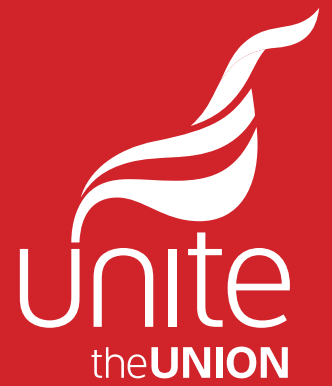


ACTION ON COVID-19: MAKING SURE YOUR WORKPLACE IS FAIR FOR ALL



Unite the union guide to workplace
equality impact assessments





Action on COVID-19: Making sure your workplace is fair for all

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Introduction

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

In order to meet these priorities, it is essential to ensure a Workplace Equality Impact Assessment is carried out, alongside a Workplace Health and Safety Risk Assessment, redundancy mitigation and protection of fair pay and conditions. This is both to check that ALL members are safe, their jobs and income protected, and also to identify where action is needed to protect everyone from discrimination, violence and harassment, inequality, unfair pay, exclusion and under-representation.

COVID-19 is exposing inequality

Unite is very concerned that without action following Workplace Equality Impact Assessments, basic equalities and human rights are being further eroded during the COVID-19 pandemic. Women and Black & Asian ethnic minority (BAEM) workers are the majority of workers on the frontline in the crisis including NHS and social care workers, hospitality workers, retail, supermarket checkout workers and transport workers; they have also suffered disproportionately from austerity policies, as have disabled people and support for LGBT+ equality; and it is clear this is having a major impact.

Here are some examples:

- BAEM people are dying in disproportionate numbers as a result of COVID-19 and there has been a rise in racist attacks across the world.
- Pregnant women, already identified as a vulnerable group for COVID-19, are not all receiving their right to maternity suspension on 100% pay, and face additional threats of being selected unfairly for redundancy or dismissal.
- Where it is available, personal protective equipment usually designed by men for "average" men does not fit and protect women and all workers who don't come in "standard" sizes.
- Women are continuing to carry out most of the housework, childcare and caring at home, including home schooling, and as a result – without childcare support or schools operating – are often experiencing severe pressure including the threat of losing their job.
- A rise in domestic abuse towards women during lockdown.
- Workers on zero hours/precarious contracts are particularly at risk of losing their job.
- Workers living with conditions such as cancer, heart disease, diabetes, HIV, sickle cell and thalassaemia who are needing to self-isolate or shield need their income and their job protected, as well as their safety when at work.
- Disabled workers, including workers with invisible disabilities, may need additional protections and adjustments working from home, or when returning to work.
- LGBT+ workers – closures and threats to LGBT+ support services are causing particular hardship, and it has been reported that crises such as COVID-19 can deepen existing inequalities faced by LGBT+ workers, including discriminatory attitudes and "coming out" under lockdown.
- Migrant domestic workers, already vulnerable because of visa restrictions are at increased risk, being on the front line providing care, child care, and cleaning and facing dismissal because of COVID-19 threatening their immigration status.



- BAEM and migrant women experience higher rates of domestic homicide. Cuts to the public services, the reduction in funding to specialist BAEM women's services and the government's hostile environment policy have rendered BAEM women more vulnerable to domestic and sexual abuse and less likely to report violence, leave abusive relationships and access counselling and recovery services.
- In the Health sector migrant nurses report being asked to work on COVID-19 wards without extra training or risk assessment and feeling unable to say no.
- There has been a rise in race and religious hate crime since the Brexit referendum and further reported spikes in race crimes during the pandemic with specific nationalities being blamed for the spread of Coronavirus and subjected to horrific abuse and physical attacks. In public transport
- Gender and race segregation in employment persists with barriers to employment continuing – recent ONS estimates of the number of people aged 16 years and over in employment by occupation, sex and ethnicity, UK, January to December 2019¹ show that white men continue to dominate in professional, skilled and management positions across industry, while 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.
- There will be an urgent need to support workers who have suffered from COVID-19 and who are suffering post viral fatigue syndrome (usually known as M.E.) to ensure that they are not discriminated against. Action for ME has produced a useful leaflet M.E. and work which can be found here <https://www.actionforme.org.uk/uploads/me-and-work.pdf>

COVID-19, Equality and health and safety in the workplace

Measures to protect health and safety in response to COVID-19 can also lead to important equality concerns. For example:

- A person who relies on lip reading will face communication difficulties when others are wearing a mask at work and this may impact on theirs and others' safety at work, add to their anxiety and affect their health.
- Wearing a mask may also create health problems for people with asthma.
- Sexual and racial harassment are discriminatory but may also impact on the health and safety of workers.
- The continuing lack of appropriate PPE for women workers is discriminatory as well as putting workers' lives at risk.

Unite is calling for Action on Equality NOW!

Unite's COVID-19 Equality Checklist² for Equality calls on Unite reps to check:

- Have you checked all members' safety, jobs and pay?
- Have you checked parents and carers' safety, jobs and pay?
- Have you taken action to prevent COVID-19 intensifying discrimination?
- Have you taken action to protect members' safety and wellbeing at home?

1 <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/adhocs/11891estimatesofthenumberofpeopleaged16yearsandoverinemploymentbyoccupationsexandethnicityukjanuarytodecember2019>

2 <https://unitetheunion.org/media/3106/unite-next-steps-COVID-19-equalities-checklist2.pdf>

Good equality practice in the workplace

- ▶ Make sure your employer has an equal opportunities policy in place that has a commitment to equal treatment, which at minimum should include all the protected characteristics covered by the Equality Act.
- ▶ There should be a policy covering bullying and harassment which makes clear that the employer will not tolerate such behaviour in the workplace.
- ▶ There should be regular training of all staff to make them aware of the importance of equality and respect for diversity in the workplace.
- ▶ More detailed training may be required for managers on particular issues such as reasonable adjustments for disabled people, avoiding discrimination in recruitment and selection, dealing with bullying and harassment, or the requirements of the equality duty if working for a public body.
- ▶ Regular monitoring of the workforce should be undertaken. As well as composition of the workforce, ideally it would also cover applicants, appointments, starting salaries, performance assessments, training, grievances and disciplinary cases, and leavers.
- ▶ The union can assist with getting good return rates from monitoring by enabling consultation with the workforce before it is undertaken, ensuring the questions asked are appropriate and that the workforce understands why the information is being gathered, and what will happen as a result.
- ▶ At minimum, monitoring should be by race, gender, age and disability. Particular care should be taken when monitoring by sexual orientation or gender identity. Lesbian, gay, bisexual and transgender (LGBT+) workers frequently experience harassment at work and in some workplaces there will be real concerns about how the information is going to be used and how confidentiality is going to be guaranteed. The risks of a breach of confidentiality are particularly high for a transgender person. Note that it is an offence under the Gender Recognition Act 2004 to reveal the previous gender identity of someone who has been through gender reassignment and has a gender recognition certificate.
- ▶ Information from monitoring and staff surveys should be acted upon and not gathered for its own sake. Ask to see the data and feedback and what action the employer plans to take as a result. For example, if it is evident that BAEM staff are not progressing, then the training, development and promotion structures should be checked for discrimination and positive action measures may be considered to address the problem. Talk to BME members and get their views.
- ▶ Press employers to carry out equal pay audits on a regular basis to check for any unjustified gender and equality pay gaps. Ensure the results are shared with you and action is taken to address any unjustified gaps.
- ▶ Press employers to audit their policies on a regular basis, checking for any disproportionate negative impact or potential impact on particular groups and amending them if a policy or practice cannot be objectively justified.

- ▶ If a new pay structure or employment policy is proposed, get the employer to consider at an early stage the impact it will have on different groups. Speak to members about the proposals and whether there is any potential negative impact. If there is evidence of disadvantage for some groups, press the employer to amend the proposals or put in place measures to mitigate any negative impact. Remember, if you are dealing with a public body, that the equality duty should require this.
- ▶ Ensure policies on family-friendly leave are inclusive and reflect the diverse range of families that exist. Such policies and benefits should make clear that they apply to same-sex couples and parents.
- ▶ Flexible working opportunities should be made available to all workers. Flexible working is not just for women with young children: it can be important in advancing equality of opportunity for disabled workers, carers and older workers as well. Plus, if it is available to everyone it is more likely that the culture of the workplace and the design of jobs will change to meet demand for flexible working, so those who really need it will be more likely to get it.
- ▶ Ensure interview and promotion panels are diverse and that all who sit on them have been given equality and diversity training.
- ▶ With the removal of the default retirement age, talk to members about their concerns around retirement, and consider negotiating flexible retirement options for older workers.
- ▶ Consider dress codes, facilities, working time and leave policies and whether these should be amended to accommodate the requirements of different religions. Some accommodation may be necessary if current arrangements put particular religious groups at a disadvantage and it could be difficult to justify them as a proportionate means of meeting a legitimate aim.

Source: TUC Equality: Practical Advice (2012)³



³ <https://www.tuc.org.uk/research-analysis/reports/equality-practical-advice>

Workplace Equality Audits – the first step to Workplace Equality Impact Assessments

Unite's policy is ensure that equality is integral to all workplace activity and practices. Unite Equality Representatives and workplace reps/shop stewards can carry out an Equality Audit to help identify issues for bargaining agenda. Carrying out a workplace equality audit is an important first step towards encouraging your employer to carry out workplace equality impact assessments.

Listening to members' issues and concerns combined with surveying, mapping and carrying out a workplace equality audit, Union Equality Representatives can identify equality issues which need to be brought to the shop stewards' and safety representatives' attention and then included in negotiations on new policies or updating existing ones, for example:

- ▶ Pay bargaining – equal pay, age-related pay rates, pay and progression for BAEM workers.
- ▶ Health and safety including COVID-19, women and gender, disability adjustments, health screening, breast and cervical cancer, sickle cell and thalassaemia.
- ▶ Languages – sign language, ESOL, interpreting, translating and basic skills.
- ▶ Pensions to ensure all are covered – part timers, women, young workers, same sex partners.
- ▶ Working time – BAEM women, part time, shift work and overtime allocation, and flexible working for those with caring responsibilities and as a disability access adjustment.
- ▶ Training – workplace and union education.
- ▶ Dignity at work – zero tolerance to all forms of harassment.
- ▶ Family policies – representing all families.

Please refer to Unite's template Equality Audit at Annex 1 and Unite Work, Voice, Pay advice on conducting surveys at Annex 7.

Unite believes that an integrated approach to equality in the workplace could be transformative, and working with the employer to carry out and implement Equality Impact Assessment (EQIAs) is an important step towards this. This guide seek to make this connection with a view to taking action on issues of concern, building on the joint expertise of our workplace, union equality and health and safety representatives to find workplace solutions.

The abbreviation for Equality Impact Assessment used in this Unite Guide is EQIA. You will see that in some of the examples and templates included the abbreviation EIA is also used, and means the same thing in this context.



What are Equality Impact Assessments – EQIAs?

An equality impact assessment is a process for checking whether a policy, procedure or action discriminates against or disadvantages people who are protected against discrimination under the Equality Act 2010 because they have a 'protected characteristic' under the law – see below.

An equality impact assessment needs to include identifying which policies, procedures or actions are being checked for any direct or indirect discrimination, or risk of harassment, and how this will be done. Usually it is done through collecting and analysing information in response to a series of questions.

Discrimination and harassment at work are unlawful, and while there is not a specific legal requirement to carry out EQIAs in all workplaces, when discrimination takes place employers need to demonstrate the steps they have taken to prevent it. Unite believes that all employers should carry out EQIAs in discussion with Unite representatives and members.

Equality Impact Assessments and Public Sector Duty under the Equality Act 2010

Please see Annexes 2 and 3 for more detail on the Equality Act 2010 public sector duty. EQIAs, and human rights, and a sample letter to a public authority.

Equality Act 2010

Under the Equality Act employees are protected from discrimination at work.

What are 'Protected Characteristics'?

It is against the law to discriminate against someone because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sex or sexual orientation.

What are the types of discrimination?

There are four main types of discrimination.

Direct discrimination

This occurs when some is treated less favourably than another person because of a protected characteristic.

Indirect discrimination

This occurs when there is a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

Harassment

This occurs when you are treated in a way that violates your dignity, or creates a hostile, degrading, humiliating or offensive environment.

Victimisation

This may occur if you are treated unfairly for taking action under the Equality Act, such as making a complaint of discrimination), or supporting someone else who is doing so..⁴

⁴ See Equality and Human Rights Commission website accessed 13 July 2020
<https://www.equalityhumanrights.com/en/advice-and-guidance/your-rights-under-equality-act-2010>

Workplaces and EQIAs

This Guide is adapted for workplaces from the principles set out in the Equality Act and associated Equality and Human Rights Commission guidance to assist union equality reps, workplace reps and safety reps in working together for equality, fair pay and conditions, health, safety and in their workplace.

How to approach workplace equality impact assessments

Once you have carried out the workplace equality audit, you should approach your employer to carry out EQIAs on workplace agreements, policies and practices.

Most if not all Unite workplaces will have negotiated agreements, policies and practices on a range of issues such as:

COVID-19 including workplace safety and health, safe return to work, caring for a vulnerable person, caring for children

Furlough policy using the Job Retention Scheme

Disability equality

Mental health

Sickness absence and return to work

Bullying and harassment

Violence

Sexual, racial, disability, LGBT+ harassment

Family friendly policies and flexible working

Pregnancy and maternity leave and pay

Paternity leave and pay

Health and safety including BAEM, LGBT+, disability and gender responsive policies

Risk assessments

Stress

Pay

Job security

Redundancy

Menopause

Menstruation and providing sanitary products

Access to toilets and washing facilities

Domestic violence and abuse

Working hours

All these policies should be reviewed regularly and specify in them the date for the next review. It makes sense, as situations will change. This should include the EQIA approach described below.

A policy or practice which proactively considers equality, particularly through the use of evidence (for example workplace surveys) is likely to be better in the sense that it is more responsive to the needs of all those affected. This is a potential win for Unite. Some examples of union surveys and checklists are included in the annexes to this document.



Assessing the impact of policies or practices

Unite is urging that employers take these proactive steps in consultation with Unite representatives, and that EQIAs in all workplaces should become a legal requirement. Many of these steps will already be familiar to Unite reps who have experience of reviewing workplace policies; the difference is the equality element. It is an ongoing process of engagement right from the start and kept under continuous review. It is essential that the process should be objective and evidence based.

The COVID-19 health emergency is a rapidly changing situation requiring equality policies and procedures to be reviewed and revised as necessary, as health and safety policies and procedures develop, for example in relation a safe return to work and in considering groups of workers with vulnerabilities.

Use your rights

Unite safety representatives can use their rights to request from their employer copies of EQIAs associated with health and safety policies and procedures when carrying out their inspections and investigations.

Unite shop stewards and workplace representatives can use their rights to request information from the employer on equality at work.

Unite equality representatives do not have statutory rights to time off, training or facilities in the workplace and these need to be negotiated by Unite. However, their skills and activities are recognised in various official guidance and statutory codes of practice, for example the ACAS guide **Trade union representation in the workplace**⁵, the EHRC Employment Statutory Code of Practice⁶ and the EHRC Equal Pay Statutory Code of Practice⁷.

The EHRC in Wales has produced a guideline **Equality Impact Assessments: Myth Busters**⁸ which Unite representatives may find useful when framing arguments to support their request for workplace EQIAs though be aware that these are written with public sector bodies in mind. This is included at **Annex 4**.

⁵ <https://archive.acas.org.uk/media/2307/Advisory-booklet---Trade-union-representation-in-the-workplace/pdf/Trade-Union-Representation-in-the-Workplace.pdf>

⁶ <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>

⁷ <https://www.equalityhumanrights.com/sites/default/files/equalpaycode.pdf>

⁸ <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-impact-assessments>

Unite's proposed 9 step approach to workplace EQIAs

In discussion with Unite equality, workplace and health and safety representatives employers are requested to:

STEP 1

Convene a joint union/employer EQIA task group which should involve senior management and include Unite workplace, equality and safety representatives and fully reflect the diversity of the workforce, with access to training and trade union education. Unite representatives will keep in contact with and report back to their members at all stages. The employer will grant paid facility time for all trade union representatives involved in the EQIA process. All members of the task group will receive training in EQIAs and will have access to trade union training.

STEP 2

Identify the policies and procedures and assess the equality impact of applying a new or revised policy, or procedure before it is decided upon and adopted. This includes understanding the purpose of the policy, the context in which it will operate, who it is intended to benefit and the results aimed for. A good time will be during the development of a new policy or when reviewing an existing policy. Consider whether there is overlap with other policies for example equality/health and safety which may also need action.

STEP 3

Collect the evidence

In making the assessment, consider relevant evidence relating to persons who share a protected characteristic – including Women, BAEM, LGBT+, Disabled workers. Unite Equality Reps and Safety Reps can use meetings with members, surveying, equality mapping and other techniques to supply evidence. Safety reps may collect such evidence as part of their usual activity in the course of inspections or investigating members' concerns. **Note that data protection requirements must be complied with.**

National data and statistics and external research are examples of other crucial evidence. Also consider if there are any gaps in the evidence. Is it necessary for research to be commissioned?

STEP 4

Consider the whole equality picture

Diversity within, as well as between, groups sharing a protected characteristic should be taken into account, for example considering the situation of BAEM women, people with different disabilities, or people from different racial groups.

STEP 5

Information and training

Consider the impact of a policy or procedure on training and development of staff. Provide information and training for all staff on the new policy or procedure with emphasis on equality impacts. Unite can help to develop such training in workplaces.

STEP 6

Draw up an action plan to apply the findings of the assessment

When developing a policy or practice take account of the results of any assessment in respect of that policy or practice.

STEP 7

Sign off the EQIA

STEP 8

Publish the EQIA

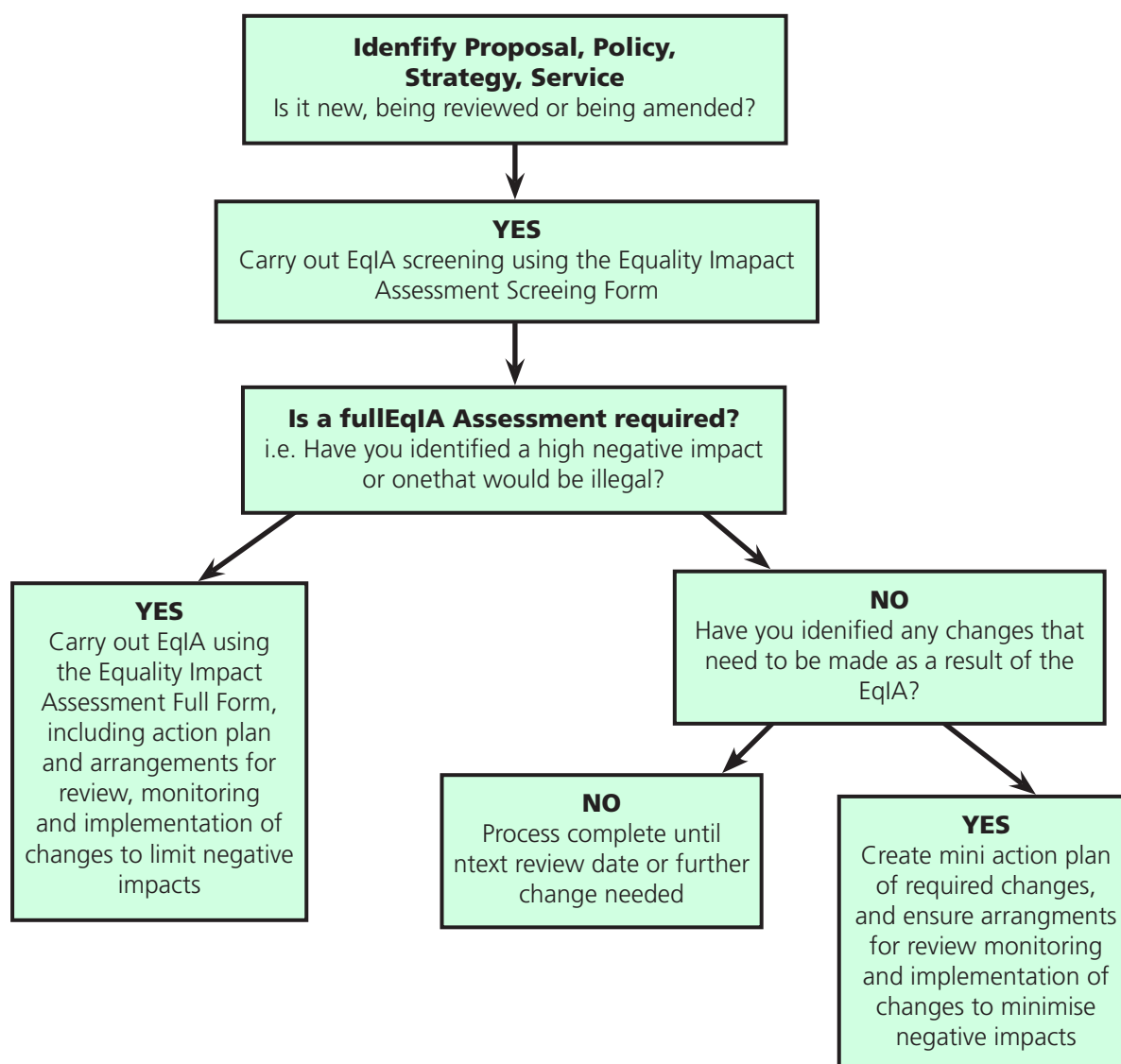
Publish the results within a reasonable time to the whole workforce any assessments where they decide to apply the policy or practice in question.

STEP 9

Monitor and review the EQIA – and the policy

Make arrangements to review and where necessary revise any policy or practice, taking into account equality issues.

Flowchart of EqlA process



This is an example of a flow chart for the EQIA process which has been extracted from the Black Country Partnership NHS Foundation Trust's EQIA document⁹.

See also Annex 5 for an example of a Template Equality Impact Assessment which can be adapted for use in your workplace, and also another flowchart.

⁹ <https://www.bcpft.nhs.uk/documents/about-us/equality-and-diversity/equality-impact-assessments/42-bcp-corp-0911-equality-impact-assessments-the-process-draft/file>

COVID-19 Equality and Health and safety risk assessments

The recommended approach to carrying out risk assessments mirrors to a great extent the EQIA process outlined above. Unite representatives may find this a useful reminder as well as considering this alongside equality issues to ensure that all workers are protected – and risk assessments are a legal requirement.

Under the **Management of Health and Safety at Work Regulations 1999**, employers must, in consultation with Unite safety representatives:

- Identify what could cause injury or illness at work (hazards).
- Decide how likely it is that someone could be harmed and how seriously (the risk).
- Take action to eliminate the hazard, or if this isn't possible, control the risk.
- Record their findings.
- Keep the control measures under review.

In addition employers must provide information, instruction and training for their employees on health and safety at work, and this would include sharing the risk assessment with the workers concerned.

Workplace risk assessments must be carried out on a very wide range of issues including specific work processes, equipment, hazardous substances [under the Control of Substances Hazardous to Health Regulations 2002], workplace transport, working hours and shift work, and of course COVID-19, to name just a few.

Employers must carry out a specific COVID-19 risk assessment in which they should:

- Identify what work activity or situations might cause transmission of the virus.
- Think about who could be at risk.
- Decide how likely it is that someone could be exposed.
- Act to remove the activity or situation, or if this isn't possible, control the risk.
- Keep the control measures under review.

The Equality and Human Rights Commission has published 'Coronavirus (COVID-19) guidance for employers'. It warns against making decisions based on protected characteristics, for example who to bring back to the physical workplace, who gets extra hours or who is made redundant.

The guidance also emphasises the need to take into account the needs of individual employees, such as:

- Setting up workstations, shifts and home working according to their needs.
- Updating risk assessments to consider the disproportionate impact of COVID-19 on specific groups such as ethnic minority, pregnant and older workers, and how to mitigate these risks.
- Implementing or expanding flexible working options to meet the needs of employees. This could include those with parenting or caring responsibilities who may have lost their childcare arrangements. Assumptions should not be made that remote working suits everyone.
- Communicating with employees by involving them in the decision making process.



- Paying attention to specific communication needs such as those on maternity leave, disabled employees, or ethnic minority staff who may wish to raise concerns about the disproportionate impact of COVID-19.
- Having conversations about updating risk assessments, wellbeing, mental health and employees' ability to carry out their job.

The guidance also recommends recording decisions and tracking their impact.

The guidance is here: <https://www.equalityhumanrights.com/en/advice-and-guidance/coronavirus-COVID-19-guidance-employers>

Equality and diversity considerations when carrying our risk assessments

It is essential that equality and diversity issues are taken seriously and employers have a positive commitment when it comes to occupational health and safety.¹⁰

Unite representatives are encouraged to work with their employer with a view to:

Generally

- Avoiding making prior assumptions about what the hazards are and who is at risk.
- Valuing the diverse workforce as an asset (and not as a problem).
- Considering the entire workforce, including cleaners, receptionists, maintenance workers, temporary agency workers, part-time workers, etc.
- Adapting work and preventive measures to workers. Considering the needs of the diverse workforce at the design and planning stage, rather than waiting for a disabled/older/ migrant worker to be employed and then having to make changes.
- Linking occupational safety and health into any workplace equality actions, including equality plans and impact assessments and non-discrimination policies.
- Providing relevant training and information on diversity issues regarding safety and health risks to risk assessors, managers and supervisors, safety representatives, etc.
- Providing adequate occupational safety and health training to each worker; tailoring training material to workers' needs and specificities.

Risk assessments

- Carrying out and implementing Inclusive risk assessments which take a participatory approach, involving the workers concerned and based on an examination of the real work situation.
- Carrying out and implementing risk assessments to make the workplace 'COVID-secure'.
- Carrying out, updating and implementing risk assessments to consider the disproportionate impact of COVID-19 on specific groups such as ethnic minorities, clinically extremely vulnerable employees (people at extremely high risk), clinically vulnerable employees (people at moderate risk); employees living with/caring for the vulnerable or extremely vulnerable, older employees, pregnant and older workers, and employees who are suffering from domestic abuse and putting in place measures to mitigate these risks.

¹⁰ Adapted from the EU-OSHA factsheet No 87 Workforce Diversity and Risk Assessment

- Recognising that a risk assessment for categories of workers at increased risk that eliminates risks and tackles hazards at source will benefit all workers (regardless of age, gender, nationality and size). Examples of measures that could benefit the whole workforce include the following:
 - Installing adjustments to premises or workstations (to accommodate workers with disabilities, older workers, etc.), for example, ramps, lifts, light switches and steps edged with light paint, etc.
 - Adopting more ergonomic tools and instruments (that can be adapted to the specificities of each worker regardless of their size and characteristics). This will mean the job or task can be done by a wider range of workers (women, older workers, short men, etc.), for example due to a decrease in the amount of physical strength required.
 - Providing all health and safety information in accessible formats (with the aim of making this information more comprehensible to migrant workers and workers with learning difficulties and visual impairments).
 - Developing methods and strategies to retain older shift workers in particular; these strategies will benefit all workers (regardless of age) and make shift work more attractive for new employees. It is also crucial to consider and act upon the effect on women and carers of staggering working times and shifts to facilitate social distancing.
- Whenever a company or an organisation makes changes to the physical environment of the workplace, or buys new equipment, including personal protective equipment it is essential to ensure that those changes or purchases are also suitable for the diversity of the workforce.
- If the company or the organisation is not competent to deal with the risks of a specific group of workers, it is important to seek advice. This may be provided by occupational safety and health services and authorities, health professionals, safety professionals and ergonomists, disability or migrants' organisations, LGBT+ organisations etc.
- For any preventive action to be effective, it is essential to involve the whole range of those directly concerned: workers and Unite representatives and joint health and safety committees, management, occupational safety and health experts, contractors or subcontractors, etc.

Unite BAEM COVID-19 Health and Safety Guide

This emphasises the need for BAEM-sensitive and BAEM-responsive risk assessments. Its recommendations include:

- Setting up a specific task group to manage BAEM-sensitive issues including senior management and Unite reps.
- Additional control measures including taking in to account specific vulnerabilities when returning to work; working from home if possible, flexibility in start and finish times. Temporary redeployment without loss of pay or benefits, and providing counselling services.

It refers to a useful Welsh Government All Wales Workforce Risk Assessment tool which has been developed to help people working in the NHS and Social Care in Wales to see if they are at higher risk of developing more serious symptoms if they come into contact with the COVID-19 virus and identify what action needs to be taken to protect them.

<https://gov.wales/sites/default/files/publications/2020-06/COVID-19-workforce-risk-assessment-tool.pdf>

The Unite BAEM COVID-19 Health and Safety Guide is here:

<https://unitetheunion.org/media/3151/203-baem-COVID-19-hsguide-20-07-08d.pdf>

Personal protective equipment (PPE)

The lack of PPE or lack of suitable PPE has become central to the current health crisis. As one health worker, quoted in the Guardian, said:

“PPE is designed for a 6 foot 3 inch bloke built like a rugby player.”¹¹

PPE is at the bottom of the ‘hierarchy of control’ when implementing risk assessments as the priority is to eliminate the hazard (ie other control measures must be applied first with a view to eliminating the hazard).

The European Agency for safety and health OSH Wiki website comments:

..the design of Personal Protective equipment (PPE), often designed by men with men in mind,... has proved too large for many women. Where good fit is essential for effective protection (e.g. much respiratory protective equipment) this difference can have serious consequences. Even where a good fit is less important for effective protection a poor fit can have an adverse effect on comfort, which may reduce the willingness of workers to wear them. Simply scaling the design down does not always solve the problem – because women often have different facial shapes, not just sizes.¹²

Unite is clear that no work should start without an up to date risk assessment in place, including the procurement and use of PPE where and when appropriate, and has published a Risk Assessment and Procedures COVID-19 leaflet. This includes checklists of what needs to be discussed by a joint workplace task group and action to be carried out in workplaces.

The Health and Safety Executive has published a generic risk assessment template which is a useful reference tool but it does not specifically cover equality and diversity issues.

Unite safety representatives have a range of powers in the workplace and are in a strong position to use these to ensure that the employer takes the correct action to protect Unite members in their workplace, particularly during this public health emergency.

Health and safety and equality – some more resources for Unite representatives

The TUC Gender and health and safety checklist (see Annex 6)

People come in all shapes and when it comes to health and safety the “one size fits all” approach just does not apply. Nowhere is that clearer than when we are looking at gender.

Considering gender in health and safety is a very real and important issue in every workplace. The TUC gender checklist provides a prompt to encourage union representatives to pursue issues around gender in the workplace and bring together equalities work and health and safety work. By ensuring that employers take action on the issues, you can make a real difference to the health, safety and welfare of women.

¹¹ <https://www.theguardian.com/world/2020/apr/24/sexism-on-the-COVID-19-frontline-ppe-is-made-for-a-6ft-3in-rugby-player> accessed 14 June 2020

¹² EU-OSHA <https://oshwiki.eu/wiki/Anthropometry> accessed 14 July 2020

There are other union techniques that will help, such as body-mapping, surveys and risk-mapping. These are successful tools that many unions have used to help address gender issues in health and safety and you can get more information on these on the TUC and Hazards Magazine websites.

The checklist is not intended to be a comprehensive list of specific issues relating to gender, but instead some suggestions of what union health and safety representatives should look at to make sure that the relevant issues in the workplace are identified and addressed in a gender responsive way.

It should be used in combination with the guidance that is found in the TUC booklet “Gender in occupational safety and health”.

Unite Disability Equality at Work Negotiators’ Guide

Has a number of checklists and a model agreement to assist in negotiating on behalf of disabled workers.
<https://unitetheunion.org/media/1461/disability-equality-at-work.pdf>

Unite health and safety guide 2018

The book covers a range of health and safety issues including Unite safety representatives’ rights. There is a chapter on disability and health and safety including the need to ensure that risk assessments take account of the specific needs of disabled workers. The book includes a disability action checklist for safety reps and equality reps. There is also a chapter on gender and health and safety.

<https://resources.unitetheunion.org/media/907/Unite-health-and-safety-guide.pdf>

The European Agency for Safety and Health (EU-OSHA)

EU-OSHA has done considerable work on occupational health and safety and equality. It has published reports and several useful factsheets on Disability Risk Assessment, Gender and Risk Assessment and Diversity and Risk Assessment. A recent factsheet, Vulnerable Workers and Dangerous Substances (2019)¹³ covers new and young workers, migrant and temporary workers, workers with medical conditions, pregnant and breast feeding workers, and workers in service occupations and gender issues.



¹³ https://osha.europa.eu/sites/default/files/publications/documents/Vulnerable_workers_EN.pdf

Selected sources of further information

Unite equalities

COVID-19 Checklist for action

<https://unitetheunion.org/media/3106/unite-next-steps-COVID-19-equalities-checklist2.pdf>

Equality representatives' Handbook

<https://unitetheunion.org/media/2318/union-equality-representatives-handbook-june-2018.pdf>

Zero tolerance guide (preventing bullying and harassment)

<https://unitetheunion.org/media/2476/zero-tolerance-guide.pdf>

Women's health, safety and wellbeing at work

<https://unitetheunion.org/media/1480/womens-health-safety-well-being-at-work-unite-guide.pdf>

BAEM COVID-19 Health and Safety Guide

<https://unitetheunion.org/media/3151/203-baem-COVID-19-hsguide-20-07-08d.pdf>

LGBT+

<https://unitetheunion.org/what-we-do/equalities/sectors/lesbian-gay-bisexual-trans-plus/>

Trans equality at work

<https://unitetheunion.org/media/2511/trans-equality-at-work-guide.pdf>

Mental health guide for reps and negotiators

<https://resources.unitetheunion.org/media/1713/1713.pdf>

Disabled members

Disability Equality at Work

<https://unitetheunion.org/media/1461/disability-equality-at-work.pdf>

Domestic violence and abuse

This is posted on the Unite Covid-19 webpages at

<https://unitetheunion.org/campaigns/coronavirus-covid-19-advice/>



Unite health and safety

COVID-19 advice

<https://unitetheunion.org/campaigns/coronavirus-COVID-19-advice/>

Risk assessment and procedures COVID-19

<https://unitetheunion.org/media/3207/009-riskassessments-2020-07-13-v05e.pdf>

All COVID-19 H&S docs are on here:

<https://unitetheunion.org/campaigns/coronavirus-COVID-19-advice/>

Health and Safety Guide

<https://resources.unitetheunion.org/media/907/Unite-health-and-safety-guide.pdf>

Includes chapters on gender and disability health and safety and the TUC gender and health and safety checklist and a disability action checklist for safety reps and equality reps.

Work, voice, pay

<https://unitetheunion.org/work-voice-pay/>

Guide to using surveys

<https://unitetheunion.org/media/1250/surveys-guide.pdf>

TUC

Equality Duty Toolkit

https://www.tuc.org.uk/sites/default/files/extras/equality_toolkit.pdf

Gender in occupational safety and health

<https://www.tuc.org.uk/sites/default/files/GenderHS2017.pdf>

Personal protective equipment and women

<https://www.tuc.org.uk/research-analysis/reports/personal-protective-equipment-and-women>

Domestic abuse and coronavirus

<https://learning.elucidat.com/course/5e875ae4d0715-5e8c6417dfc28>

Care Quality Commission (example of a COVID-19 EQIA)

https://www.cqc.org.uk/sites/default/files/20200526_coronavirus_regulatory_response_eia.pdf

Equality and Human Rights Commission (GB) please see Annex 2

ACAS

Coronavirus (COVID-19) advice for employers and employees

<https://www.acas.org.uk/coronavirus>

Sick pay for self-isolation during coronavirus

<https://www.acas.org.uk/coronavirus/self-isolation-and-sick-pay>

Shielding and vulnerable people

<https://www.acas.org.uk/coronavirus/vulnerable-people-and-high-risk>



Health and Safety Executive

Coronavirus advice

<https://www.hse.gov.uk/coronavirus/index.htm>

Talking with your workers about preventing coronavirus

<https://www.hse.gov.uk/coronavirus/assets/docs/talking-with-your-workers.pdf>

Protecting vulnerable workers during coronavirus

https://www.hse.gov.uk/coronavirus/working-safely/protect-people.htm?utm_source=govdelivery&utm_medium=email&utm_campaign=coronavirus&utm_term=vulnerable-1&utm_content=stakeholder-6-jul-20

Template: What to include in a COVID-19 risk assessment

<https://www.hse.gov.uk/coronavirus/assets/docs/risk-assessment.pdf>

Vulnerable workers webpages including older and younger workers, migrant workers, gender, disability, agency and temporary workers and new and expectant mothers.

<https://www.hse.gov.uk/vulnerable-workers/index.htm>

NHS Staff Council Health, Safety and Wellbeing Partnership Group

Domestic Violence and abuse: supporting NHS staff (2017)

https://www.nhsemployers.org/-/media/Employers/Publications/Health-and-wellbeing/HSWPG_DV_Policy-document.pdf

Maternity Action

FAQs: COVID-19 – rights and benefits during pregnancy and maternity leave

<https://maternityaction.org.uk/covidmaternityfaqs>

European Agency for Safety and Health

Gender issues in safety and health at work

<https://osha.europa.eu/en/publications/factsheets/43>

Workforce diversity and risk assessment. Ensuring everyone is covered.

https://osha.europa.eu/sites/default/files/publications/documents/en/publications/factsheets/87/en_87.pdf

Vulnerable workers and dangerous substances

https://osha.europa.eu/sites/default/files/publications/documents/Vulnerable_workers_EN.pdf

UNITE EQUALITY AUDIT - CURRENT WORKFORCE

This is an example of a basic form to conduct an equality audit of the workplace and identify potential discriminatory practices and issues to address

Annex 1

Unite Equality Audit Templates

Number of Workers								
Grade	Men	Women	Black, Asian & Ethnic Minority Workers	Disabled Workers	Age 25 and under	Age 50+	Part-time workers	Total
							Men Women	

*An equality audit needs to include relevant information for your workplace. Therefore, you may need to add columns to include e.g. Migrant Workers, Agency Workers, LGBT Workers or specific religions.

MONITORING RECRUITMENT, SELECTION, TRAINING AND PROMOTION

This is an example of a basic form to monitor equality in recruitment, selection, training and promotion and to identify issues to address

JOB/TRAINING APPLICATION

[illegible]

M = Men **W** = Workers **BAEM** = Black, Asian and Ethnic Minorities **D** = Disabled

50 = Aged 50 or over **25** = Aged 25 or under



Annex 2

The Equality Act 2010: The public sector equality duty

This section is included to provide the context to the public sector equality duty and also provide information for Unite members who may wish to ask their local authority or other public body for EQIAs relating to their activities.

A template letter is included at Annex 3 to assist members wishing to make such a request.

The public sector duty was created by the Equality Act 2010 and replaces the previous race, disability and gender equality duties. The duty came into force in April 2011 and covers age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. It applies in England, Scotland and in Wales. It applies to public authorities and is set out in section 149 of the Equality Act. In summary, those subject to the general equality duty must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between different groups.
- Foster good relations between different groups.

The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnership.

The public sector equality duty covers: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnerships.

It is not enough for public authorities only to avoid what is prohibited under the Equality Act – discrimination, harassment and victimisation – as they will not be discharging their duty properly.

Public authorities must also when having due regard to equality:

- Give advance consideration to any likely impact on equality before deciding what their policy should be.
- Adopt documented and transparent processes.
- As the duty is ongoing, have processes to ensure that not only the development and adoption of a policy but its implementation and review are covered.
- A person or group of people responsible for making a decision for a public body that is likely to have an equality impact must be made aware of the public body's obligations under the equality duty.
- Responsibility for discharging the duty cannot be delegated.
- Even if a formal EQIA is not legally required, it should be considered to enable the authority to take a properly informed, rational view of the likely impact on equality by gathering sufficient information, give proper consideration if there is evidence of a negative impact, and consider when or not the impact can be eliminated, mitigated or justified.
- Consider potential mitigation where negative effects are identified.

The EHRC says:

“The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities. If you do not consider how a function can affect different groups in different ways, it is unlikely to have the intended effect. This can contribute to greater inequality and poor outcomes. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review.

Compliance with the general equality duty is a legal obligation, but it also makes good business sense. An organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently. A workforce that has a supportive working environment is more productive. Many organisations have also found it beneficial to draw on a broader range of talent and to better represent the community that they serve. It should also result in better informed decision-making and policy development. Overall, it can lead to services that are more appropriate to the user, and services that are more effective and cost-effective. This can lead to increased satisfaction with public services.”¹⁴

What are “public authorities”?

There are two ways that a body can be subject to the general equality duty. Those bodies listed in Schedule 19 of the Equality Act 2010 are subject to the general duty. In addition, any organisation which carries out a public function is subject to the general duty. In this situation, the duty will only apply to the organisation’s public functions, not to any private functions it carries out. The list of bodies which are subject to the general duty found in Schedule 19 includes key public authorities like local authorities, health, transport and education bodies, the police, the armed forces and central government departments. The list includes many of the same bodies which were previously covered by the race, disability and gender equality duties.¹⁵

Human rights

Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death.

They apply regardless of where you are from, what you believe or how you choose to live your life. They can never be taken away, although they can sometimes be restricted – for example if a person breaks the law, or in the interests of national security.

These basic rights are based on shared values like dignity, fairness, equality, respect and independence.

These values are defined and protected by law. In Britain our human rights are protected by the Human Rights Act 1998.

Public authorities, and other organisations when they are carrying out ‘functions of a public nature’, have a duty under the Human Rights Act 1998 (HRA) not to act incompatibly with rights under the European Convention for the Protection of Fundamental Rights and Freedoms (the Convention). The public sector equality duty uses the same definition of functions of a public nature as the Human Rights Act 1998 (HRA).

¹⁴ <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty> accessed 9 July 2020

¹⁵ <https://www.equalityhumanrights.com/en/advice-and-guidance/faq/general-duty-faqs-gb> accessed 9 July 2020

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000.

The Act sets out your human rights in a series of 'Articles'. Each Article deals with a different right. These are all taken from the ECHR and are commonly known as 'the Convention Rights':

- Article 2: Right to life
- Article 3: Freedom from torture and inhuman or degrading treatment
- Article 4: Freedom from slavery and forced labour
- Article 5: Right to liberty and security
- Article 6: Right to a fair trial
- Article 7: No punishment without law
- Article 8: Respect for your private and family life, home and correspondence
- Article 9: Freedom of thought, belief and religion
- Article 10: Freedom of expression
- Article 11: Freedom of assembly and association
- Article 12: Right to marry and start a family
- Article 14: Protection from discrimination in respect of these rights and freedoms
- Protocol 1, Article 1: Right to peaceful enjoyment of your property
- Protocol 1, Article 2: Right to education
- Protocol 1, Article 3: Right to participate in free elections
- Protocol 13, Article 1: Abolition of the death penalty

Sources of further information from the Equality and Human Rights Commission

EHRC and COVID-19

Coronavirus (COVID-19) guidance for employers: Your duties on pregnancy and maternity

<https://www.equalityhumanrights.com/en/advice-and-guidance/coronavirus-COVID-19-guidance-employers-your-duties-pregnancy-and-maternity>

Coronavirus (COVID-19) guidance for employers

<https://www.equalityhumanrights.com/en/advice-and-guidance/coronavirus-COVID-19-guidance-employers>

COVID-19 temporary suspension of reporting obligations

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

Scotland

<https://www.equalityhumanrights.com/en/public-sector-equality-duty-scotland>



EHRC – other guidance

Technical Guidance on the Public Sector Equality Duty: England

https://www.equalityhumanrights.com/sites/default/files/technical_guidance_on_the_psed_england.pdf

Technical Guidance on the Public Sector Equality Duty: Scotland

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-scotland>

Assessing impact and the public sector equality duty: Scotland

<https://www.equalityhumanrights.com/sites/default/files/assessing-impact-public-sectory-equality-duty-scotland.pdf>

Technical Guidance on the Public Sector Equality Duty: Wales

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-wales>

Equality impact assessments

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-impact-assessments>

Sexual harassment and harassment at work

https://www.equalityhumanrights.com/sites/default/files/sexual_harassment_and_harassment_at_work.pdf

Equality Commission for Northern Ireland

Section 75 Duties

<https://www.equalityni.org/S75duties>

What is an EQIA?

<https://www.equalityni.org/Employers-Service-Providers/Public-Authorities/Section75/Section-75/What-is-an-EQIA>

Section 75 of the Northern Ireland Act 1998. Practical Guidance on Equality Impact Assessment

[https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/EQIA-PracticalGuidance\(2005\).pdf](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/EQIA-PracticalGuidance(2005).pdf)

Annex 3

Template letter to a public authority (extracted from the TUC Equality Duty Toolkit) requesting an EQIA

Dear

Re: [Insert particular issue] and compliance with the s.149 duty in the Equality Act 2010
I am writing to request further information on how [public authority] intends to discharge the duty in s.149 of the Equality Act 2010 with regard to [decision, policy, proposed policy or ongoing practice]. S.149 requires a public authority in the carrying out of all of its functions to have due regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations across the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

We believe [the decision, policy, proposed policy or ongoing practice] [could/will] have a negative impact on equality and/or good relations [and may result in discrimination that is prohibited by the Equality Act 2010]. [Say why]. Therefore, the s.149 is duty clearly engaged.

We would expect that you will be carrying out an EQIA and we look forward to co-operating with you in ensuring that you have access to all the relevant information. If you are not proposing to carry out an EQIA could you explain the reasons why and how you intend to have due regard to the requirements listed in s.149. In particular, in the absence of an EIA, could you explain how you intend to:

- gather and consider information about the people affected, what protected characteristics they have and the extent to which they are affected differently from people who do not have those characteristics;
- ensure that the information gathered is sufficient to enable a proper, informed view to be taken about the impact on equality and good relations generally and the risks of prohibited discrimination;
- and, if there is a particular impact on people who share a protected characteristic, give proper consideration to the extent, nature and duration of that impact;
- and, if there is a negative impact, give consideration to how that could be eliminated or at least mitigated?

We look forward to hearing from you.

Yours sincerely,

Annex 4

EQIA Myth Busters – Equality and Human Rights Commission, Wales



Carrying out an Equality Impact Assessment: 9 Myth Busters

1. EIAs are not relevant to us.

EIAs are a tool to be used in evidence-based policy making and therefore should be an integral part to good decision making by an organisation. They can assist public authorities in fully understanding the relevance and effect of policies and in identifying the most proportionate and effective responses. Delivery of public services depends on an understanding of the diverse communities to be served, and taking account of diverse needs.

The process itself can be tailored to fully reflect the precise nature of the business. Different approaches can be found in the Commission's guidance.

2. EIAs will stop us doing what we need to do.

Not necessarily! The reality is that, in times of financial constraint, public authorities will have to make difficult and often unpopular decisions regarding funding and service provision. The Public Sector Equality Duties do not prevent authorities making these decisions, provided that decisions are taken in accordance with the duties.

Potential for adverse impact or missed opportunities may be identified but despite that you will still need to proceed. In this instance the Commission will be looking for steps you have taken or considered to mitigate any adverse impacts.

3. We don't have all the information to carry out an EIA.

The consultation process should be part of the evidence set. Gaps in evidence should be identified and filled where possible. Lack of data is never a reason for not assessing impact and does not provide an excuse for not completing an assessment. Different types of evidence, for example, can be used. Decisions will need to take into account information deficiencies and reach the best judgement possible using what is available.

4. We can carry out an EIA at the end of the decision making process.

A key point of an impact assessment is that you take account of equality as you develop your policy and plans. Just "doing it at the end" will not enable you to properly consult and involve and opportunities for picking up issues and making adjustments as part of the policy development will be missed. It won't save time and may in fact lead to delay or even fundamental repositioning – see 9 overleaf.

Public authorities have a statutory duty to consult groups on the likely impact of a policy/proposal on race and we recommend that you also involve disabled people and consult men and women. Consultation and involvement can also address information issues mentioned in 5 overleaf.

5. It is a disproportionate approach.

The duties actually encourage and expect public bodies to take a proportionate approach. Once you have established if a policy is relevant to equality, and so needs to be impact-assessed, this should be done on a basis proportionate to the relevance of the policy.

Possible questions to help determine relevance are provided in the Equality and Human Rights Commission's guidance on EIAs which is available on the Commission's website.

6. The EIA process is labour intensive.

If set up to be an integral part of the policy development and review, rather than a one-off exercise, there is no reason that an EIA cannot be completed quickly. The quality of an EIA is not measured by page count but by quality of the analysis and action taken etc. Much of the process can be systemised, and benefits can be had from up-front thinking, e.g. on use of templates, information collection, which will support all EIAs.

7. We can ignore the outcome of an EIA.

EIAs are not an end in themselves – they are a way of showing that due regard has been paid to the general duties. EIAs must demonstrably be used to inform the final decision on a policy. Internal dissemination can help consistency and also build knowledge. Arrangements for publication are required by the race equality duty, and gender and disability duties recommend publication.

8. It is just bureaucracy and red tape and we don't have to carry out an Equality Impact Assessment.

There is a legal obligation to undertake Equality Impact Assessments (EIAs) to assess the impact of your actions on people of different racial groups, disabled people, and men and women, including transsexual men and women.

A best practice approach, which will be law under the Equality Act 2010, is to consider impact on religion or belief, sexual orientation and age.

9. No one will notice if we don't carry out an EIA.

Untrue! There are many examples of service users who have successfully challenged decisions that have been taken by public authorities and the Commission is working with its partners to secure compliance of public authorities meeting their duties.

Annex 5

Examples

(1) EQIA template (example from the Biotechnology and Biological Sciences Research Council)¹⁶

Equality Impact Assessment Guidance and Template

This document provides guidance when completing an Equality Impact Assessment (EIA). The EIA template can be found at the end of this document.

The Research Councils are committed to promoting equality and participation in all their activities, whether this is related to the work we do with our external stakeholders or whether this is related to our responsibilities as an employer. As public authorities we are also required to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations when making decisions and developing policies. To do this, it is necessary to understand the potential impacts of the range of internal and external activities on different groups of people.

What is an Equality Impact assessment (EIA) and why do we need to complete one?

An equality impact assessment (EIA) is an evidence-based approach designed to help organisations ensure that their policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups from participation. This covers both strategic and operational activities.

The term 'policy', as used throughout this document, covers the range of functions, activities and decisions for which your organisation is responsible, including for example, strategic decision-making, arranging strategy & funding panels, conferences, training courses and employment policies.

The EIA will help to ensure that:

- we understand the potential effects of the policy by assessing the impacts on different groups both external and internal
- any adverse impacts are identified and actions identified to remove or mitigate them
- decisions are transparent and based on evidence with clear reasoning.

When might I need to complete an EIA?

Whether an EIA is needed or not will depend on the likely impact that the policy may have and relevance of the activity to equality. The EIA should be done when the need for a new policy or practice is identified, or when an existing one is reviewed. Depending on the type of policy or activity advice can be sought from either your HR team, your Equality, Diversity and Inclusion team, your Peer Review Policy team or their equivalents.

Ideally, an EIA should form part of any new policy, event or funding activity and be factored in as early as one would for other considerations such as risk, budget or health and safety.

¹⁶ <https://bbsrc.ukri.org/documents/equality-impact-assessment-guidance-template-pdf/> accessed 22 July 2020

¹⁷ <http://www.eiapractice.wales.nhs.uk/sitesplus/documents/1126/EAI%5Fmap%5FFinal%5FE%5FMap.pdf> accessed 22 July 2020

Who is responsible for completing and signing off the EIA?

Depending on the nature of the policy, event or funding activity, the responsibility of who should complete the assessment, who should be consulted, and who should sign off the EIA will vary. Ultimate responsibility on whether an EIA is required and the evaluation decision(s) made after completing the EIA lies with the Senior Responsible Officer, budget holder, project board or the most relevant senior manager. Further advice is available from your Equality, Diversity & Inclusion contact.

What is discrimination?

Discrimination is where someone is treated less favourably or put at a disadvantage because of their protected characteristic. The different groups covered by the Equality Act 2010 are referred to as protected characteristics: disability, gender reassignment, marriage or civil partnership status, pregnancy and maternity, race, religion or belief, sexual orientation, sex (gender), and age. Discrimination is usually unintended and can often remain undetected until there is a complaint. Improving or promoting equality is when you identify ways to remove barriers and improve participation for people or groups with a protected characteristic.

Building the evidence, making a judgement

In cases of new policies or management decisions there may be little evidence of the potential effect on protected characteristic groups. In such cases you should make a judgement that is as reliable as possible. Consultation will strengthen these value judgements by building a consensus that can avoid obvious prejudices or assumptions.

Consultation

Consultation can add evidence to the assessment. Consultation is very important and key to demonstrating that organisations are meeting the equality duties, but it also needs to be proportionate and relevant. Considering the degree and range of consultation will safeguard against 'groupthink' by involving a diverse range of consultees. These are the key considerations, to avoid over-consultation on a small policy or practice and under-consultation on a significant policy or an activity that has the potential to create barriers to participation.

Provisional Assessment

At the initial stages, you may not have all the evidence you need so you can conduct a provisional assessment. Where a provisional assessment has been carried out, there must be plans to gather the required data so that a full assessment can be completed after a reasonable time. The scale of these plans should be proportionate to the activity at hand. When there is enough evidence a full impact assessment should be prepared. Only one EIA should be created for each policy, as more evidence becomes available the provisional assessment should be built upon.

Valuing Differences

EIAs are about making comparisons between groups of employees, service users or stakeholders to identify differences in their needs and/or requirements. If the difference is disproportionate, then the policy may have a detrimental impact on some and not others.

'You are looking for bias that can occur when there are significant differences (disproportionate difference) between groups of people in the way a policy or practice has impacted on them, asking the question "Why?" and investigating further'.¹

¹ <https://www.equalityhumanrights.com/en/equality-act/guidance/equality-act-guidance>

Evaluation Decision

There are four options open to you:

1. No barriers or impact identified, therefore activity will **proceed**.
2. You can decide to stop the policy or practice at some point because the evidence shows bias towards one or more groups
3. You can **adapt or change** the policy in a way which you think will eliminate the bias,

or

4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in **extreme cases** or where **positive action** is taken). Therefore you are going to **proceed with caution** with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.

In most cases, where disproportionate disadvantage is found by carrying out EIAs, policies **and practices are usually changed or adapted. In these cases, or when a change has been** justified you should consider making a record on the project risk register.

Question	Response
1. Name of policy/funding activity/event being assessed	
2. Summary of aims and objectives of the policy/funding activity/event	
3. What involvement and consultation has been done in relation to this policy? (e.g. with relevant groups stakeholders)	
4. Who is affected by the policy/funding activity/event?	
5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding/activity/event?	

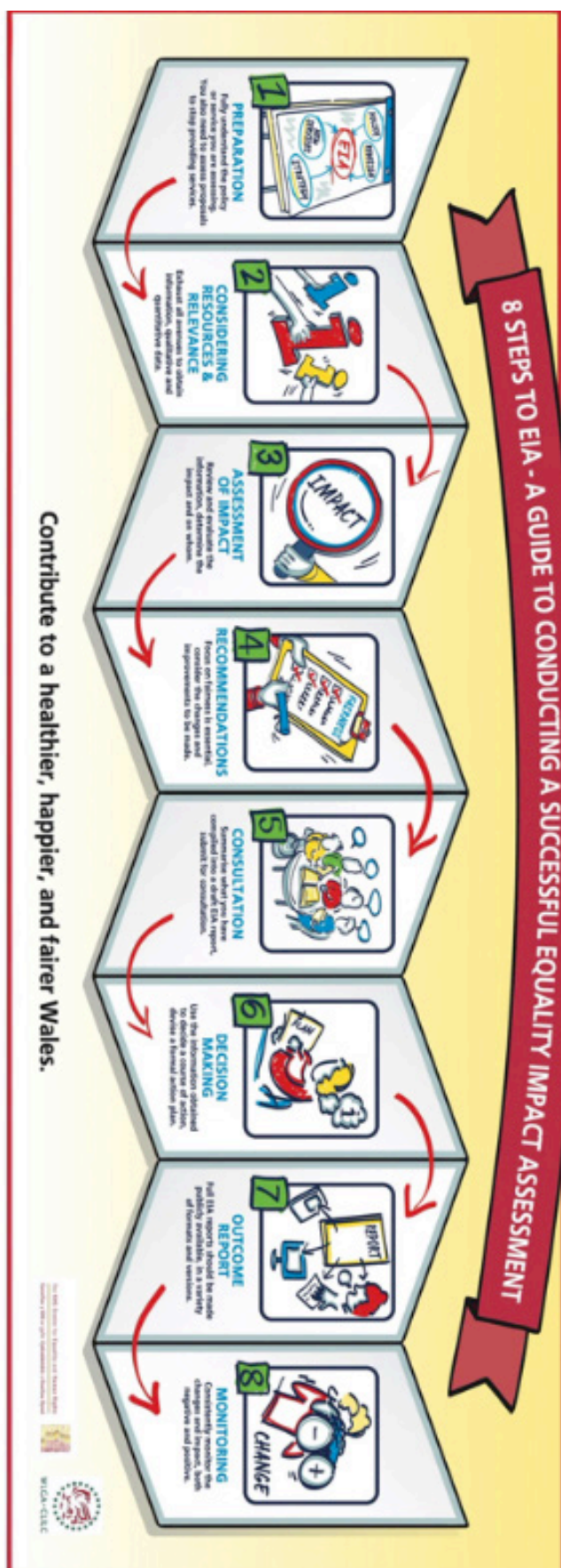
Action on COVID-19:

MAKING SURE YOUR WORKPLACE IS FAIR FOR ALL

Protected Characteristic	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact (e.g. adjustment to the policy)
Disability			
Gender reassignment			
Marriage or civil partnership			
Pregnancy and maternity			
Race			
Religion or belief			
Sexual orientation			
Sex (gender)			
Age			



(2) NHS Wales EQIA Flowchart



Annex 6

TUC gender checklist on occupational safety and health

Consultation

- Is there a Joint Health and Safety Committee or other consultative structure and does it cover everyone including part-time, contracted and temporary workers?
- Are health and safety issues and priorities of concern to women regularly discussed at the Joint Health and Safety Committee or other consultative structures, and if items are identified are they dealt with?

Risk management

- Are risk assessments carried out and implemented by the employer?
- Do risk assessments take account of sex and gender differences?
- Have all people involved in risk assessment and risk management been trained to be aware of sex and gender differences affecting men's and women's health and safety at work?
- Are sex and gender differences taken into account in COSHH risk assessments, including the greater likelihood that women will be exposed to chemicals at home?
- Are sex and gender differences taken into account in manual handling risk assessments and in assessments of postural problems including prolonged standing or sitting?
- Are gender differences taken into account with all relevant types of work equipment and work stations use?
- Are sex and gender differences taken into account when dealing with staff uniform, official workwear or personal protective equipment (PPE) issues at the workplace?
- Are risk assessments relating to expectant, new and nursing mothers (and the unborn or breastfeeding child) carried out properly and in good time?
- Do employers provide an appropriate private space for breastfeeding mothers to express milk, and also provide a safe and hygienic place for the milk to be stored?
- Are any special reproductive health concerns of women and men such as work-related issues relating to fertility, menstruation (including providing female sanitary hygiene disposal facilities), menopause, breast cancer or hysterectomy adequately and sensitively addressed?
- Are risks of violence assessed, including concerns about working alone on site or away, or late into the evening, and access to safe parking or transport home?
- Are harassment (including sexual harassment) and bullying treated as health and safety issues?
- Does the employer allow for flexibility with working time, overtime and shift work to accommodate employees' life demands from outside of work, such as family, medical etc.?
- Does the employer recognise stress as a workplace issue and that it may affect different people in different ways?
- Does the employer recognise that domestic violence can become an issue at the workplace and treat the matter as a safety, health and welfare issue which needs to be dealt with sympathetically and practically?

Sickness absence management and investigation

- Does the employer have a sickness absence management policy or workplace agreement that was negotiated with the union?
- Is the policy applied fairly in practice and not used just to cut sickness absence but to fairly address any underlying issues and help recovery with an appropriate return to work?
- Is the sickness absence management policy or workplace agreement fair and non-discriminatory and does it ensure that women are not disadvantaged because of issues relating to menstruation, pregnancy, miscarriage, disability, or the menopause by ensuring that they can be treated separately from other sickness absence?
- Does the policy and practice ensure that any work-related health problems are properly investigated with a review of risk assessments where necessary?
- Do health and safety representatives get regular reports from management on sickness absence, including a gender breakdown?

Reporting and monitoring procedures

- Does the employer ensure all workers are made aware of the importance of reporting injuries, incidents, work-related ill health and health problems made worse by work, in an environment where employees feel they will not be victimised for reporting them?
- Are all injuries, incidents (including near misses) and work-related health problems reported?
- Does data on injuries and ill health include gender and does it differentiate, not only between women and men, but also between different jobs and job levels and between different shift patterns?
- Are trends in the ill-health and sickness absence statistics analysed as well as trends in injuries and near misses?
- Are all injury and ill health statistics systematically reviewed at joint safety committee meetings?
- Where any issue of concern is found from the meetings' deliberations are health concerns given the same priority as safety concerns?

Part 2 – Involving members

In addition to ensuring that your employer protects the health safety and welfare of all the workers, health and safety representatives can look at how they involve and inform members to make sure that their concerns are raised and addressed.

Here are a few ideas:

- Ask members. You could carry out a confidential survey of members' health and safety concerns, but make sure that you can differentiate between men's and women's responses when the responses are analysed.
- Review how you communicate with members. Do all sections of the workforce have access to a health and safety representative, including shift workers, part-time and temporary workers? Are they all consulted about their health and safety concerns?
- Make sure that there are enough women health and safety representatives. Women may have more confidence that their issues are being addressed if there are women representatives and they are included in any joint safety committee.

- Talk about the issue. Make sure that branch meetings or workplace meetings include specific discussions on practical issues that are of concern to women members, or even hold a special meeting on a problem that women workers are facing.
- Work with others. You should make sure that you are reporting regularly to your branch. It is also important to work with other representatives such as stewards, equality women's and learning representatives. If there is more than one union in your workplace then it benefits everyone to work together. And where you have any successes, make sure that your union, and your members know about them.

Annex 7

Unite Work, Voice, Pay: A Guide to Using Surveys

Why use surveys?

Find out more about what people are concerned about, including:

- New issues
- Campaigning ideas

Find more detail about an issue – e.g. what components of pay package are of most concern

Test strength of feeling

Check individual details and gather contact info:

- Member?
- Interested in joining / getting more involved?
- Work area
- Mobile / email

Test opinions of union

- Shows we listen
- Open a conversation – engage colleagues with the union
- Ups profile of the union

Informs our communications – “86% experience stress at work”. This can help:

- Educate our members
- Strengthen our argument in negotiations

Tips on Successful Surveys

Wherever possible use face to face to complete surveys:

- Guaranteed to get survey returned
 - Allows two way conversations
 - Gives you a chance to introduce yourself to members and non-members and to engage workers in dialogue with the union.
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- ▶ Keep it short and to the point
 - ▶ Confidential – we won't share your personal info with the employer
 - ▶ Make it simple to complete – use web, email etc to support face to face completion
 - ▶ Have a distribution plan and ask non-reps to help you with this
 - ▶ Make it time-bound so it doesn't drag on forever
 - ▶ Monitor and review how many being completed from where
 - ▶ You can offer a prize as an incentive to take part
 - ▶ Use as part of a plan – there must be a reason to be asking these questions
 - ▶ Feed back and act on responses – campaign around a key issue that came back

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South West	Karen Cole	0117 923 0555
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National

Diana Holland, Assistant General Secretary – Equalities

Harish Patel, National Officer for Equalities

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at the  of our union

