

**TUC response to  
inquiry on  
Coronavirus  
(Covid-19) and the  
impact on people  
with protected  
characteristics**

## Introduction

The TUC is the voice of Britain at work. We represent more than 5.5 million working people in 48 unions across the economy. We campaign for more and better jobs and a better working life for everyone, and we support trade unions to grow and thrive.

Unions have always played a vital role in ensuring that rights under the Equality Act are respected and upheld by way of collective bargaining, raising awareness of rights amongst employers and workers, assisting in resolution of disputes, providing support to members in pursuing claims to employment tribunals, as well as adopting strategic litigation to clarify legal issues and establish norms to be followed in the workplace. However, during the current crisis, unions are more important than ever in ensuring that working people's safety, jobs and livelihoods are protected.

The TUC has a long history of campaigning to address discrimination in the British labour market, the workplace and in wider society.

We welcome the Committee's timely inquiry into the impact of COVID 19 and the response to it on people with protected characteristics and the recognition that both immediate and longer term action is necessary to ensure that existing inequalities are not amplified or entrenched.

### 1. Context

The coronavirus pandemic poses huge risks to workers' health, jobs and livelihoods. At this point no one knows how long this crisis will go on for, or fully understands its long-term impact on the economy or workers.

A range of policy decisions have had to be made at great speed. In a matter of weeks the government has introduced a number of far-reaching policy initiatives to address the immediate impact of the crisis, including the job retention scheme (JRS), additional income protection for those who are self-employed, , increased eligibility for sick pay and loans for smaller business. Schools, colleges and childcare providers have been closed until further notice, except for children of critical workers and vulnerable children, Many non-essential workplaces and public venues are also closed

At the same time the Coronavirus Act has introduced a range of restrictions on civil liberties, giving police forces new powers to detain people they think might be infectious, force them to be tested and place them in quarantine without a time limit. The police can also impose fines and use force to ensure compliance with the Act. The aAct also covers the Care Act and people's right to be assessed for social care and to get the support they need.

The coronavirus outbreak has led to a dramatic change in working practices across Britain. Millions of frontline staff, in care homes, shops, transport and across our public services are keeping the country running while facing risks to their own and their families' health. Nearly

half of businesses have people working from home, and over a quarter of the workforce have been furloughed, using the JRS. The economic impact of the crisis has already led to significant increases in unemployment and government acknowledge wider economic pain is still to come.

## 2. Importance of trade unions

Now more than ever trade unions have a central role to play. Trade unions, government and employers, working together, can make a significant difference to ensuring that the negative economic effects of the outbreak are reduced, that workplaces are safe and jobs and more livelihoods are protected.

We already know that the presence of a recognised union in the workplace improves the experience of workers from protected groups across a range of experiences.<sup>1</sup>

Unionised workplaces are healthier and safer than non-unionised workplaces<sup>3</sup>. This is because workers, who are best placed to understand the specific risks they face in their workplace, have been involved in taking decisions about health and safety.

Unions have worked with government on introduction of the JRS, support packages for self-employed workers and continue to advise on safe working practices. We welcome the fact that in Wales trade union reps are classed as key workers due to the services that they are providing in support of protecting jobs, promoting safe working and assisting workers and employers, and continue to recommend that this approach is adopted in England.

But in recent decades, worker voice has been undermined and eroded. Working people need much stronger rights to influence their working lives. Coming together collectively is the most effective way for workers to do that. Collective bargaining is a public good that promotes higher pay, better training, safer and more flexible workplaces and greater equality. Workers are much less likely to express job-related anxiety in unionised workplaces than comparable non-unionised workplaces; the difference is particularly striking for women with caring responsibilities.

Collective bargaining at the sectoral level reduces pay differences among a larger pool of workers and reduces overall wage inequality for groups with protected characteristics<sup>4</sup>. Employers benefit too. Collective bargaining is linked to lower staff turnover, higher innovation, reduced staff anxiety relating to the management of change and a greater likelihood of high-performance working practices.

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<sup>1</sup> For example in the case of pregnant women and new mothers those who worked for an employer that did not recognise a trade union were more likely to report being forced to leave their job and having negative experiences related to flexible working requests  
<https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings>

A continued commitment to effective, pragmatic working between government, employers and unions is required so that we can collectively design solutions that can reduce the impact of COVID-19 on protected groups. To this end the TUC is calling for government to introduce a National Council for Reconstruction and Recovery, bringing together unions and business in a formal advisory role.

In order to prevent the discrimination that already exists in the workplace being amplified during job losses as a result of COVID-19 now and in the future, the evidence clearly points to measures to promote union recognition and membership, alongside legislative reform, as being necessary to address discrimination and disadvantage.

### 3. Need for wider solutions

There are immediate steps that need to be taken to address the adverse impact on people with protected characteristics (discussed in further detail below). Equally importantly is co-ordinated longer-term action to ensure that inequalities are not increased and entrenched by the expected economic downturn.

Action is needed in a range of areas. In particular, government should address the following areas:

- **Rights for insecure workers:** Black workers, women and disabled workers are all overrepresented in insecure work. These workers are bearing a disproportionate burden in keeping the country running during the current crisis. They are working long hours to keep shelves stocked, hospitals clean and goods delivered to those who can't leave their homes. But these workers, who are central to the welfare of so many, are forced to work without many of the most basic employment protections. Government must ban zero-hours contracts, tackle false self-employment, and guarantee all workers day-one employment rights.
- **No delay in work to promote equality already underway:** Protecting workers is the best way to protect the economy and more equal workplaces have been shown to be more productive and profitable. As we move out of the lockdown phase government should continue its work on important policy areas including making flexible work the default, preventing sexual harassment at work, narrowing ethnicity pay gaps and strengthening redundancy protections for new mothers.
- **Access to justice** We have heard a range of reports of workers experiencing discriminatory treatment during this period. The Committee will be aware, through its numerous inquiries which have touched on this topic, that there are many barriers to accessing justice for people from protected groups. The experience of lockdown is likely to present new barriers for workers looking to get advice and

support around seeking redress. It is important therefore that the period of time allowed to lodge an employment tribunal case is extended immediately to at least six months. It is also vital that the employment tribunal system is properly resourced. The current system is already under real strain following an upsurge in claims. In the longer term there must be no reintroduction of Employment Tribunal fees.

- **Compliance with public sector equality duty** : Policy decisions taken now will affect workers for years to come. In the past few weeks we have seen that different groups have been affected both by coronavirus and the policies designed to combat it. The public sector equality duty was specifically introduced to ensure that proper consideration was given to the impact of policies on people from groups protected by the Equality Act. Currently we can see little evidence of how, or indeed if, government is delivering on this duty in its response to COVID-19. The EHRC as the relevant regulatory body has a key role to play in ensuring compliance in this regard and must prioritise and appropriately resource enforcement and compliance work in this area.

#### 4. Ensuring compliance with current legal framework

It is also vital that current equality legislation is complied with.

Although trade unions will continue to work to protect jobs, it is unfortunately likely that one consequence of the COVID-19 crisis may be significant job losses. Employers must be given clear messages from government, highlighting existing guidance, that redundancy procedures and the criteria used must not unlawfully discriminate against workers with protected characteristics. Particular emphasis must be given to the fact that failure to make reasonable adjustments for disabled workers, including adjustments to redundancy criteria and procedures, is a form of unlawful discrimination.

The position of pregnant women and new mothers in workplaces where redundancies are taking place must also be highlighted. The existing protections set out in the Equality Act 2010 and Regulation 10 of the Maternity and Parental Leave Regulations 1999 reflect the fact that pregnant women and women on maternity leave are at risk of experiencing discrimination. This legislation also recognises that women who have recently given birth or who have been out of the workplace for a period of time could be significantly disadvantaged in having to compete for roles during redundancy situations.

We know that significant levels of discrimination against pregnant women and new mothers already occurs. EHRC/BEIS research and evidence from a range of organisations

including Maternity Action<sup>2</sup> has provided clear evidence of instances where women who have returned from maternity leave have been specifically targeted for redundancy. The research also highlighted employers' negative attitudes towards enhanced protection for new mothers, with over one in four employers (28%) describing it as 'unreasonable'. These attitudes were reflected in discriminatory practice with one in eight employers (13%) who had any pregnant employee in the workplace in the last three years saying they found it "difficult to facilitate this right" within their establishment.

This research, conducted at a time of relative labour market stability, revealed a shocking level of discrimination faced by pregnant women and new mothers. In recent weeks unions and voluntary sector organisations have reported a surge in discrimination against pregnant women and new mothers.

The EHRC, as the regulatory body responsible for enforcing the Equality Act, has a unique role to play in these unprecedented times. The Commission has been given a range of powers to deliver on its statutory role. Where there is the need for formal steps to be taken to address breaches of the Act, including those relating to PSED, we would urge the Commission to take these in a timely manner. We also recommend that the Commission use its expertise to closely monitor the continuing impact of COVID 19 and the response to it on protected groups. It should report publicly both on this and the effectiveness of the steps Government and other key policy makers are taking to remove or minimise adverse impact and meet the needs of protected groups where these are different from the needs of other people.

### **Recommended action: within next 3 weeks**

We recommend that government actively promote existing guidance on protections for people with protected characteristics to employers and individuals so that they are aware of their respective obligations and rights. Particular emphasis should be placed on:

- Redundancy procedures and selection criteria
- Pregnant women and those on maternity leave
- Reasonable adjustments for disabled workers.

Government should also develop and promote guidance on avoiding discrimination in the operation of the JRS scheme; for example, setting out employers' responsibilities to ensure they do not furlough disabled workers as a means to avoid meeting reasonable adjustments or assume that mothers rather than fathers should be furloughed as a result of their caring responsibilities.

It is vital that the JRS is extended to continue to protect workers. To enable a safe return to work government should:

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<sup>2</sup> Maternity Action (2017) Unfair Redundancies during pregnancy, maternity leave and return to work. UNFAIR Available at: <https://www.maternityactioncampaigns.org.uk/wp-content/uploads/2017/11/RedundancyReportFinal.compressed.pdf>

- Make the JRS more flexible in order to support short-time working. Options to do this include:
  - allow employees to return to work on reduced hours, with the government paying 80 per cent of the wages of the gap between their actual weekly hours and their usual weekly hours. For example, if an employee usually works 40 hours, the employer could allow them to return for 20 hours, paid by the employer. The government would then cover the remaining 20 hours not being worked at 80 per cent of usual pay.
  - reduce the minimum period so that firms can furlough workers for a minimum of one week rather than three. This would enable more businesses to operate a job rotation scheme.

These options are particularly important for working parents. If full-time furloughing remains the only option available this could damage the progress made towards equalising caring responsibilities with women being more likely to be forced back into full-time caring roles. This is particularly key if nurseries and schools re-open on a part-time basis.

- Government must also ensure financial support for those workers who continue to be unable to return to work because they are self-isolating, shielding, caring for someone shielding, or because schools and childcare settings are closed and they need to care for children. This is particularly key as the testing and contact-tracing programme ramps up: those workers who are ordered into self-isolation because contact-tracing finds that they have been exposed to the virus must be able to remain at home for the appropriate period without worrying about meeting their living expenses. The government should continue to support the full costs of businesses furloughing these workers for as long as the public health restrictions on them attending their place of work remain. It is not appropriate to use statutory sick pay for these employees as they are not sick.

### **Within the next 6 months**

Government should provide the EHRC, as the regulator responsible for the Equality Act, any additional resources that are required to

- gather intelligence on potential breaches of the Equality Act occurring as a result of COVID 19
- monitor and report on the impact of COVID 19 on protected groups
- use of their full range of powers to tackle breaches of the Equality Act that are identified

Government should also consider introducing a jobs guarantee to prevent the damaging impacts of youth unemployment, which may fall particularly heavily on groups which already experience labour market disadvantage. Government should provide funding to offer a new jobs guarantee. This scheme would provide a six months job with training, paid at the real living wage, or the union negotiated rate for the job.

- We believe that the government should aim to offer the job guarantee scheme to as many people as possible who face long term unemployment. But in seeking to prioritise it should guarantee jobs to:
  - every worker under 25 and under who has been unemployed for three or more months to be offered a six-month job with training, paid at the real living wage.
  - workers aged over 25 who have been unemployed for six months or more.
  
- The scheme should be funded by national government, but delivered at regional level, with inputs from local leaders, unions and business, working alongside Jobcentre Plus. A new Corona Reconstruction and Recovery panel should be set up in each region to work to deliver guaranteed jobs in the local area that:
  - are additional.
  - provide a community, public benefit and/or help to decarbonise the economy.
  - meet local labour market needs; and
  - promote and protect equality.

## 5. No delay in work to promote equality already underway

Before the outbreak of coronavirus, government had identified several policy areas where it had indicated that issues relevant to groups with protected characteristics would be progressed. These included:

- Taking steps to make flexible working the default
- Measures to strengthen protections around sexual harassment at work
- Reviewing the impact of gender pay gap reporting regulations
- The introduction of ethnicity pay gap reporting measures
- Addressing the disability employment and pay gaps
- Setting up a pregnancy and maternity taskforce
- Reforming the Gender Recognition Act to ensure that trans people do not have to endure a lengthy, humiliating, and expensive process to change their gender.
- Improving carers leave
- Strengthening redundancy protections for new mothers

Although we recognise that currently government's main focus is understandably on responding to COVID-19, we would strongly recommend that work on these and other policy areas aimed at promoting the rights of people with protected characteristics is progressed. Work to eliminate discrimination from UK workplaces and promote equality of opportunity is not a 'nice to have' additional extra which can be easily shelved when times are challenging. Not only does the government have a legal duty to pay due regard to equality considerations in its decision-making, including decisions to halt or postpone work, but evidence points to the fact that protecting workers and promoting equality brings economic benefits.



For example, the McGregor-Smith review estimated that the potential benefit to the UK economy from full representation of BME individuals across the labour market, through improved participation and progression, to be £24 billion a year, which represents 1.3% of GDP.<sup>3</sup> Reducing gender gaps in labour market participation, Science, Technology, Engineering and Maths (STEM) qualifications and wages, could increase the size of the UK economy by around 2% or £55 billion by 2030<sup>4</sup>.

We cannot allow work to promote more equal workplaces and tackle inequality to be labelled as a 'burden on business' or 'red tape' and deprioritised during the current crisis and in the expected future economic downturn. We recognise the important role that this Committee will play in holding government to account in this regard.

### **Within the next 6 months**

In order to evidence its continuing commitment to promoting equality in the workplace Government should publish a delivery timetable setting out clearly when existing policy improvements (including but not limited to those set out above) for people from protected groups will be implemented.

## **6. Personal protective equipment**

The failure to provide appropriate PPE to workers has been widely reported. The TUC has called for a public inquiry into this to ensure that the same mistakes not are be made in the future. The inquiry needs to look at:

- Why there were delays in the planning for and delivery of PPE?
- Whether guidance about the need for PPE in diverse workplace settings was timely and robust?
- Whether staff were put under pressure to work with inadequate or out-of-date PPE; and if so why?
- Whether staff were threatened with disciplinary action for raising concerns about the lack of PPE; and if so why?
- Why the NHS, social and residential care and other workplace settings have struggled to source PPE from suppliers?

The inquiry should cover the whole workforce, including both public and private sector workers undertaking essential work which cannot be safely performed without appropriate PPE.

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<sup>3</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/594336/race-in-workplace-mcgregor-smith-review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594336/race-in-workplace-mcgregor-smith-review.pdf)

<sup>4</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/821889/GEO\\_GEEE\\_Strategy\\_Gender\\_Equality\\_Roadmap\\_Rev\\_1\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/821889/GEO_GEEE_Strategy_Gender_Equality_Roadmap_Rev_1_1_.pdf)

The inquiry will need to pay particular attention to the impact of the failure to provide appropriate PPE on people with protected characteristics. Unions have highlighted the lack of sufficient PPE for particular groups of workers, such as care workers and cleaning staff; where Black workers and women are overrepresented.

The impact of ill-fitting PPE also needs to be addressed. A survey of members by Prospect, a union representing a range of professions including engineers, scientists and managers, conducted before the COVID-19 outbreak, showed that women are overlooked when it comes to appropriate PPE<sup>5</sup>. Size and fit are extremely important for PPE to be effective. If it doesn't fit it doesn't do its job, exposing workers to unacceptable levels of risk.

Prospect's survey, which received 1,175 responses, showed that a significant proportion of workers who regularly use PPE experience problems with fit and size. The difference in experience between men and women is stark. Overalls, jackets and trousers are where the gender dimension peaks.

A shocking 48.5% of female respondents reported that their PPE trousers fit poorly, compared to 16.6% of male respondents, while 44.7% of female respondents and just 15.3% of male respondents said that their overalls fit poorly.

Prospect members at the Health and Safety Executive's (HSE) Health and Safety Laboratory test PPE for use by diverse workers in diverse industrial situations. They emphasised that PPE must keep the user safe both while they wear it, and during contamination and removal. Experiments have shown how aerosol particulates can gather in bunched-up fabric - rolled sleeves and belted waists on overalls - only to become airborne again when the garment is removed.

Face masks and safety glasses are particular issues for many of the women who responded to Prospect's survey:

- 21.5% of women reported ill-fitting eye protection, compared with 13.5% of men
- 15.7% of women and 7% of men had problems with poorly-fitting respiratory equipment, and
- 13.8% of women and 7.6% of men had problems with ear protection.

Ill-fitting PPE, using men's bodies as the standard sizing, is a perennial problem for women workers. There is every likelihood that the same issues are affecting women during the current crisis, which has served to bring this issue into the foreground, where the risks of PPE failure could have fatal consequences.

Employers need to engage with unions to ensure all workers' PPE needs are properly addressed.

Black workers have also experienced problems in accessing PPE. This is influenced by overrepresentation in particular occupational groups and also a tiered approach to distribution of PPE, with outsourced workers, where again Black workers are overrepresented, finding themselves at the back of the queue. Concerns have also been raised around inadequate PPE that fails to take into account the wearing of turbans, beards

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<sup>5</sup> <https://members.prospect.org.uk/news/id/2019/December/6/Is-your-PPE-fit-purpose? ts=1>

and hijabs. For example, Sikh and Muslim workers who wear beards for religious reasons have reported facing difficulties in accessing alternative PPE when standard face masks do not fit because of their facial hair.

Particular protected groups, including pregnant women and observant Muslim workers are more likely to need to leave their immediate workspace more frequently than other workers to use bathroom facilities or to pray. These groups are therefore more likely to require changes of PPE and be adversely impacted by shortages.

We have also heard reports from unions of disabled people who directly employ personal assistants struggling to access necessary PPE for these workers.

### **Within the next three weeks**

We recommend that:

- Government work with HSE to ensure that employers have effective guidance to ensure that access to appropriate PPE for the groups highlighted in our response is taken on board in risk assessments. The guidance should include reference to the fact that if appropriate PPE cannot be supplied, workers must not be placed at risk and alternative duties must be found with no detriment to the affected workers.
- Employers review their procurement policies to ensure that safe, well-fitting PPE can be provided for all members of their workforce.

## **7. Impact on BME people**

The impact of coronavirus on BME people has laid bare multiple areas of systemic disadvantage and discrimination. The fact that BME people are more likely to live in overcrowded housing, have poorer health outcomes and be concentrated in insecure work where they have access to far fewer employment rights is well documented<sup>6</sup>. There have been numerous reports produced over the years - some commissioned by the government itself - which have recommended action to tackle discrimination and entrenched disadvantage.

If these recommendations had been acted on, perhaps BME people might be facing a different situation today.

We cannot continue this inaction when the COVID 19 crisis has shown us clearly that inequality not only limits Black people's life opportunities but also contributes to prematurely ending their lives.

We are concerned that much of the debate around the clear disproportionate impact that

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<sup>6</sup> A useful summary of evidence has been provided by the Runnymede Trust <https://www.runnymedetrust.org/blog/coronavirus-will-increase-race-inequalities>

COVID 19 is having is focused on the symptoms of inequality, such as higher rates of asthma, rather than causal factors such as poverty which underpins BME communities' exposure to higher rates of air pollution.<sup>7</sup> This approach could lead to pathologizing and blaming of communities rather than focused action to address the root causes of disproportionate impact.

An effective response needs to take on board these causal factors as well as reports of potential discrimination in the allocation of higher risk job roles, with BME healthcare staff reporting being asked to work on COVID 19 wards over and above their white colleagues.

These reports reflect the discrimination faced by BME workers before the outbreak of COVID-19. Research conducted by TUC<sup>8</sup> in early 2020 revealed that 56% of BME women and 48% of BME men reported being allocated harder or less popular tasks than white counterparts. Our report 'Is Racism Real' revealed that despite experiencing high levels of discrimination, BME staff do not feel confident in reporting this, with almost half not reporting incidents<sup>9</sup>. Respondents reported not being believed and in many cases being targeted for worse treatment if they did report discrimination that they faced. Those in insecure work faced even more barriers to reporting with fears of work not being offered if complaints were raised.

Recent anecdotal reports from frontline health and social care staff reflect these findings. Although BME staff report unfair allocation of PPE and being allocated higher risk tasks, they are reluctant to report this as they do not want to be labelled as a troublemaker or risk victimisation. Given the barriers experienced by individuals in reporting discriminatory treatment, compounded by the significant numbers of insecure BME staff in front line roles, EHRC should urgently collect evidence with a view to using enforcement or investigatory powers.

### **Within the next three weeks**

We recommend that:

- EHRC should conduct an urgent evidence gathering exercise to inform which of their powers might be most appropriate to use to address discriminatory behaviour which may be exposing BME workers to higher levels of risk
  
- Public Health England should invite the EHRC and relevant organisations with specific expertise such as the Runnymede Trust to review the terms of reference of the review is conducting into the impact of COVID 19 on BME people to ensure that

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<sup>7</sup> <https://www.theguardian.com/environment/2016/oct/10/londons-black-communities-disproportionately-exposed-to-air-pollution-study>

<sup>8</sup> As yet unpublished

<sup>9</sup> <https://www.tuc.org.uk/research-analysis/reports/racism-real>

it considers the root causes rather than the outcomes of poverty and decades of systemic discrimination.

### **Within the next 6 months**

We recommend that government:

- Publish a cross departmental action plan, with clear targets and a timetable for delivery, setting out the steps that they will take to tackle the entrenched disadvantage and discrimination faced by BME people. In order to ensure appropriate transparency and scrutiny of delivery against these targets we recommend that regular updates are published and reported to Parliament
- Strengthen the role of the Race Disparity Unit to properly equip it to support delivery of the action plan.

## **8. Impact on migrants**

The coronavirus pandemic has highlighted that migrant workers are disproportionately represented working in occupations that keep the basic infrastructure of our communities functioning. These include jobs such as doctors or nurses or in less visible but equally important occupations such as care work, cleaning, food production or goods distribution.

Many of these workers are BME and are more likely to be in likely to be in non-permanent jobs (8%) than UK born workers (5%). Many are also involved in the gig economy and other less regulated sectors and are therefore vulnerable to abusive and unsafe employment practices under the current environment but have fewer outlets to seek help and keep themselves safe from coronavirus. The TUC are concerned that in this situation many migrant workers who are eligible to receive money through the job protection arrangements or unemployment benefits may not understand their entitlements or may be unfamiliar with the process of claiming or visiting job centres. Some are not eligible: most non-EU citizens who are not yet permanently settled residents are ineligible for income-based jobseekers' allowance and universal credit because they have no access to public funds

The TUC are also concerned about the effects on the hostile environment and the implications for migrant workers gaining access to and receiving health care and that the document checks required by the health charging system has increased the chances of discrimination in frontline service delivery against individuals with the protected characteristics of gender, race and ethnicity. We believe that government needs to recognise that this environment has resulted in a lack of trust in the state institutions among BME migrant communities that is resulting in people not accessing health services because they are afraid that this will result in being targeted by

immigration services The TUC's concerns have been echoed by the Council of Europe Anti-Discrimination Committee which has called for a ban on the sharing of personal information about illegal or suspected illegal migrants with immigration authorities. Its report states that this proposal is essential to fight discrimination which causes "grievous hardship to a substantial number of [undocumented] migrants" in member states of the Council of Europe.

The TUC is also concerned that asylum seekers are largely denied the right to work. This means they are forced into irregular employment where they are frequently subject to exploitation and persecution. In the current context this is also likely to mean higher risk of exposure to coronavirus. The TUC has long been campaigning for all asylum seekers to have the right to work. Currently, asylum seekers who are in the legal system cannot keep physically safe on their allowances, because those allowances don't amount to enough money to eat healthily, or buy and apply appropriate cleaning materials, and many are living in accommodation where they cannot socially isolate as they may want and need to. People who are destitute and/or undocumented and living in fear of what will happen to them if they identify themselves, cannot access healthcare, emergency shelter and food, nor report or seek protection from increasing levels of domestic violence or other abuses.

The TUC also believes that the proposals published in the Immigration and Social Security Co-ordination Bill will exacerbate the situation by increasing the ability for employers to exploit migrant workers and will also increase discrimination against Black communities in the UK .

The plans for the new visa system will also see the introduction of more document checks across society. This risks another Windrush scandal where people are denied access to employment, healthcare and housing if there are doubts about their documents in the post coronavirus environment. The government has also failed to guarantee the security of EU citizens in the UK once the transition period ends at the end of December 2020. This could mean millions of EU citizens in this country lose their legal status and their ability to claim rights at work, as well as access to healthcare and housing. Instead of additional visa restrictions for EU citizens and more document checks, we need a system that ensures all workers' rights are respected and everyone has access to healthcare, housing and employment.

### **Within the next 6 months**

We recommend that government should:

- decriminalise the offence of working without leave to remain, or beyond the restrictions of a visa
- separate migrant workers employment rights from their immigration status so that migrant workers are able to enforce their employment rights.

- allow asylum seekers who have been resident in the UK for six months and asylum seekers who have not been granted to leave to remain but cannot be returned to their country of origin the right to work.

## 9. Impact on women

The health, social and economic impacts of COVID-19 are highly gendered. The economic and health impacts of this crisis are most acutely affecting key workers and those employed on insecure contracts in shutdown sectors. These workers are more likely to be women.

Women are the vast majority of those working on the frontline of this crisis:

- Of the 3,200,000 workers at highest risk of exposure to COVID-19, 77% are women<sup>10</sup>
- Women work comprise 77% of healthcare workers,<sup>11</sup> 83% of the social care workforce<sup>12</sup>, 70% of those working in education<sup>13</sup> and \* in retail
- Mothers are more likely to be key workers than fathers or non-parents, 39% of working mothers were key workers before this crisis began, compared to 27% of the working population as a whole<sup>14</sup>.

Women are more vulnerable to economic hardship during this crisis than men. Women are the majority of those providing care, whether paid or unpaid, doing three times more unpaid caring than men<sup>15</sup>. They are more likely to be employed on insecure and zero-hours contracts than men, particularly BME and migrant women, and to be working part-time. Women are also more likely to be employed in service sectors that have been shut down because of social distancing measures, particularly younger women<sup>1</sup>. More women are dependent on the social security system than men and are living in an insecure housing situations, especially women on low-incomes and single mothers<sup>16</sup>.

Many of the measures the government have introduced to respond to COVID-19 have disproportionately impacted women. The closure of schools and childcare settings had an

<sup>10</sup> Autonomy (2020) Low paid workers bear brunt

<https://autonomy.work/portfolio/lowpaidworkersbearbrunt/>

<sup>11</sup> WBG (2020) Health and gender <https://wbg.org.uk/analysis/uk-policy-briefings/2019-wbg-briefing-health-and-gender/>

<sup>12</sup> Skills for Care (2019) The State of the Adult Social Care Sector and Workforce in England <http://bit.ly/31UezsV>

<sup>13</sup> DfE (2019) School workforce 2018 <https://www.gov.uk/government/statistics/school-workforce-in-england-november-2018>

<sup>14</sup> Resolution Foundation (2020) Risky business: Economic impacts of the coronavirus on different groups of workers <https://www.resolutionfoundation.org/publications/risky-business/>

<sup>15</sup> Dhar, D (2020) Kings College London: Women's unpaid care work has been unmeasured and undervalued for too long <https://www.kcl.ac.uk/news/womens-unpaid-care-work-has-been-unmeasured-and-undervalued-for-too-long>

<sup>16</sup> Womens Budget Group (2020) COVID-19 Briefing

immediate impact on parents' working lives. Many women working on the frontline are working atypical hours, trying to balance work with caring commitments in an environment where there are no childcare options outside of the normal 9am to 3pm school day. These parents have no right to paid parental leave in order to help juggle these their responsibilities.

Women working remotely are trying to balance the demands of work with full-time caring responsibilities, again without any paid leave to help do this. While the Job Retention Scheme has been invaluable for many workers, the lack of part-time furloughing options has denied parents the opportunity to share caring equally. This has forced many women temporarily out of the workplace and back into full-time caring roles, especially those with young or disabled children.

Women working on the frontline have had their health put at risk by a lack of government action. Many of those working in care homes or as cleaners have not been provided with personal protective equipment (PPE) while those that have been issued with PPE have frequently reported that it does not fit properly or that they are having to re-use single use equipment.

Women at risk of domestic abuse have also been affected by social distancing measures that isolate them with their abuser. We have seen a significant rise in domestic abuse and domestic homicides since lockdown began<sup>17</sup>. It is likely that some groups will be disproportionately affected. For example, disabled women are twice as likely as other women to experience domestic abuse<sup>18</sup>. After a decade of austerity, the Violence Against Women Sector who provide specialist support to women and children have been stripped of their means to meet the level of need emerging.

Travel restrictions and lockdowns are also having a devastating effect on women as they struggle to collect contraceptives and access other reproductive healthcare services, such as safe abortions<sup>19</sup>.

The gendered impacts of COVID-19 intersect with other characteristics such as age, ethnicity, disability, class and migration status resulting in different effects for different groups of women. Single mothers will also be particularly affected as their economic position is often more disadvantaged and, in some cases, financially precarious as they rely on one source of income. Migrant women who have lost their jobs and are subject to the no recourse to public funds condition will be unable to access the safety net offered by the government through the benefits system. This leaves these women and their families without the means to cover their housing costs or to feed their families, risking destitution, malnutrition and homelessness.

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<sup>17</sup> Home Affairs Select Committee (2020) Alarming signs of rising domestic abuse require urgent government response <https://committees.parliament.uk/committee/83/home-affairs-committee/news/146162/alarming-signs-of-rising-domestic-abuse-require-urgent-government-response/>

<sup>18</sup> <https://safelives.org.uk/knowledge-hub/spotlights/spotlight-2-disabled-people-and-domestic-abuse>

<sup>19</sup> Marie Stopes International (2020) Response to COVID-19 <https://www.mariestopes.org/covid-19>



We have particular concerns that the discriminatory treatment of women workers, particularly pregnant workers and migrant women, which has been exacerbated during COVID-19, could worsen once the Job Retention Scheme ends

### **Within the next three weeks**

We recommend that:

- government should follow through with their commitment to extend maternity redundancy protection period to 6 months after a new mother has returned to work.
- government should make clear to employers that pregnant women in public-facing roles have the right to suspension on full pay based on their usual earnings and close the loophole that means pregnant agency workers miss out on this pay. Employers must offer home working or other safe working conditions, or else suspend pregnant women on full pay.
- government should make part-time furloughing an option so that parents can equally share caring responsibilities.
- government should give an immediate and additional cash injection to ensure specialist services, particularly grassroots organisations, can meet increased levels of demand and provide the effective, lifesaving support women and children need.

### **Within the next 6 months**

- GEO should review and where necessary redraft the Gender Equality Roadmap to reflect the current context and include a clear timetable for delivery

## **10. Impact on disabled people**

Disabled people and those with long-term health conditions tend to have lower real incomes and higher costs than the general population. Even before the COVID-19 crisis, benefit cuts and austerity hit disabled people the hardest. Changes to the welfare system over the past ten years have left disabled adults four times worse off financially than non-disabled adults, according to research commissioned by the Disability Benefit Consortium<sup>20</sup>. Nearly half of those in poverty, 6.9 million people, are from families which include a disabled person.<sup>21</sup> Disabled members have voiced concerns the pandemic will

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<sup>20</sup> <https://www.disabilityrightsuk.org/news/2019/july/disabled-adults-four-times-worse-financially-non-disabled-adults-finds-new-dbc-report>

<sup>21</sup> <https://www.gov.uk/government/statistics/households-below-average-income-199495-to-201819>.

push more disabled workers and their families into poverty.

Research looking at the impact of the 2008-2009 recession shows that disabled employees were more likely to experience negative changes to terms and conditions and working practices, such as wage freezes, reduced overtime, and the reorganisation of work than non-disabled people during the recession. Economic downturns also have a disproportionate negative impact on the employment of disabled people, with research finding that during upturns disabled people are the last to gain employment, and during downturns they are first to be made unemployed.<sup>22</sup>

We are concerned that this experience may be repeated in the expected economic downturn caused by the COVID 19 crisis. Disabled people already face significant barriers in getting and keeping jobs, as evidenced by the disability employment gap which stands at almost 30%<sup>23</sup> The disability employment gap remains at a high rate despite the government's 2015 manifesto pledge<sup>24</sup> to halve it. Although no time frame was set for this, at the time of the pledge the employment gap was 34 percentage points, meaning that, far from halving, it has only shrunk by around one per cent a year since the government outlined its ambitions.

As a priority, government must take steps to ensure that disabled people are not unlawfully targeted for redundancy and that those who want to work are appropriately supported to do so.

At the best of times disabled members tell us they find it difficult to get, and keep in place, the reasonable adjustments they need to do their job. They tell us there are many reasons why their adjustments are hard to get, for example when their employers don't understand their legal obligations, and hard to keep in place particularly when their line manager or job role changes. In the current situation, these issues appear to have been exacerbated. We have reports from unions of disabled workers being targeted for selection for furlough rather than put the reasonable adjustments in place that they might need to work from home. Others have experienced failure to make reasonable adjustments when working from home.

Government urgently needs to develop and promote clear guidance for employers on their legal responsibilities in relation to reasonable adjustments for disabled workers who are required to work at home as a result of COVID 19.

Self-employed disabled workers have raised concerns that if they are forced to claim Employment Support Allowance or Universal Credit they will lose their Access to Work grant and have to start the long and arduous process of applying again. They have highlighted that this process is particularly difficult for freelancers and can take around

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<sup>22</sup> <https://www.disabilityatwork.co.uk/research-areas/in-work-disability-gaps/all-in-it-together-the-impact-of-the-recession-on-disabled-people/>

<sup>23</sup> [https://www.tuc.org.uk/sites/default/files/2019-11/Disability%20doc%20%28003%29%20%28003%29\\_2.pdf](https://www.tuc.org.uk/sites/default/files/2019-11/Disability%20doc%20%28003%29%20%28003%29_2.pdf)

<sup>24</sup> <http://ucrel.lancs.ac.uk/wmatrix/ukmanifestos2015/localpdf/Conservatives.pdf>

six weeks. Access to work grants are crucial for disabled people to overcome the barriers they face in accessing employment.

Existing government support for disabled people needs to be strengthened and adapted to ensure it appropriately meets their needs both currently and in the case of an expected economic downturn.

Concerns have been raised with TUC around the potential impact of the Coronavirus Act on disabled people's lives. Disabled union members fear that the legislation will effectively free local authorities of their duties to provide social care support under the Care Act 2014, and will only oblige local authorities to provide support and assistance in cases where the human rights of disabled people will be breached. Concern has been expressed that in order for disabled people's human rights to be found to have been breached in a social care context, the situation has to be very critical or severe.

Disabled workers and their unions have also voiced worries about the changes the Coronavirus Act has made to the Mental Health Act in relation to the reduction in the number of medical professionals needed for a person to be detained.

It is essential that these measures are only in force as long as is required during a period of national emergency. As soon as is practical they must be repealed. Government should also publish the equality impact assessment that was undertaken when drafting these measures so that disabled people are better placed to understand the likely impacts.

Unions have expressed concern about employers focusing exclusively on the groups listed as vulnerable by government and, as a result, forgetting to consider the their disabled employees who do not fall into the listed groups and the adjustments that they require. USDAW cited the example of a visually impaired member being required to continue in his normal role, even though he was unable to comply with social distancing requirements.

Concerns have also been raised around the effectiveness of the government's guidance in relation to the 'shielding' group. Unions noted that the guidance appeared to assume that those in this group were not working, which is not the case.

Disabled people are more than three times as likely to have to access food banks than non-disabled people<sup>25</sup>. It is therefore unsurprising that access to food has been a significant issue for disabled people during the current period. For those disabled people not in the shielding category this has been particularly challenging as they have experienced significant difficulties in accessing supermarket deliveries.

### **Within the next 6 months**

We recommend that Government, engaging with Disabled People's Organisations and

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<sup>25</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/coronavirusandthesocialimpactsondisabledpeopleingreatbritain/2020-04-24>

disabled individuals to ensure that the voice and experiences of disabled people are central to the process, reviews:

- Access to Work grants to take account of the current context with a view to improving resourcing and processes
- The implications of the increase in home working for disabled workers with a view to improving disabled peoples access to work.
- The steps necessary to effectively close the disability employment and pay gaps in the current context

This should inform the production of a timebound strategy which effectively addresses the inequalities that disabled people experience in the labour market.

## 11. Impact on LGBT+ people

We have had concerns raised with us around the impact on the mental health and wellbeing of LGBT+ workers who have been distanced from supportive community structures and face the lockdown period with hostile and discriminatory family members.

Social isolation and lack savings may mean that LGBT+ people have little option but to move back in with parents or family who are prejudiced or otherwise unaccepting of their identity. This is particularly likely to be the case for younger LGBT people.

LGBT+ organisations have highlighted the fact that LGBT+ people are also more likely to experience domestic violence and have fewer support services to access around this issue.<sup>26</sup>

LGBT+ support organisations have seen increased contact in relation to domestic abuse and violence with the LGBT Foundation reporting a 30% increase in calls relating to this to their helpline.

### **In the next 6 months**

We recommend that:

- Government provide appropriate funding for LGBT+ services supporting people experiencing domestic abuse and violence.
- Prioritise work to address homophobia, biphobia and transphobia given the current levels of hostility faced by LGBT+ people

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<sup>26</sup> <https://lgbt.foundation/coronavirus/impact>

