UNITE EQUALITY BRIEFING FOR REPS

COVID-19 – IMPACT ON BAEM MEMBERS

Unite the union guide to workplace equality impact assessments
Thank you to all who have contributed and are acknowledged in this guide. 2021
COVID-19 – Impact on BAEM members

The COVID-19 pandemic has exposed centuries of structural, systemic and institutional racism and inequalities. This has had a devastating health and financial impact on BAEM workers.

This briefing brings together some analysis on the impact of COVID-19 on BAEM workers, useful advice, information and campaign actions that will help you in the support that you are providing to our BAEM members.

Earlier this year the Office for National Statistics published data which showed that black men are 4.2 times more likely to die from a COVID-19-related death and black women are 4.3 times more likely than white men and women. The same report found that Bangladeshi, Pakistani and Indian people also had a raised risk of death involving COVID-19 compared with white people.

BAEM women had higher rates of maternal mortality prior to the pandemic (and lockdowns) and now faced increased risk of COVID-19 infection, hospitalisation and death.

The government has commissioned an investigation into the unsurprisingly high number of deaths among BAEM workers. While this is a useful step, Unite demands immediate action to tackle the disproportionate effect of the pandemic on BAEM people, that the root causes should be addressed and there should be action on the findings which should be followed through.

This is an opportunity to ensure that society, politicians and employers address with urgency the historic disparities, behaviours and attitudes. This is how positive and effective change can happen.

Unite will continue to campaign for the eradication of institutional and structural racism which has put BAEM workers’ health and livelihoods at risk.

One of the essential tools Unite reps can use to address these inequalities is to ensure a Workplace Equality Impact Assessment is carried out, alongside a BAEM-sensitive and BAEM-responsive Workplace Health and Safety Risk Assessment, redundancy mitigation and protection of fair pay and conditions.

Unite has published a guide to Workplace Equality Impact Assessment which you can access here: www.unitetheunion.org/media/3382/action-on-covid-19-equalities-booklet.pdf

TAKE ACTION

Unite priorities in this crisis are to protect everyone’s safety, jobs and income.

1. Unite safety reps should work with your employer on the actions that must be taken to protect members from exposure to COVID-19 at work.

2. Unite safety reps can use your rights to request from your employer copies of Equality Impact Assessments associated with health and safety policies and procedures when carrying out your inspections and investigations.

3. Write to your MP to let them know about all of the issues that are set out in this briefing and ask
them to demand action on the findings of the investigation into high number of deaths among BAEM workers due to COVID-19 and redress the structural inequality that BAEM workers face in the longer term.

You can find your MP’s details here.  
https://www.theyworkforyou.com/

4. Keep in touch. Please let us know if you have any questions or comments or any success stories relating to supporting BAEM members through the COVID-19 crisis by emailing equality@unitetheunion.org

PROTECT BAEM MEMBERS’ SAFETY, JOBS AND INCOME

PROTECT BAEM SAFETY

● Health & Safety and Personal Protective Equipment (PPE)
● Working from Home and Domestic Violence and Abuse
● Zero Tolerance of Harassment, Discrimination and Bullying

Health & Safety and Personal Protective Equipment (PPE)

The health and safety of workers is our highest priority. Attributing genetic and cultural factors to the impact of COVID-19 on BAEM workers will only shift the blame from the real causes, institutional and structural racism, on to these workers simply for being black.

BAEM workers are more likely to work in public facing jobs such as health & social care and transport as well as in low paid and casualised work. BAEM workers are also more likely to be refused remote working and pressurised to work in dangerous circumstances. These factors, among others, put BAEM workers at a higher risk.

There are major challenges to ensure safe working practices and access to PPE where BAEM workers are less likely to speak up when they have concerns about PPE. Our BAEM members have significant problems in accessing the correct PPE, particularly those working in the health service and social care. PPE may be in short supply and there is lack of training on how to use it. The PPE may not be suitable for the task, it may not fitted to the worker or it may be out of date.

Health and safety

Our BAEM members work across many of our industrial sectors, many in high risk key worker jobs such as in the National Health Service. There are major challenges in safe working practices and access to PPE. The majority of people will have mild to medium symptoms. But the virus is proving extremely dangerous to people with weakened immune systems, older people, and those with long-term conditions like diabetes, cancer and chronic lung disease. Recent evidence has identified that BAEM people are adversely affected, especially if additional health risks are present.
At risk groups

If you fall into any of the at risk groups, you should inform your employer of your health status immediately. The employer must perform a risk assessment to assess your likely exposure to COVID-19 and any mitigating control measures that can be enacted, then implement these as soon as possible to provide a safe working environment. This may require you to work from home, stagger working time – arrival and departure – where possible, or change job roles whilst the COVID-19 virus is at large in the population.

If an employee has a disability defined by the Equality Act 2010 which could compromise their immune system or pose a higher risk of developing severe COVID-19, the employer may have a legal duty under the Act to make reasonable adjustments to the employee’s working arrangements.

For more information on at risk groups please see information from Unite: https://unitetheunion.org/campaigns/coronavirus-covid-19-advice/

Your employer is obliged under the law to provide you with a safe place of work

Unite members are protected at work under health and safety law and employment law.

Unite is receiving on a daily basis reports of workplaces failing to operate the very basic requirements of social distancing (on the factory or shop floor, in vehicles and rest facilities), proper, regular and clean facilities to ensure frequent handwashing and the appropriate personal protective equipment.

A risk assessment approach

As mentioned above, Unite is advocating a risk assessment approach using the hierarchy of control common in good health and safety management. No work should start without an up to date COVID-19 risk assessment and individual equality sensitive risk assessments should be carried out for disabled members and BAEM members who are at particular risk from COVID-19.

Health and safety law

In addition to their duties to protect their employees’ health, safety and welfare while they are at work under the Health and Safety at Work etc Act 1974, employers have general duties to carry out risk assessments under the Management of Health and Safety at Work Regulations 1999.


There are specific workplace risk assessment requirements in the under the Control of Substances Hazardous to Health Regulations 2002 (COSHH) which apply to infectious micro-organisms/biological agents, of which coronavirus is a group.

www.hse.gov.uk/coshh/

Personal Protective Equipment at Work Regulations 1992

https://www.hse.gov.uk/toolbox/ppe.htm

Please refer to the Unite Covid-19 health and guidance listed below for fuller information
Protection from detriment or dismissal under the Employment Rights Act 1996 for workers facing a situation of imminent danger

In addition to requirements under health and safety law. Employees are protected from being subjected to a detriment or dismissal (contained in S44 & S100 of the Employment Rights Act) on grounds that:

(i) ‘in circumstances of danger which the employee reasonably believes to be serious and imminent and which they could not reasonably be expected to have averted, they left (or proposed to leave) or (while the danger persisted) refused to return to their place of work or any dangerous part of their place of work’; or
(ii) ‘in circumstances of danger which the employee reasonably believed to be serious and imminent, they took (or proposed to take) appropriate steps to protect themselves or other persons in danger.’

It is for individuals to make their own decisions in their own workplace as to whether there are ‘circumstances of danger’ which they ‘reasonably believe’ to be ‘serious’ and ‘imminent’ so as to justify leaving the workplace or (while any danger persists) refusing to return or taking appropriate steps to protect themselves.

This advice is intended only to communicate what the law is; however if members suffer a detriment or dismissal on the basis of a genuine and reasonable belief then UNITE WILL SUPPORT YOU.

You should contact your rep or officer as soon as you have removed yourself from danger.

For more information please refer to: https://tinyurl.com/4mmtvey4

Personal Protective Equipment

Unite is leading the campaign for production, distribution and supply of PPE to frontline workers.

Collective protective measures in the workplace must take priority (such as physical distancing, erecting barriers). If, having taken these measures, there is still a risk to workers, then PPE must be used as part of the COVID-19 prevention strategy.

PPE is generally designed by men for men based on the sizes and characteristics of male populations from certain countries in Europe and the USA. As a result most women and many men who do not come in this standard size range experience problems in finding suitable and comfortable PPE, and are put at risk. Employers must work with manufacturers and suppliers to source appropriate PPE (in consultation with Unite safety representatives and equality representatives).

PPE principles

- Selected based on the hazard identified
- Provided free of charge to workers
- Workers given a choice of suitable PPE
- Wearing PPE must not create additional hazards
- One size does not fit all: a range of sizes made available which are designed to fit women and men and to take account of particular characteristics of workers including disabilities
- Fitted to the individual worker and not shared
- Be compatible when worn with other PPE
- Workers trained to use PPE correctly
- Stored safely and regularly cleaned, inspected and maintained (or disposed of and replaced)

Unite reps need to make sure:
- BAEM members' requests are considered fairly and that they are not forced to fill in the gaps particularly when it is unsafe to do so.
- Employers carry out BAEM-sensitive and BAEM-responsive risk assessments in consultation with the workers affected.
- Appropriate PPE is supplied to the workers who need it to carry out their jobs safely
- BAEM members are encouraged to report to their employer and to Unite when they are concerned about their health and safety at work

**UNITE ACTION**

Unite is calling for robust risk assessments which must include BAEM-responsive risk assessments, and for effective, stringent and properly funded enforcement of health and safety legislation.

Unite regards mental health support for BAEM workers as an absolute priority.

Unite is leading the campaign for production, distribution and supply of PPE to frontline workers.

**Safe working practices**

There are many examples where Unite has been able to negotiate safe working practices. Your regional officer will be able to give you examples of best practice including workplace adjustments, travel to work, shorter shifts and moving to working online.
Unite health and safety guides – COVID-19
You can access Unite guides for vital information about Health and Safety. General advice link to all the Unite guides and advice on COVID-19 https://unitetheunion.org/campaigns/coronavirus-covid-19-advice/

Examples of Unite guides
- BAEM health and safety https://tinyurl.com/c5bzft9a
- COVID-19 and workplace health and safety https://tinyurl.com/ktu3sj34
- COVID-19 risk assessment https://tinyurl.com/fed6neh6
- Workplace infection control and facilities at work https://tinyurl.com/2tcnhzmy
- Mental health under the strain of a pandemic https://tinyurl.com/43kt8trj

Unite helpline
Unite has launched a helpline and volunteer care service for its vulnerable members during the coronavirus crisis.

Unite members can call the helpline number 0330 1072351. The helpline is fully staffed between 08:00 until 19:00 Monday to Friday with an overflow service at other hours. A Unite volunteer will be assigned to assist anyone who needs help with picking up shopping, posting mail, collecting urgent supplies, such as prescriptions, or simply talking to those who are experiencing loneliness. For more information use the link https://tinyurl.com/a2k7e434

Working from home and domestic violence and abuse
BAEM and migrant women experience higher rates of domestic abuse and violence. The lockdown has exacerbated the situation.

Cuts to public services, reduction in funding to specialist BAEM women’s services and the government’s hostile environment policy have left BAEM women more vulnerable to domestic and sexual abuse where they can be less likely to report violence, leave abusive relationships and access counselling and recovery services.

Employers have a legal duty of care to their employees and should:
- look out for signs of domestic abuse
- respond appropriately
- support someone who is experiencing domestic abuse
- keep a record of incidents at work and when employees report domestic abuse, and any actions taken

An up to date working from home policy
Unite reps need to negotiate a working from home policy. If one already exists, ask for it to be reviewed in the light of the COVID-19 pandemic, and make sure you are consulted on any changes.
**Employer's duty to make reasonable adjustments for disabled BAEM members working from home, under the Equality Act 2010**

Employers have a duty to make a reasonable adjustment where a provision, policy or practice and/or any physical features of premises causes a substantial disadvantage for a disabled BAEM person. An example would be when a worker is required to start to work from home.

New requirements for each disabled member for reasonable adjustments should be addressed, implemented and paid for by employers. It is important to remember that with different ways of working due to the pandemic, reasonable adjustments which had been agreed could have, or can, change.


**UNITE ACTION**

Unite has published guidance on Homeworking  
https://unitetheunion.org/media/2996/101-unitehomeworkingguide-20-04-01-v01b.pdf

Unite Mental Health Guide for reps and negotiators  
https://resources.unitetheunion.org/media/1713/1713.pdf

You can access Domestic Violence and Abuse - Unite Equalities Advice and Guidance here  

**Zero Tolerance of Harassment, Discrimination and Bullying**

Harassment, Discrimination and Bullying cause untold misery and humiliation to thousands of workers. This is particularly acute for BAEM women who face a combination of sexism and racism. Nearly a third of BAEM women have experienced racist jokes and so-called banter at work as well as verbal abuse.

All Unite members should be able to turn to the union for advice, support and representation if they are subjected to unwanted and/or offensive attention, exclusion, verbal or physical abuse and undermining of their capabilities.

Unite reps need to be fully aware of harassment, discrimination and bullying in order to deal with it effectively, provide support to members, and ensure workplaces with zero tolerance of all forms of harassment, discrimination and bullying.

**UNITE ACTION**

Unite is campaigning for a specific legal duty on employers to prevent harassment, discrimination and bullying at work.

Click on the link below for guidance on tackling and preventing harassment, discrimination and bullying and ensuring workplaces where there is dignity and respect for all.  
https://unitetheunion.org/media/2476/zero-tolerance-guide.pdf


You can find Unite regional contacts and support at the end of this guide.
PROTECT BAEM MEMBERS’ JOBS

- Job Retention
- BAEM Women Workers
- Migrant Workers

**Job Retention**

The fact that BAEM workers are more likely to be in low paid and casualised employment and in multiple jobs with none or very little employment rights has meant that they have to go out to work to survive. Most of these jobs cannot be performed from home and therefore puts these workers at higher risk.

More BAEM women are in insecure jobs and underemployed than white men. Just under half of BAEM women have been singled out for harder or unpopular tasks at work. Almost a third of BAEM women are unfairly passed over for or denied a promotion at work, this rose to nearly half of disabled BAEM women. Gender and race segregation in employment persists with barriers to employment continuing.

As a result of campaigning the Government furlough scheme, the Coronavirus Job Retention Scheme, has been extended until 30 September 2021. Also, flexible furloughing will continue to be allowed in addition to full-time furloughing.

Unite reps need to ensure that the employer:

- carries out an equality audit including information on recruitment, retention, redundancy and promotion
- action the recommendations
- monitors progress

**UNITE ACTION**

Unite has been at the forefront of campaigning for job protection and you can access information about the Job Retention Scheme using the following link:

https://unitetheunion.org/campaigns/coronavirus-covid-19-advice/#Anchor1

In many cases Unite has been able to negotiate agreements with employers to ensure that workers are provided with job protection during COVID-19. Please see some examples here:


Unite is affiliated to Maternity Action who have worked very hard to provide a library of advice and information to support women and union reps. You can access this information below:

https://maternityaction.org.uk/covidmaternityfaqs/
BAEM Women Workers

BAEM women\footnote{https://www.fawcettsociety.org.uk/news/impact-on-bame-women-unequal-pressures-at-work-and-home} have been hit harder socially, mentally and financially by the effects of COVID-19 crisis. Over twice as many disabled or retired BAEM women reported that they had recently lost support from the government than white women. Over half say they were not sure where to turn for help compared with 1 in 5 white women. BAEM women are more likely to have anxiety as a result of having to go out to work during this pandemic. They are also more concerned about access to NHS treatment due to already existing racial discrimination in health provisions. These are despite the fact that BAEM people have clearly been more at risk during the pandemic.

Those working from home are more likely to say they are working more than they did before the pandemic. Nearly half of BAEM women say they are struggling to cope with the demands on their time, compared with 35% of white women.

There are higher levels of health and economic burden among BAEM women, including the higher proportions of mothers reporting that they are struggling to feed their children, compared to their white counterparts. It is no surprise that BAEM women are disproportionately more worried about debt and household income.

\textbf{UNITE ACTION}

Unite will continue with its campaign against racial discrimination including multiple discrimination at work and in society. This includes demanding that the government put in measures to eradicate racial and sexual discrimination and prejudice to ensure black women have equality in our society.

You can access Unite guides through these links:

https://unitetheunion.org/media/3151/203-baem-covid19-hsguide-20-07-08d.pdf

https://unitetheunion.org/media/3252/jn3092-hb-3-a4-race-forward-action-pack.pdf

https://unitetheunion.org/media/1457/race-equality-guide-for-unite-negotiators.pdf

Migrant Workers

The COVID-19 crisis has exposed existing issues faced by migrant workers which was intensified by the hostile environment, a central plank of the Conservative Government. These policies have led to serious impacts on migrant workers during the pandemic including lack of sick pay.

During the COVID-19 pandemic, the vital role that migrant workers play in providing essential services has never been more evident. However, employers continue to exploit workers in sectors such as social care and agriculture.

Many migrant workers are subjected to No Recourse to Public Funds rules that exclude families from benefits, housing support and specialist services. Many are excluded from accessing NHS care including maternity care, and are forced to live in overcrowded accommodation.

Migrant women in insecure employment are at higher risk of workplace sexual harassment with very limited recourse to redress. Their experience is often bound up with racial harassment and/or their immigration status.
These appalling working conditions and immigration rules exposes migrant workers and their families even further to the virus.

Migrant domestic workers have also been a casualty of COVID-19 due to lack of policy to protect them as workers. With no recourse to public funds migrant domestic workers who are dismissed or laid off due to the pandemic are left without food and shelter, leaving them exposed to the virus.

Unite reps need to ensure that

- migrant workers are organised and involved in the union
- enjoy the same terms and conditions as everyone else
- collective bargaining and agreements include all workers

**UNITE ACTION**

Unite will continue to campaign for a stop to the Hostile Environment, separation of employment rights from immigration and resident status, an end to insecure work and sufficient funding for enforcement bodies.

You can access Unite Negotiators checklist on organising and supporting migrant workers

www.unitetheunion.org/equalities/

For information on some of Unite campaigns please click on the links below:


Unite website support tool for workers who speak English as a second language and/or with dyslexia or mild visual impairments is at this link

PROTECT BAEM MEMBERS’ INCOME

- **Tackling Low Pay and the BAEM Pay Gap**
- **Equal Pay**

**Tackling Low Pay and the BAEM Pay Gap**
BAEM workers are faced with higher levels of in-work poverty and they are trapped into low paid jobs, casualised employment and into a situation where they are expected to do the hardest and most dangerous work.

BAEM workers are overrepresented in the lowest paid occupations and have an average BAEM pay gap of 2.3 per cent with London having the highest of 23.8 per cent.

There is strong evidence showing that low paid workers are at most risk of dying from COVID-19.

**Equal Pay**
Gender and race segregation in employment persists with barriers to employment continuing where women are more often found in lower paid jobs such as health and social care, and office administration and BAEM workers are over-represented in lower paid jobs.

The COVID-19 crisis has further revealed BAEM women’s unequal pay, particularly when in 2020 we marked the 50 years since the Equal Pay Act 1970.

Low pay and generally undervaluing women’s work has become more visible during the pandemic.

In this climate the suspension of gender pay gap reporting so close to its publication deadline interfered with accurately measuring the true impact of COVID-19 on women’s jobs and pay and has also removed the benchmark and the momentum.

Unite reps need to
- keep the gender pay gap, equal pay and race discrimination faced by BAEM women on the bargaining agenda and ensure the employer makes a commitment to equal pay for equal work and take the action needed to implement this commitment
- make sure the employer conducts an equal pay audit and consults and involves them throughout the process.

**UNITE ACTION**
Unite strongly believes this inequality, a direct result of sex and race discrimination, must be eliminated and will continue to campaign for:
- stronger equal pay law
- mandatory Equal Pay Audits
- transparency in pay systems
- statutory rights for Union Equality Reps
- enhanced maternity/carers rights.
For more information on equal pay and gender pay gap reporting please click on the links below.

PAYUP! campaign – Unite Action Plan  
https://www.unitetheunion.org/media/3241/jn5578-hb-a4-equalities-pay-up-brochure-20.pdf

Gender pay gap reporting – a TUC guide for trade union activists  
https://www.tuc.org.uk/sites/default/files/GPGreportingguide_0.pdf

TUC BME women and work  
https://www.tuc.org.uk/research-analysis/reports/bme-women-and-work

Equal Pay portal  
http://www.equalpayportal.co.uk/

BUILDING OUR COLLECTIVE STRENGTH

It is so important that Unite uses the full force of our collective strength to ensure no worker is left behind and that a decent income is provided during this pandemic and so that we have

- secure, decent jobs in the longer term
- sectoral collective bargaining so that everyone is protected
- statutory rights for union equality reps
- the health, safety and welfare of BAEM workers taken seriously and supported as a collective issue and not individualised

BAEM workers are joining Unite and we are reaching out to our new members to get organised and encouraging all Unite BAEM members to get involved.

- Stand for election as a union rep, health and safety rep, union equality rep, or branch officer
- Bring work colleagues into membership
- Demand union recognition and collective bargaining for wages and conditions going forward
- Write to your MP to demand an end to the scandal of low pay and the undervaluing of social care workers
LASTING CHANGE

Unite has long challenged the structural sex and race discrimination that exists in our labour markets and called for regulation to tackle occupational segregation, the undervaluing of the work in sectors where women including BAEM women are more likely to be found working, equal pay for women and employment rights for all.

As Government ministers clapped for health and social care workers every Thursday night and proposed producing badges to thank them, we were clear that pay restraint they imposed in the last decade has caused the poverty we are now dealing with.

Unite continues its work to ensure that there is a lasting recognition in pay and equality at work for all workers by:

- Prioritising to protect everyone's safety, jobs and income
- Encouraging BAEM members to become health & safety and/or union equality reps
- Campaigning to require employers to conduct mandatory Workplace Equality Impact Assessments with strong implementation and action, regular monitoring and firm enforcement and redress
- Training reps to carry out equality impact assessments
- Campaigning to extend the Equality Duty to the private sector
- Campaigning for a change to the National Education Curriculum to include black history, the slave trade and the colonial empire and its impact
- Campaigning to address under-representation of BAEM people in political life including parliament, assemblies and public office
- Pressing the government to tackle child poverty and address the immediate impact of Covid-19 through
  - New redundancy protection for pregnant women and new mothers
  - A National Childcare Strategy
  - A nationally funded strategy supporting women facing domestic violence and abuse
  - Proper social security and an end to Universal Credit
  - A decent pay rise for public sector workers
  - Increasing the National Living Wage
  - A framework for trade union rights
Unite equality briefing for Reps  
COVID-19 IMPACT ON BAEM MEMBERS

Unite National and Regional Contacts

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Diana Holland, Assistant General Secretary, Transport - Equalities - Food 02076112563
Anooshah Farakish, Researcher for Equalities - 020 7611 2639

Regional Women’s & Equalities Officers

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Other useful Organisations

Trade Union Congress (TUC) - www.tuc.org.uk   Tel: 020 7636 4030   info@tuc.org.uk

Health and Safety Executive (HSE) - https://www.hse.gov.uk - Tel: 03007906787
The HSE has published a range of COVID-19 guidance https://tinyurl.com/yys2dj8r
This includes HSE guidance on protecting vulnerable workers https://tinyurl.com/7kxfrrcw

ACAS - www.acas.org.uk

Equality & Human Rights Commission (EHRC) - www.equalityhumanrights.com
Phone Advice: 0808 800 0082, Textphone Advice: 0808 800 0084