

COVID 19 and Inequality in the Workplace



Laura Sheridan, SWU & BASW Advice and Representation Advisor and TU Official, discusses this problem

It goes without saying that quality and diversity in the workplace should be something that is actively supported and promoted, and that any form of discrimination and oppression should not be tolerated. The Equality Act 2010 makes it unlawful for employers to treat an employee less favourably as a result of race, sex, sexual orientation, gender reassignment, marriage or civil partnership, disability, maternity, religion and age. Whilst the Equality Act provides a legal framework to protect employees, inequality in the workplace is sadly still a reality and the statistics clearly show that discrimination remains entrenched in the work environment.

According to official figures from the Office of National Statistics, men continue to earn 17.3% more than women, disabled people earn 12.2% less than non-disabled people and there remains a huge disparity in pay between ethnic groups with black people earning 15.3% less than white people on average, and Bangladeshi employees topping these figures by earning a staggering average of 26.83% less than white employees. According to research carried out by the Trades Union Congress in 2017, 39% of lesbian, gay, bisexual and transgender employees have been harassed or discriminated against by a colleague and 25% have suffered harassment and discrimination from a manager.

Our team regularly provide advice and representation in discrimination cases. We see employers failing to provide reasonable (and often minor) adjustments to disabled employees, which causes disabled staff to struggle to carry out their substantive duties in line with their non-disabled colleagues. Not only is this disabling in the short term, the ultimate result is that disabled staff then struggle to progress up the career ladder as a result of not being given the opportunity to work on an equal basis to their non-disabled colleagues. Hence the disability pay gap statistics. We represent women whose employers have failed to notify them of potential career progression opportunities whilst on maternity leave. Resulting in a delay in progression up the pay scale. Hence the gender pay gap statistics.

The most concerning thing that I have witnessed as a representative is the ongoing, entrenched racial oppression that continues to be an issue in the workforce. What I am referring to are the institutional biases that lead

to so many staff from ethnic minority groups facing difficulties retaining a job and progressing up the career ladder. There is a wealth of evidence suggesting that BAME individuals struggle to achieve the same progression opportunities as their counterparts. As representatives, we see a disproportionate amount of ASYE social workers from ethnic minority groups having their ASYE delayed or even failed. This in turn results in a delay in career progression and salary progression in comparison to their white counterpart colleagues. We represent members from BAME groups that have been punitively placed on capability proceedings, which ultimately results in them being unable to access progression opportunities as they cannot do so while they are on an 'improvement plan'. Research has also demonstrated that staff from BAME groups are more likely to face disciplinary proceedings than white staff. Both capability and disciplinary proceedings can ultimately result in dismissal.

So how has COVID 19 impacted on inequality in employment? Our team have advised on issues relating to discrimination and COVID 19 in the workplace. Maternity discrimination has been an issue - members who are pregnant have been asked to start their maternity leave early as they can't come into the office or do face to face visits, whilst their non-pregnant colleagues are all working from home. Members with disabilities that have led to them being classified as 'clinically vulnerable or clinically extremely vulnerable' by the government have been asked to carry out duties that would put them at increased risk of contracting COVID 19.

It follows that if people from BAME groups are more likely to be in lower paid jobs, they are far more likely to be in those front facing roles that put them at increased risk of being exposed to COVID 19. This includes those from BAME groups who are in professional roles, such as social workers, as they are far more likely to remain in the frontline roles involving regular face to face contact with the public as opposed to progressing to more senior positions. Our team have offered advice and representation regarding the concerning evidence that members from BAME communities are at increased risk of death from COVID 19. Employers need to take this issue seriously and thoroughly risk assess all staff members from BAME backgrounds in the way they would risk assess all clinically vulnerable staff. BASW and SWU have devised guidance on this for managers which can be accessed at <https://www.basw.co.uk/covid-19-staff-risk-assessment-guide-and-flowchart>.

Agency workers have been particularly affected throughout this crisis. We have spoken to agency staff who have been effectively used as 'human shields' by being asked to carry out visits that have been deemed unsafe for permanent employees. Agency workers who cannot carry out home visits due to their own health conditions have had their contracts ended. There is substantial research and evidence that demonstrates BAME employees are more likely to face inequalities in contract types and degrees of job security, lower wages, differences in working hours and in levels of self-employment. If staff from ethnic minority groups struggle to maintain permanent employment as a result of institutional racism and are far more likely to face disciplinary action and dismissal, it follows that this group of staff are more likely to enter the world of agency work. A group of people who have faced disadvantage in the permanent workplace inevitably end up working on temporary contracts with no job security. Their contracts can be ended with a week's notice. They are being asked to carry out unsafe tasks that put them at risk of COVID 19 and if they don't, they risk losing their jobs and their income. This is just one example of the way discrimination and oppression continues in a structural manner throughout employment and as a result, BAME people are placed at an increased risk and a substantial disadvantage in comparison to their white colleagues as a result of COVID 19.

The world has recently witnessed the abhorrent murder of George Floyd and the protests that this incident has triggered internationally. The difficult truth is that this horrific incident symbolises the systematic, institutional

racism that black people have suffered for centuries and that remains endemic in our society and organisations, including those organisations that are supposed to protect and serve the public. Lack of equality in employment contributes to a lack of equality in society - this is a real issue that needs to be addressed and can no longer be ignored. The reports and statistics are there - we need meaningful change and this change needs to happen now.

There is clearly still a long way to go before we achieve equality in the workplace. There needs to be huge organisational and legislative change to achieve this. There needs to be meaningful training on equality and bias in the workplace and an active willingness on the part of managers and employers to embrace positive methods of increasing diversity in their organisation. We need heads of organisations and managers to be prepared to accept that there may be an issue when issues of inequality are raised with them and to move away from the culture of denial. There needs to be a legal requirement for employers to gather and publish statistics in relation to the pay gap and statistics in relation to disciplinary processes and which groups face these more frequently. We need employers to realise that offering reasonable adjustments to disabled employees is not a favour and nor is it difficult to achieve - it is a statutory duty that they must fulfil. And importantly, we all need to ask uncomfortable questions of ourselves and examine our own practises and biases, in order to ensure that we do not subconsciously support this system of inequality by failing to challenge and question it.

If you believe you are suffering discrimination, please do not hesitate to give our team a call for advice on 0121 622 8413.