

Equality impact of Covid 19

Wales TUC Equality Committee

Attendees

Wales TUC <div>Name Redacted</div> <div>Shavanah Taj</div> <div><div>Name Redacted</div></div>	Welsh Government <div>Jane Hutt</div> <div><div>Name Redacted</div></div> <div>Kate Edmunds</div> <div><div>Name Redacted</div></div>
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Introduction

The current crisis is re-enforcing existing inequalities in UK society. We are not 'all in this together' - low paid workers, women, Black workers, disabled people and living in poverty are more vulnerable to contracting the virus because of the nature of the jobs they do. They are also more likely to experience poverty and poor health as a result of their unequal position in society.

The UK Government's response to the financial crash of 2008 led to a rise in inequality and we must ensure that they do not repeat the mistakes they made then. Trade Union members need to be protected in the short term from the coronavirus and the financial implications of the pandemic and in the longer term from the negative effects of the expected economic downturn. Trade Unions are best placed to make the case for economic and workplace measures that will protect working people now and in the economic downturn following the Covid-19 crisis. Unions welcome the opportunity to work with the Welsh Government and would seek to send out a joint statement raising the importance of equalities during this crisis.

Pregnancy and maternity

For women going through pregnancy, the crisis can be particularly daunting. For women working in key roles, the crisis can be a matter of life and death. Thanks to conflicting advice on how far into a pregnancy a woman should work, some employers have not allowed reasonable adjustments for pregnant workers.

Pregnancy suppresses the immune system and so extra precautions must be taken. Workplace guidance needs to be clear that anyone who is pregnant should not be working on the front line or mixing with the general public during this crisis. This week we have seen the death of a pregnant nurse, but her baby was fortunately saved. Systemic racism, the lack of PPE and the dereliction of care led to this death and it is important as Trade Unions that we campaign for pregnant workers.

- Giving birth alone is a scary prospect for many women. Some women will be forced to do this because of partners who require shielding.
- Perinatal and postnatal mental health could be affected due to fear and uncertainty, it may not be as easily diagnosed or treated during this time.
- Antenatal and postnatal care diminished, and there may be a reluctance on mothers to engage with health professionals, or to stay in hospital following a birth.

- Postnatal support and mental health support groups or other support groups have stopped or moved online. These can be a vital source of comfort and a safe place to ask questions with professional and peer support. It can also be a source of friendship and whilst moving some groups have moved online, this can hinder the element of friendship making and can increase the sense of loneliness and isolation.
- Pregnant women are more vulnerable as their immune system is suppressed by the pregnancy. However, PHW identifies only Women who are 'pregnant with significant heart disease, congenital or acquired'. Unlike other employees who were placed in the vulnerable category, pregnant women are specifically protected from workplace risk factors by the Management of Health and Safety at Work Regulations 1999 and the guidance from PHW seems to contradict this.
The decision to place pregnant women in the vulnerable category and the introduction of the Job Retention Scheme have led to many employers overlooking their duties under the regulations.
- The BMJ have published that retrospective reviews of pregnant women with COVID-19 found that women appeared to have fewer adverse maternal and neonatal complications and outcomes than would be expected for those with severe acute respiratory syndrome (SARS) or Middle East respiratory syndrome (MERS). Although, Adverse effects on the new-born including fetal distress, premature labour, respiratory distress, thrombocytopenia, and abnormal liver function have been reported. It also states that miscarriage, ectopic pregnancy, intrauterine growth restriction, perinatal death, and preterm birth have been reported but it is unclear whether this is related to COVID-19.
- Unions have seen many examples of employers furloughing pregnant women or sending them home on SSP. This is in breach of women's rights under health and safety law. Where a risk has been identified, in this case exposure to coronavirus, the employer must take reasonable action such as altering working conditions or hours of work if this will avoid exposure to the risk.

If it is not reasonable to alter working conditions or hours of work, or if it would not avoid the risk (in this case exposure to Coronavirus) then the employer is required to suspend the employee from work on full pay for so long as is necessary to avoid such risk. This provision is set out in the Employment Rights Act 1996.

- Before being suspended a woman is entitled to be offered any suitable alternative work available. It must be suitable and appropriate for the woman concerned and must be on similar terms and conditions. It is very unlikely in

the current circumstances that they would be able to offer suitable alternative work particularly as any alternative role must also take into account use of public transport and social distancing guidance on minimising social contact and maintaining a distance of 2 metres.

- Pregnant women are entitled to receive 100% of their normal pay if they cannot work on health and safety grounds but by paying them 80% of their average earnings or just SSP women are losing out on pay now and in the vast majority of cases won't then qualify for SMP as their earnings will be too low during their qualifying period for SMP.
- Unions are reporting that whilst maternity rights should not be affected by being on furlough, for many of Trade Union members, they are being.
- Pregnant workers in the private and third sector key workers feeling particularly discriminated against. Lack of PPE or being forced to take decisions that disproportionately affect them financially. There is not a lot of guidance out there for this sector and unions would welcome further guidance.
- Some employers are discriminating against pregnant workers during this crisis, forcing workers to take maternity leave early or having to be paid SMP during the qualifying period of their pregnancy.

Sex

- Public Health Wales are showing that a higher numbers of women across age groups are contracting coronavirus and although we can speculate that more women are working in frontline services or have caring responsibilities putting them at risk, this data needs to be thoroughly analysed to understand it in its entirety. The Welsh Government should undertake detailed analysis of these factors.
- More women on frontline, however current levels of pay do not reflect the importance of these roles. Even using collectively bargained models such as Agenda for Change, the gender pay gap for women across Welsh health boards is too high. Outside of this, the gender pay gap is even higher, particularly for women in the caring, cleaning and catering sectors. There is evidence of both horizontal and vertical segregation and women's work is chronically undervalued and underpaid. The Welsh Government needs to address this and take more decisive action to rectify this. Furthermore, data should be easier to find, and it should no longer be that publishing online is a

minimum requirement. This data should be collated across the 22 health boards and published centrally.

- PPE is a huge issue in workplaces. The availability of it, the quality of it, and for women, the fit. Women dominate our lowest paid jobs, and the jobs most likely to be working on the front line of this crisis. We cannot allow a hierarchy of PPE to develop, where the Dr's and nurses working on covid wards of hospitals are able to access PPE, but those working in other wards, social care settings, or in the public domain are unable to access PPE.
- Women trade union members have reported not only feeling that they are unable to access PPE, when it is supplied it is often felt that it is inadequate, or it is poorly fitting. The availability of PPE in the correct sizing for women can be a further issue and when it is worn, it is hot, heavy and causes workers to sweat and feel uncomfortable. Although some workplaces have allowed more breaks for workers who are using this PPE, this is not necessarily standard practice, leaving workers exhausted, thirsty and more likely to feel faint at work. Workers need to be better supported.
- The standard of PPE manufacturing is a further issue. Workers are so desperate to access any PPE to feel safe, they are resorting to home made or inadequate PPE to protect them. This includes wearing bin bags, or local crafters making visors or goggles or hairbands to hook facemasks onto. This places many workers at further risk and could mean that they place workers at further risk as they are unable to be sanitised effectively after use.
- Domestic abuse has received a lot of attention in the media due to sharp rises in reporting and women in particular seeking help. For members who are experiencing domestic abuse, lockdown is especially worrying. Women and their children who live with domestic abuse have no escape from their abuser other than going to work. Charities and the police are reporting a sharp rise in calls to their helplines and in online searches for help.

Many members won't be able to make calls for help for fear of being overheard at home. An increase in domestic violence is common in times of economic crisis but is made more worrying right now by the fact that so many women can't access the services that can help and support them. The role of Trade Union reps in supporting members in this situation is vital – they are likely to be one of the few if not the only person outside the family they will come into contact with who has the skills and knowledge to help.

- Financial impact – Since 2011, Black women have seen the sharpest rise in zero-hour contracts. However, women dominate in the minimum wage/term time, part time, fixed term and low paid contracts.

- For those working in the garment industry, often the poorest paid, BAME, women workers in the world, orders have fallen dramatically, and big chains have reneged on contracts for garments. This puts the world's poorest women and their children at further risk of absolute poverty and Trade Unions want our Government's to act to protect the workers from our global community as well as our local community.
- More men dying of coronavirus, but we need further data to understand more fully the reasons behind this. In China, lifestyle factors such as poor diet and smoking have been attributed but scientific analysis needs to be undertaken in due course to understand the risk factors and why, despite more women contracting the virus, more men die from it.
- Period Dignity is crucial at this time as girls and women may not be able to afford or access products or if they are unable to go afford them or be able to go shopping for them.

Parents and carers

- Women tend to take on the bulk of unpaid caring for family members at home.
- The TUC are clear that the Job Retention Scheme can be used to support workers who are struggling to attend work either because schools are shut or because the person they live with is vulnerable and they provide care for them. But in reality, many employers are offering shift swaps or unpaid leave which for the significant numbers of members in this situation won't change unless UK Gov gives a clearer lead on the issue.
- Unions have reported that women working in care are now working beyond their job descriptions as elderly patients are not being admitted to hospital, this then forces them to do more of a nursing role with a risky virus and have called for them to be compensated accordingly.

Disability and caring for disabled people

- For disabled people, DNR's have become a frightening part of the conversation around coronavirus, with reports from other parts of the UK that autistic people had been advised to create a plan in the event of them contracting coronavirus and being resuscitated if critically ill.
- There has been a very defined move away from social model to medical model. For so many activists, who have fought hard against the medical model, this puts them further at risk in the future, and potentially undoes

much of the work that Disabled people, the Trade Union movement, Disability rights organisations and allies have done to discuss the importance of the social model of disability.

- The reporting of coronavirus associated deaths, can be dehumanising for disabled and older people. Media reports have reported deaths with the caveat that the person had pre-existing medical conditions. These deaths are no less a travesty and deserve the same respect and solemnness.
- Trade Unions have been informed that people with Motor Neurone Disease (MND) have not been identified as being extremely vulnerable and therefore excluded from automatic admission onto the shielding list.
- Shielding letters being sent to the wrong address has caused untold problems for Trade Union members and reps. Many employers then disbelieving workers or asking for medical proof of their disability before allowing them (if at all) to work from home or to be furloughed.
- Newly published Stay at Home guidance in England allows for flexibilities for parents with children with ALN or who are neurodiverse. This flexibility allows them to leave the house for more than one period of exercise per day, recognising the difficulties that these restrictions can place. However, the same guidance has not been provided for Welsh children and their parents and this needs to be addressed.
- For those who have dementia or who are supporting a loved one with dementia whilst in lockdown, this can be a confusing and especially awful time. The support that they may have relied upon, or the respite that they may have received may no longer be available and union reps have asked us to raise the issue of dementia support with the Welsh Government.
- Significant numbers of disabled members who don't feel safe at work but who are not being offered furloughing as a reasonable adjustment. One union gave the example of a member with a visual impairment in a distribution site who cannot observe social distancing because of his disability, being refused furlough. This member has been forced to take sickness absence and is now only receiving SSP.
- Some employers not adhering to the law on reasonable adjustments – there is a mistaken belief that 'normal business' has been suspended as far as the Equality Act goes and so disabled members report having more difficulties getting reasonable adjustments agreed or keeping hold of them, in part because workplaces are often under staffed due to illness.
- Several unions are raising concerns about the impact of both going out to work and working from home on members' mental health. There is a consensus among our movement that this needs to be a priority area of work going forwards.

BAME

- From media reports, it seems that higher number of BAME frontline health workers are dying. Wales TUC call for more concrete data in order to understand the reasons why ethnicity appears to be a strong risk factor. This data needs to be available to access in live time and in a clear format which aggregates by ethnicity.
- Vulnerability to unemployment and potentially homelessness. BAME people already have the most precarious and insecure employment and housing. Coupled with lack of support and advice on employment rights, plus the hostile environment, this leaves them extremely vulnerable.
- Impact of schools closing – will disproportionately affect BAME families who are poorer, more likely to rely on free school meals, have less internet access at home etc. Many will be key workers, and Welsh Government need to provide the clearest post exit lockdown plan, to avoid the risk to extended family and grandparents, of whom many BAME families in particular, rely on for childcare.
- The impact of cancelled GCSEs and A-Levels with predicted grades given instead will disproportionately affect young BAME people. Predicted grades are known to negatively impact on BAME and working-class pupils due to lower expectations from teachers. Education Minister must work to mitigate this wherever possible.
- Access to services can be difficult as many BAME clients use community groups for face to face advice and signposting – the majority of these service are now closed, while new email or phone-based access systems are being put in place. Even a month into the lockdown, this is still taking place and there are further complications over offering effective interpretation via 3-way calls.
- NHS Digital (England), whose role is to collect confidential patient information has shared this personal data with the Home Office to support its immigration enforcement work. This can result in patients being detained and potentially deported. Trade Unions in Wales seek clarification that the NHS Wales Informatics Service isn't carrying out similar practices.
- 100% of the Dr's who have died from Covid 19 have been BAME. The Wales TUC have called for concrete data to be able to understand why ethnicity is a strong risk factor. This data needs to be available in live time and aggregated by ethnicity.
- We need to look at access to health services, access to public services and wider socio-economic differences affecting BAME people. Currently, a narrative is forming in which BAME people are affected more by medical issues, which is not yet proven.
- Vulnerability to unemployment and homelessness is a real risk factor for LGBTQ and BAME people, and there is a lack of understanding of employment

rights. Many unions have removed restrictions around membership joining and are providing legal support from the day of joining.

- Taxi drivers (many of whom are BAME) are raising concerns, many of these drivers are self employed so can't access support until June. Permit renewal fees are up and are seeking support from Welsh Government.

Migrant workers and refugees

- Many are dying through fear of engaging with services
- Harder to access face to face support services
- Food insecurity – caused by the rising prices of food, the closure of foodbanks and the closure of services issuing foodbank vouchers. This especially affects asylum seekers and refugees but also people who already experience disproportionate levels of poverty.
- Increase in hate speech towards migrant workers, as seen by the reaction to Romanian fruit pickers as they are seen as taking jobs which unemployed 'British people' could do. Furthermore, these workers are put at risk by travelling to the UK.
- Unions have provided examples of non-UK Nationals, many of whom work in our creative industries, who have no recourse to Public funds because of the status of their UK working visas, but who pay tax here. Welsh Government should ensure that in discussions with UK Govt, that this is raised.

Religion

- Although many religious services are using technology to worship, for many there is an isolation from their religious community.
- Food labelling – The coronavirus bill has changed food labelling regulations, this could impact on people who follow specific diets for dietary or religious reasons and could impact on the trust that people have in their food, or nutrition if that lack of trust means that they do not eat specific food because of where it came from.
- The cost of food has raised exponentially, the BBC this week reported that 'Trading Standards officers in Swansea have received complaints of Calpol being sold for £10, loaves of bread doubling in price to £3, packs of toilet roll being sold for £8.50, individual toilet rolls being sold from a multi-pack, pasta being sold by the handful and halal meat more than trebling in price to £11 per kilo (35 ounces).' For religious and disabled people who rely on specific items of food, this can leave some hungry, or push them into poverty.
- As funeral services and post-mortems and coroners become overwhelmed by the rising death toll, delays in funerals have increased. This affects those whose religious practices require them to have a funeral within a specified amount of time after death.

Sexual orientation and Gender reassignment

- Trans people report high levels of discrimination and stigma in healthcare settings. Many report regularly being misgendered at hospital, particularly those who live visibly trans and those whose name and gender are not reflected accurately on medical papers.
- Bathrooms (where we should all be thoroughly washing our hands) are highly policed spaces for trans people and handwashing in public or workspaces can put trans people at risk of harassment and violence.
- Isolation and quarantine in wards or hospitals is complicated by transphobia from staff and other patients.
- LGBTQ people, including trans and gender diverse people, have higher rates of HIV and cancer, and may have a compromised immune system.
- Practices common amongst Trans men such as chest binding can exacerbate respiratory conditions, but information may not be widely known in the community or outside of it.
- The impact of Covid19 on mental health services for LGBT+ people is a concern, particularly as many of these services are run voluntarily by small charities and community groups who struggle to survive even when there isn't a global health pandemic.
- With routine health appointments and unnecessary face to face appointments cancelled. Welsh Government need to provide further detail on the plans for mental health support post Covid19, particularly in relation to counselling, CBT and trans people having appointments to transition cancelled.
- Domestic abuse and the impact on LGBT+ people can manifest, in not only relationships with a partner, but also in relationships with people they are living with. For those who are having to experience quarantine with homophobic family members or flat/roommates, this can increase the risk of hate crimes and domestic abuse.

Age

- Older people more vulnerable to Covid-19, more likely to have to isolate for longer. This can increase isolation and loneliness amongst older people, who may also be more digitally excluded.
- Younger people are affected by school closures, exam cancellations and uncertainty over their future. Future action by the Welsh Government is required to ensure that this lockdown period does not disproportionately affect young people as they move into other stages of their lives.
- Children living in poverty are less likely to be able to access learning and food. Those in poverty are more likely to live in a household with a disabled and/or person from BAME background.

- If post lockdown, schools open before a vaccine is widely available, it is possible that teachers in 'vulnerable' categories or who live with other adults in those categories, or vulnerable parents, could be at risk from children spreading a virus which may or may not affect them in a serious way as well.
- Digital access can be an issue for everyone but particularly for younger people and older people. With more information now being available online, and access to goods and services now relying on access to IT equipment and broadband, this can be particularly detrimental for those who are unable to pay for this or who don't have the necessary skills to properly access information.
- Children have been presenting to hospital with other, non-covid health issues. Dr's are concerned that they are presenting later and therefore sicker and requiring more interventions.
- For children living in a home where this is domestic abuse taking place, school is no longer a solace away from this abuse. Placing them further at risk of harm and of ACE's.
- Unions have reported that young workers have been disproportionately affected as those who are apprentices were made redundant before the furlough scheme was announced from UK Govt.
- UK Govt hasn't gone far enough to protect apprentices. Many smaller firms have been able to pay their wages and young workers who could potentially be furloughed may not realise that this scheme applies to them due to employer pressure to work.
- For young workers, on precarious contracts, many may still choose to go to work in the hope of more secure future work.
- Even when restrictions are lifted, many young people are likely to remain unemployed because they will lack skills etc.

Welsh language

- Parents who are educating their children in the medium of Welsh do not have the same level of access to learning resources and are struggling to maintain the level of Welsh. Most parents who use Welsh language don't speak Welsh at home and the support for Welsh medium education is nowhere near the support available for education through the medium of English.

Impact on atypical workers

- Under the JRS self-employed women, disabled people and young people are losing out, also potentially BAME who have been actively encouraged to join the industry in recent years due to significant lack of representation. Feedback from industry suggests that 50% of workers may leave the screen sector. The following often work on fixed term or short-term contracts (some working on daily contracts).
- Sole traders - if they have taken time off for caring responsibilities or maternity between 2016-2019 they will only be entitled to income earned for this period, regardless of whether they worked during 2019-20 (as the latter is not included as tax returns are not due until end January 2021). Also people earning over £50,000 are excluded altogether, even though they may have a partner who isn't working and may have caring responsibilities. This is different to the employee situation where there isn't a threshold on what they usually earn but can claim up to £2,500 per month.
- For freelance workers who have their PAYE deducted by the employer, if they weren't working on 28th February for any reason including caring, they will not be entitled to any money from the government under the furloughing scheme. Even those who were working on 28th February are finding it difficult to get employers to furlough them. This particularly impacts on women who are more likely to work in production roles where PAYE is more likely to be deducted and those new to the industry who are usually automatically put on PAYE regardless of their job roles. This tax status is an employment and government decision, not that of the individual.
- Limited Companies (PSCs – Personal Service Companies). Dividends earned are not included as income. It is often not the choice of workers to set-up these companies, but many of the major employers insist that they do so. They don't earn anything close to the £200,000 that the Chancellor gave as an example of their earnings.
- Disabled workers - many have expressed concerns about the interaction between Universal Credit, the self-employment scheme, and other benefits they already receive.
- Creative Scotland have set-up a £1.5m fund for creative workers who fall through the cracks, but this is not available for those working in the screen industries in Wales, their main option is the UK wide Film and TV Charity. BECTU's relationship with Creative Wales is very good and they are seeking to support us around skills and development training during this difficult time.