amplify government messages.

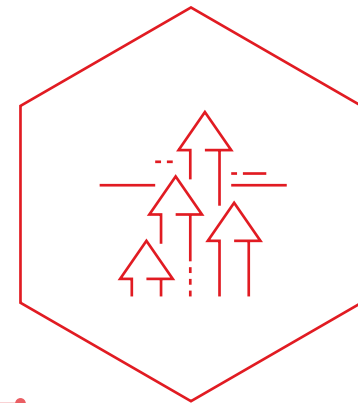
"We have an executive committee, and we created a subset of this to help manage the response," says Everitt. "We were meeting every morning and evening to discuss everything we needed to do to keep operational. We broke off a number of us from the executive team to concentrate solely on our response.

"They made decisions ranging from service levels to HR issues like furloughing and supporting vulnerable employees. A major issue for us was ensuring we had adequate staff numbers to keep the stations open and to drive trains and buses. We also decided we would need a clear restart and recovery plan and we set about centrally pulling together every part of what we do into a plan that we have just kept rolling."

What were TfL's top priorities?

Footfall: The earliest priority was to get people to stop using public transport, so TfL dedicated its efforts to communicate this message. It then focused on providing as much service as possible to ensure people who did need to travel could do so while maintaining social distancing. The next milestone was the start of the school year in September, and that involved reconfiguring the bus service to include school-only services, to keep children separate from commuters.

Cleanliness: The cleaning regime was a massive priority. TfL introduced additional hospital-grade cleaning substances and a new antiviral disinfectant providing long-lasting protection. Key interchanges were cleaned multiple times daily, along with regular touchpoints, poles and doors. TfL distributed 1,000 hand sanitiser stations, which Dettol sponsored, and it is using ultraviolet light around the network to clean the handrails of escalators.



“Cleanliness was a massive priority for TfL, both to protect our staff and our customers,” Everitt says. “We also needed to ensure people wore their face coverings when they became mandatory. So that was a huge communication effort with the British Transport Police to ensure that people were abiding by this.”

Protection: The other high priority was the protection of TfL's staff, including bus drivers. Everitt explains, “They are out there all the time, and tragically 47 of our colleagues from across the organisation have died of COVID-19. There were a lot of steps we took to protect bus drivers. We instituted middle door boarding, tapping in was suspended for a period, and we sealed up the driver's compartment and reconfigured all the buses, so the drivers were closed in. The protection of our staff was absolutely vital.”

Funding: TfL's appeal for financial help from the government led to a deal where the government gave the transport body a grant to help in the first half of 2020. TfL has concluded another arrangement with the government that secures enough money to maintain operations to the end of March 2021. In the meantime, both parties will discuss the longer-term support TfL needs.

How is TfL supporting its workforce?

In addition to the frontline operational staff, one of the biggest challenges TfL faced was transitioning 12,000 office-based colleagues to work effectively at home. “Some operational staff have been going into work in our control rooms, but everyone else has been working from home, so we have been using Microsoft teams to help communicate as well as organising all the software and the hardware to enable people to work remotely. We had to move quickly, and it wasn’t without challenge, but it has worked well,” Everitt says.

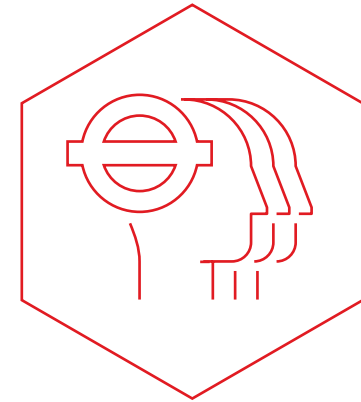
Mental health and wellbeing have been top of mind, and TfL has stepped up the support it offers. Not only are line managers required to keep in touch with their people, but TfL has also bolstered its helplines for people who are feeling isolated. “We were able to get people who were struggling to work from home into offices. And generally to provide all the tools necessary for people to self-care – tips on mindfulness, taking a break,” says Everitt. “We took the view that we should do the right thing by our

staff; many people were at home with their children when the schools shut, so we were being very flexible about people’s times of working. We have also been very clear that we expect people to take their leave and not just keep working and have some time to recharge batteries.”

There have been particular challenges as well; there is evidence of disproportionate mortality and morbidity amongst Black, Asian and minority ethnic (BAME) people who have contracted COVID-19. In response to this, TfL has put specific risk assessments in place for its BAME colleagues who have been affected by the pandemic. Everitt continued, “There has been a particular focus on helping people and making sure everyone is receiving the right level of care. If they are in a more vulnerable group, it doesn’t just have to be in relation to people of colour; it could be people who have a disability or a particular medical condition. We have made sure we have bespoke arrangements to make sure they are safe.”



What about passengers?



When the time is right, TfL wants them back. “We know that people have really appreciated the way we have communicated with them,” Everitt says. “Customers who have used the public network have generally felt that it is fine. The trepidation is generally on the part of customers who have not yet travelled. We have been using all channels at our disposal to communicate with passengers. We have 4.5 million customers on our database and send them regular messages, as well as radio and TV advertising.”

It is a bit early to reach any firm conclusions about what COVID-19 will mean for travel patterns in the long term. While Everitt does not expect ridership to return to pre-COVID levels any time soon, he continues, “When the time is right, and government suggests we are emerging from the other side of this crisis, we will do everything we can to ensure people can return to using public transport. For a city of 10 million people, you need an effective public transport network. It won’t be sustainable if everyone gets back in their car.”

What is TfL's prime concern for the next six to 12 months?

Getting its finances on a stable long-term footing is crucial. Train and transport operating companies around the world have had their governments step in to support them, and TfL is no different. But, in order to plan ahead and land contracts for transport services over a number of years, the capital's transport network needs to have certainty of funding, and the government has asked TfL to prepare a plan to explain how it can operate without government subsidy by 2023.

Everitt says the team is working hard on this plan, but TfL will need help to make sure that the long-term outlook is stable so "we can return to making sure London is the economic powerhouse of the country".



Are firms responsible for employees' health and safety while commuting?

While government guidance states the UK should work from home throughout winter, some of the public cannot do so. Clyde & Co Partner and Head of UK Safety, Health & Environment (SHE) Chris Morrison outlines the potential responsibilities businesses have for these employees, particularly when commuting.

These responsibilities relate to three separate areas of law: criminal health and safety, personal injury and employment law.

While Health and Safety legislation only relates to the actual workplace, Employers' Liability is not as clear cut. Employers have a duty to take reasonable care for the health and safety of their employees and can be found liable for negligence if they are in breach of this duty. They will only be in breach if an employee suffers harm caused directly or materially by the employer's actions or omissions; and the harm was reasonably foreseeable; and it is fair, just and reasonable to impose liability on the employer.

However, as the statute doesn't impose liability on the employer for travel, it would be perverse for a common law duty to do something that statute does not expressly permit.

While we are yet to see any claims, we can't rule them out. However, Chris Morrison said the prospect of those claims succeeding is unlikely. There is a host of issues to suggest otherwise: causation primarily, and also TfL and other transport companies have a duty under Section 3 of the Health & Safety at Work etc Act 1974 to ensure that persons not in their employment, e.g. passengers, are not exposed to a risk to their health and safety. Nevertheless, firms can't afford to be dismissive. Best practice involves observing and documenting how government guidance was followed; this not only relates to risk assessment but also its implementation.

Employment law is where any action is likely to be:

Protection against detriment or dismissal where an employee believes they are in serious and imminent danger. s.44(1)(d) of the Employment Rights Act 1996:

There is an absence of the phrase "within the workplace", which suggests employers' duties extend to commuting. Could using public transport amid COVID-19 be construed as serious and imminent danger? This is largely untested by the courts. Employees do not need to demonstrate that the danger existed, only that they had a reasonable belief that they were in danger. This underlines the importance of effective communication with employees to minimise risk.

The implied term of mutual trust and confidence:

This term obliges an employer to not, without reasonable and proper cause, conduct itself in a manner likely to destroy or seriously damage the relationship of trust and confidence between employer and employee. Employees could rely upon the breach of this implied term to resign and claim constructive dismissal. Care should be taken by employers to listen to employees' concerns, refer to government guidance and make adjustments to their working day.

Are firms responsible for employees' health and safety while commuting?

The implied duty to obey reasonable and lawful management instructions of the employer

This forms the bedrock of the managerial prerogative in the day-to-day running of the business and provides a legal basis for company policies. The question that arises is what constitutes reasonable management instructions in the context of COVID-19? Is it reasonable to oblige an employee to come to work if they believe their commute exposes them to contracting COVID-19? This has not been tested in court. In the absence of judicial guidelines, employers must take practical steps to minimise risk.

Employees can lawfully refuse to return to the workplace where:

- **they are sick or need to self-isolate in accordance with government guidance**
- **they reasonably and genuinely believe they or others will be at serious or imminent risk of danger if they attend the office - this will depend on the circumstances but could possibly include situations where they are at serious risk travelling to work or because they live with a vulnerable person**
- **they can work effectively at home - but only while the guidance remains 'work at home if you can'. Consultation with the employee may yet reveal disagreement as to whether the employee can, in fact, work effectively from home.**



Practical steps for supporting employees who are worried about their commute:



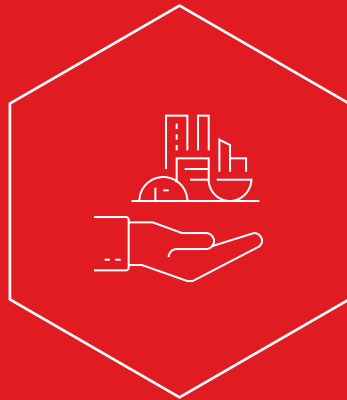
Communication is key – it's vital to consider employees' individual concerns



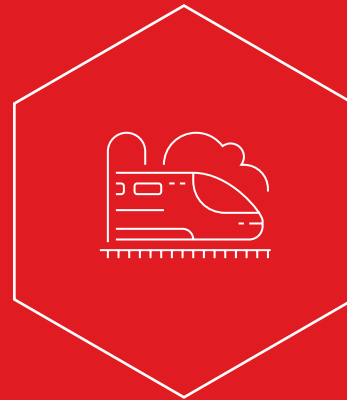
Treat requests consistently



Employee surveys are a good way to identify problems and address them in advance



Reassure employees about risk – how the workplace has been made COVID-19-safe



Remind them about government travel guidance and any risks that can be addressed



Flexible working requests – avoid busy periods



Consider alternatives to working from home – other offices closer to location

What is the London Work, Travel, Convene Coalition?

The London Work, Travel, Convene Coalition launched in September 2020. It brings together large employers in the City and Canary Wharf to share key learnings and insights related to planning and operations, to assess impact and measurement of efforts and to evaluate the latest technologies.

The coalition's aim is to develop a set of guidelines to help navigate the challenges businesses face as society re-opens throughout the recovery phase of the COVID-19 pandemic.

Founding members of the coalition include, Accenture, Ashurst, Aviva, Clyde & Co, JLL, Legal & General and others. Member roles range from Chief Operating Officer, Director of People Services, Director of Employee Experience, and Future Workplace Director.

Other coalitions worldwide include Chicago and New York, Dublin, and Singapore.

If you would like to find out more about the coalition, please contact The London Work, Travel & Convene Coalition Team [LondonWTC@aon.co.uk]

About Aon

Aon plc (NYSE:AON) is a leading global professional services firm providing a broad range of risk, retirement and health solutions. Our 50,000 colleagues in 120 countries empower results for clients by using proprietary data and analytics to deliver insights that reduce volatility and improve performance.

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