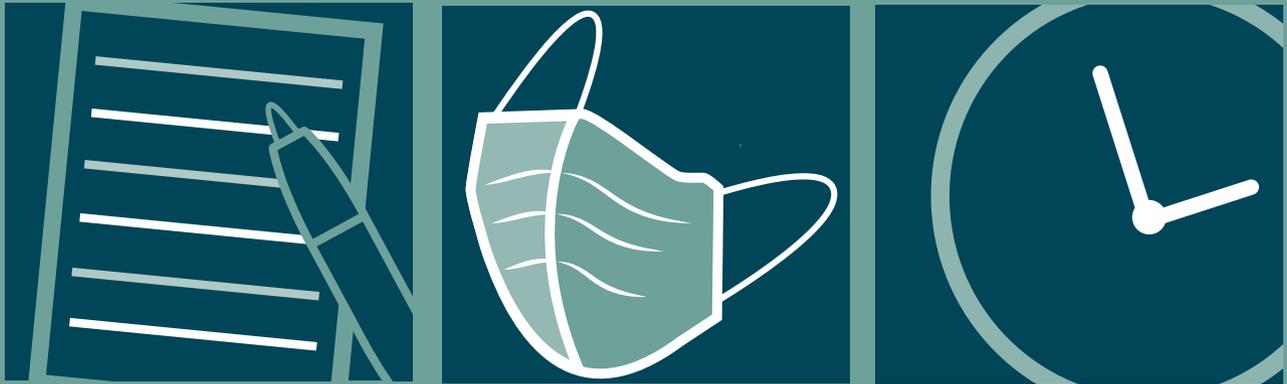EQUALLY SAFE AT
WORK

Supporting women at work during Covid-19

Guidance for employers

Contents

Introduction

The Covid-19 pandemic represents an unprecedented challenge, which has the potential to significantly set back efforts to address women's labour market inequality, and to end violence against women (VAW) in Scotland. Covid-19 has exposed many of the gendered differences in men's and women's lives, including the value we place on the unpaid care and professional care work that is predominantly done by women. Employers have an opportunity to address the challenges women are facing during this pandemic, and prevent women's labour market inequality from being further exacerbated, by implementing gender-sensitive policies and practice. As employers look to economic recovery and adjust to the new normal, it's integral that the impacts of the Covid-19 crisis on women's employment are recognised and that gender equality is integrated in strategic recovery plans.

About the guidance

This guidance is designed to support early adopter councils who are participating in Equally Safe at Work. It will also be of interest to other councils that are looking to develop work on gender equality and VAW. It provides information and best practice on data collection, caring responsibilities, flexible working, homeworking, health and safety, undervaluation, pregnancy and maternity and VAW. The guidance sets out actions for progressing gender equality and preventing VAW during and post-Covid-19. The actions will support councils in meeting the standards of the Equally Safe at Work accreditation programme and also the requirements of the public sector equality duty.

Equally Safe at Work

Equally Safe at Work is an innovative and world-leading accreditation programme that is being piloted in Scotland's local government. Equally Safe at Work supports councils to progress their work on gender equality and prevent VAW both in the workplace and in the wider community.

The programme supports councils to develop gender-sensitive employment practice that advances gender equality at work and prevents VAW. Covid-19 has the potential to significantly set back the progress that has been made on gender equality and VAW. The crisis has necessitated a number of changes to workplaces, including scaled back workforces and widespread home working. As employees and line managers adjust to new ways of working, it's important that employment practice recognises the inequalities faced by women in the workplace, including the increased barriers victim-survivors are facing in accessing support during the pandemic.

The impact of Covid-19 on women's employment

Covid-19 has drastically changed the labour market and will have long term consequences for everyone in Scotland, notably for women by exacerbating pre-existing inequalities. The majority of key workers identified by the Scottish and UK Governments are women, working in often economically undervalued and lower paid female-dominated jobs. In local authorities this includes carers, cleaners, catering workers and early learning and childcare workers. Many have had to manage the pressures of providing essential services during the pandemic while also trying to care for children and other family members.

As councils prepare for reopening workplaces, it's essential that the evidence on women's experiences of employment and Covid-19 is used to inform the development of plans for the new normal. Women are not a homogenous group and their experiences of employment and workplace culture are shaped by their multiple identities. It's important to recognise that Black and minority ethnic (BME) women, disabled women, Muslim women and other women of faith, and lesbian, bisexual, and transgender women will have divergent experiences at work. For example, Covid-19 has particularly affected BME women and younger women, as they are more likely to work in a sector affected by job disruption. An intersectional approach to recovery and workforce planning is therefore critical to ensure that the distinct experiences of different groups of women are visible.

The business and economic cases for prioritising gender equality

As lockdown measures are relaxed, it's essential that gender equality is prioritised in economic recovery planning. A gender equal economy means that women's skills are visible and valued. This is a fundamental step in challenging norms around gender and work, and disrupting occupational segregation.

As women's employment has been disproportionately affected by Covid-19, without targeted employer support it's highly likely that there may be a loss of female talent to the workplace. Emerging evidence shows that some women were forced to leave their job as they struggled with the increase in caring responsibilities during lockdown while also having to do their job at the same time. This comes at a high cost to organisations who could lose key people from the workforce. There is mounting global evidence that there are clear economic and business benefits for advancing gender equality. It's a critical driver for improved business performance and a catalyst for economic growth. A review of the evidence of the economic gains of closing the gender gap in employment found that it could add £17 billion a year to Scotland's economy.[1]

Responding to Covid-19 will continue to have substantial resource implications for local government. Councils face challenges with reconciling a budget that was set in a very different context with specific assumptions such as the ability to charge for certain services, all of which will have significant implications for a council's financial outlook.[2] For councils, embedding gender equality in recovery planning is necessary to ensure that women's inequality at work isn't further exacerbated by Covid-19.

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[1] Close the Gap (2016) *Gender Equality Pays: The economic case for addressing women's labour market equality.*
[2] Local Government and Communities Committee (2020) *Local Authorities and Covid-19- evidence session with COSLA.*

What employers can do

It's important that any new policy or guidance implemented as part of the response to Covid-19 has undergone an equality impact assessment to determine whether it has differential impacts on women and men in the council. This is a legal requirement of the public sector equality duty, and enables you to prevent the perpetuation of inequalities in the workplace.

Data

Gathering and using data is critical to identify inequalities in your organisation. Covid-19 has highlighted the significant differences between men's and women's experiences of work. Having up to date data will enable you to deliver the most effective response by identifying opportunities to advance gender equality and mitigating any negative impacts on women workers. You'll need to gather new gender-disaggregated data as councils and staff progress new ways of working which could include:

- the experience of employees, their access to childcare, and social care services and how this affects their ability to do their job;
- the impact of working from home or remotely, and how this is affected by childcare and/or home-schooling, and caring;
- the impact and experience of being in the workplace during the pandemic;
- access to technical training to use new online tools or equipment;
- absence rates;
- changes to working patterns or hours, for example employees may have been expected to work longer hours; and
- staff wellbeing and access to mental health support.

It's important that the data gathered is intersectional in order to gain a richer understanding of the way that gender inequality is inflected by race, disability, sexual orientation, religion and belief, and gender identity. Covid-19 has had differing impacts on groups of women based on their multiple identities, with

BME women particularly affected in employment and they also face higher health risks of Covid-19.

In developing effective responses to the workforce changes, it's critical that you analyse your data using a gendered lens to understand the experiences of different groups of women. A gendered analysis means identifying where and why there are differences between women's and men's experiences of the pandemic. Finally, you should use this analysis to inform the development of specific actions that will address the problem.

Actions for data

- Collect intersectional gender-disaggregated data on the impact of Covid-19 on employees. This could include data on:
  - the experience of employees, their access to childcare, and social care services and how this affects their ability to do their job;
  - the impact of working from home or remotely, and how this is affected by childcare and/or home-schooling, and caring;
  - the impact and experience of being in the workplace during the pandemic;
  - access to technical training to use new online tools or equipment;
  - absence rates;
  - changes to working patterns or hours, for example employees may have been expected to work longer hours; and
  - staff wellbeing and access to mental health support.
- Use a gendered analysis to identify the different experiences of women and men during Covid-19.
- Use this data and analysis to inform your return to work plans and ensure staff wellbeing.

Equality impact assessment

Most employers have introduced new policies or guidance to support line managers to respond to the workplace changes brought on by Covid-19. As the crisis will continue to impact working practice, it's important that an equality impact assessment is developed to examine whether policies, guidance or plans have a differential impact on men and women in the council. Equality impact assessments should be done early in the policymaking process so that if differential impacts are identified, the policy can be amended and/or mitigating actions can be taken to ameliorate the impacts. This is increasingly important during Covid-19 as many employers are quickly producing new policies, and in this context, equality is often unintentionally overlooked.

In assessing the impact of a policy or practice, you should:

- Use the relevant gender-sensitive, sex-disaggregated evidence around those who share a protected characteristic, and those who do not, such as women and men;
- Fill any evidence gaps, where necessary;
- Apply the evidence to identify where discrimination against women could be reduced and where women's equality with men can be advanced;
- Use this evidence to inform policy development by making changes, or by ensuring that the policy addresses the inequalities and opportunities that have been identified;
- Publish the results of the assessment, within a reasonable time, if you decide to implement a policy or practice; and
- Review and, where necessary, revise existing policies and practices.[3]

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[3] Close the Gap (2016) *Public sector equality duty: Guidance for reporting on gender and employment, equal pay, and occupational segregation.*

Equality impact assessments provide a mechanism to build equality considerations into policy development and decision making, providing a clear and structured way to consider evidence about the needs of women. This is increasingly important to ensure that all groups of employees are being supported and considered in plans for establishing new ways of working. The Equality and Human Rights Commission have produced further information on *Covid-19 and the public sector equality duty.*

Caring responsibilities

The Covid-19 pandemic has resulted in nearly 400,000 additional people in Scotland caring for older, disabled, or seriously ill relatives or friends. Combined with the number of people providing care before the pandemic, this amounts to 1.1 million unpaid carers in Scotland.[4] This is an increase of 392,000 since the start of the crisis, with 78% of carers having to provide more care than they were prior to the coronavirus outbreak.[5]

In Scotland, 61% of unpaid carers are women. Women are more likely to care earlier in their lives, and more intensively, than men.[6] A lack of flexible working in many workplaces means that women are required to look for part-time work to balance their caring responsibilities. As most part-time work is in lower paid, stereotypically female occupations, this means that many women are underemployed, and their skills are not effectively harnessed, which is a loss to employers and the economy.

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[4] Carers Scotland (2020) *Carers Week 2020 Research Report: The rise in the number of unpaid carers during the coronavirus (Covid-19) outbreak.*
[5] Engender (2020) *Gender and unpaid work: The impact of Covid-19 on women's caring roles.*
[6] Carers UK (2019) *Will I Care: the likelihood of being an adult carer.*

Women are four times more likely to give up employment because of multiple caring responsibilities and are more likely to be in low-paid, part-time employment.[7] These trends have been exacerbated by the current crisis with women doing the majority of childcare, home learning, and other domestic work. Women reported that they are expected to assume full responsibility for home-schooling and childcare while working from home. Other women reported that, as their partners were still going to work outside of the home, they were left to manage work and childcare on their own resulting in extremely long days, and increased stress and anxiety.[8]

Many women are under immense pressure, and this is particularly the case where women are required to work from home by their employer, with little or no flexibility. There's a significant risk that the increase in caring responsibilities will force many women to leave their jobs, affecting their income and career prospects, placing women and their children at greater risk of poverty. Recent data showed that women were interrupted by their children 50% more often than men during the Covid-19 lockdown. This incompatibility with work and home-schooling or childcare has seen women withdraw from their job.[9]

During lockdown, women have reported having to use annual leave, sick leave and unpaid leave in order to care. As women are the majority of lower paid workers, this places them at greater risk of poverty. Women account for the majority of key workers, and some of these workers have been forced to leave work or reduce their working hours due to nursery and school closures, which has resulted in services becoming even more stretched because of reduced staffing levels.

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[7] Carers UK and Employers for Carers (2012) *Sandwich Caring: Combining childcare with caring for older or disabled relatives.*
[8] Close the Gap and Engender (2020) *Women, Caring Responsibilities and Furloughing during Covid-19.*
[9] Institute for Fiscal Studies (2020) *How are mothers and fathers balancing work and family life under lockdown?*

Lone parents, 90% of whom are women, were particularly affected by nursery and school closures. Increased caring responsibilities have made it even more difficult for lone parents to either work from home, or to find work, because of restricted access to informal childcare networks caused by physical distancing rules.

As a result of Covid-19, women with children are doing paid work for two hours fewer a day than men.[10] Research published by Engender[11] identified that the loss of two hours of earnings per day for women with dependent children amounts to a loss of £33 per woman per day and if replicated across the UK, amounts to a loss of £188,529,000 per day to the UK economy. The research also estimates that in Scotland the impact of women's lost earnings or productivity would equate to £15,082,320 per day.

Disruption to services

Evidence found that many social care packages have been reduced.[12] In some cases, Health and Social Partnerships have increased their eligibility criteria for social care, making it harder to access.[13] As many as 39% of unpaid carers are providing more care due to local services reducing or closing during Covid-19.[14]

As a result of Covid-19, the statutory funded entitlement of 1140 hours childcare provision will not be implemented as planned in many local authority areas. It's important to understand the effect of this policy on women and their families,

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[10] Institute for Fiscal Studies (2020) *How are mothers and fathers balancing work and family life under lockdown?*
[11] Engender (2020) *Gender and unpaid work: The impact of Covid-19 on women's caring roles.*
[12] Glasgow Disability Alliance (2020) *GDA's Covid-resilience engagement and response: Interim report.*
[13] The ALLIANCE (2020) *Health and Social Care Alliance Scotland: Briefing on Covid-19 guidance for social care assessments and the ethical framework.*
[14] Carers UK (2020) *Carers Week 2020 Research Report.*

many of whom will have made future plans around work based on having access to increased funded childcare. Access to childcare is now more restricted, and some women may have to travel further to use a childcare service which in turn could affect their ability to do their job in a previously agreed way. Although schools and early learning and childcare services have reopened, depending on the virus trajectory, there's also the potential for nurseries to close, and schools to move to a blended learning approach. As an employer, you should be mindful of how this will impact women workers and provide adequate support.

It's therefore important to be flexible in supporting staff with childcare responsibilities, particularly if there is a second wave of Covid-19, and a rapid shutdown of nurseries and schools is necessary.

Actions for supporting employees with caring responsibilities

- Support employees who have caring responsibilities by offering flexible working, such as changing working hours, reducing workloads or reallocating work. This could be on a temporary basis.
- Support employees to take paid time off to look after dependants, where possible.
- Check in with employees to see how they are managing balancing caring responsibilities and work.
- Ensure all staff are aware of the ways the council can support them if they have caring responsibilities.
- Adopt a flexible approach to managing all staff.

Flexible working

The massive increase in homeworking has suddenly accelerated a move towards agile and flexible work arrangements. Covid-19 has highlighted that many roles can be done from home, where previously such jobs were perceived as being office based out of necessity. Line managers and staff have had to quickly adapt to new ways of working, which has created opportunities to examine how and where work is done. However, it's not predetermined that this new-found flexibility will be maintained once the crisis dissipates.

A recent survey found 90% of working parents and carers want their employer to retain flexible working post-Covid-19.[15] To ensure that councils continue to maintain flexibility in the workplace, it's good practice to implement a default flexible approach to working. However, it's also important to remember that employees have different needs and preferences around working, especially when they have caring responsibilities, and you should therefore take an individualised approach to flexibility, wherever possible.

While Covid-19 has highlighted that more roles can be done flexibly, it also highlighted the challenges many employees face in managing home working with their increased caring responsibilities. Recent research by Engender[16] has identified that women's disproportionate responsibility for caring responsibilities is magnified in lockdown, as they're providing the majority of care for children, older people and disabled people, the supervision of home learning, and other domestic work. It's important for line managers to recognise the challenge many employees have experienced in managing work and caring by taking a flexible approach when supporting staff with caring responsibilities. This could include combining different approaches to flexibility such as reducing workloads, reallocating of work and changing working times. Women may have different flexibility needs and therefore it's good practice to work with employees to identify what changes best suit their needs.

[15] Working Families (2020) *COVID-19 and flexible working: the perspective from working parents and carers.*
[16] Engender (2020) *Gender and unpaid work: The impact of Covid-19 on women's caring roles.*

Disabled women face barriers that perpetuate women's labour market inequality such as childcare responsibilities and a lack of flexible working, in addition to the barriers experienced by all disabled people in the labour market. These barriers have been further exacerbated by the Covid-19 crisis. Providing flexible working for disabled women will support them to work from home, or other accessible environments, or to work in another way which enables them to best manage their condition.

Prior to Covid-19, research from Close the Gap[17] found that BME women found it difficult to plan work around inflexible childcare provision. Women reported that they had to use sick leave and annual leave to manage their caring roles due to inflexible working practice. In addition, migrant BME women reported that a lack of informal networks such as friends or family made it difficult to balance work and childcare responsibility. It's important that you recognise how providing flexible working can benefit different groups of employees.

Increased flexibility and home working post-crisis could further benefit women because jobs that are done on a part-time basis tend to be concentrated in lower grades, and women are over-represented in these roles. This is often because they have responsibility for childcare or have other caring roles. Enabling further flexibility including changed and/or reduced working hours, reduced workload, and reallocation of work, remote working from somewhere outwith the workplace may provide women with the flexibility to combine work and family commitments. Additionally, it may be beneficial to enable temporary flexible working arrangements for staff during the Covid-19 period.

By considering jobs at all levels on a flexible or part-time basis, including non-office based staff, women will be better supported to work at all levels of the council, and this will improve gender equality in the workplace, and narrow the organisation's gender pay gap.

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[17] Close the Gap (2019) *Still Not Visible: Research on BME women's experiences of employment in Scotland.*

Actions for flexible working

- Implement a default flexible approach to working.
- Offer temporary changes to working hours or patterns to support those with caring responsibilities, where possible.
- Consistently communicate with staff who are working flexibly to assess whether their working arrangements are still benefiting them or if further changes need to be made.
- Work with employees to identify how to create long-term and sustainable approaches to flexible working after lockdown.
- Offer flexible working and part-time working for all roles in the council.
- Collect data, disaggregated by gender, job, grade and service, on new working patterns. This could include temporary changes or long-term changes, which may be informal or formal.

Homeworking

Some women may not be able to return to the workplace due to caring responsibilities or for health and safety reasons. Therefore, it's important that they're provided with the necessary support to continue to work from home. This means assessing their home working environment and ensuring that employees have the necessary equipment.

You should work with employees to identify how to improve their working from home arrangements. It may be difficult to conduct a risk assessment at an employee's home however you can still check that employees feel the work they're asked to do can be done safely and that employees have the right equipment to work safely. You may want to offer additional equipment such a keyboard, mouse, or larger screen. Also, if possible, you could offer support

cushions for chairs or adjustable footrests to prevent any physical pain. Line managers should keep in regular contact with employees to determine their individual needs and any additional steps that are needed to prevent discomfort, injury, or adverse effect as a result of homeworking arrangements.

In addition to ensuring employees have adequate equipment, employees may require technical training to use new online tools or equipment. It's good practice to communicate with employees about their training and development needs and support them to access training.

Staff wellbeing

Alongside the many wellbeing benefits of homeworking, there may be additional risks, for example increased anxiety and stress especially for women who may be managing childcare and home schooling in addition to their work. Therefore, it's important to prioritise employee wellbeing and offer support to employees who need to continue to work from home, such as reducing their workload, changing working hours or signposting to the employee assistance programme. It's important that workers are aware that while working from home, the same workplace policies still apply. You should be mindful to ensure that those working from home have access to the same level of support that would be available if they were in the workplace.

Women who are shielding or self-isolating, or who live in households that are, should be supported to work from home if they are well enough to be working. The shielding workforce, and women who live with or care for people who are continuing to shield, should be central to an organisation's homeworking policy.

It's important to recognise that different staff may have different needs. For example, anxiety is a common symptom of the menopause, and this may be amplified during Covid-19, which will have an increased negative impact on some older women in the workforce..

Reasonable adjustments

It's important to discuss with disabled female staff if they require any reasonable adjustments to enable them to work from home. Disabled female staff may have additional barriers to working from home and you're required to address these barriers. Reasonable adjustments could include adapted equipment such as chairs, keyboards, or voice recognition software. As well, it could include lowering desks, different lighting, or changing of working patterns or hours. Different staff may have different needs and therefore it's good practice to discuss different options for different staff members. You may want to conduct individual risk assessments with disabled staff to assess their home working environment. It's also important to remember that many disabled women also have caring responsibilities so they may require different types and levels of flexibility to do their job from home.

Digital presenteeism

As more staff are working from home, they may feel increased pressure to be working longer hours or be available outside of normal working hours. For women who are also balancing work with caring responsibilities, this could result in working longer to make up hours. There should be clear and established boundaries to limit a long hours culture, in an effort to reduce the effects of digital presenteeism. Digital presenteeism happens when employees feel they are 'always on' and cannot disconnect from work during non-work hours. This could include checking and responding to emails even after finishing work for the day. There's a particular risk of this when working hours are spread unevenly across a day to manage caring responsibilities. Cultures of presenteeism, whether digital or physical, disproportionately affect women and their opportunities for progression because they are less likely to be able to be continually present because of family commitments.

Communicating with remote and home workers

Employees working remotely or from home should be kept up to date on workplace developments and feel included in decisions made about work. This

includes having regular communication with employees through check-ins, one-to-ones and also team meetings. Employees working remotely or from home should not feel excluded from the team by working from home and consideration needs to be given to ensure inclusivity and consistent communication. It's good practice that when communicating with staff you're using accessible and inclusive methods. For example, if an employee is unable to join a meeting via video, you should support them to join using only audio and facilitate their participation in the meeting. It's also important to consider whether specific communication needs are required for those on maternity leave, disabled female employees or BME female employees, who may have specific concerns around Covid-19. This may include additional check-ins, specific timing for check-ins or preference for using specific technology.

Further information on supporting employees to work from home can be found in the Scottish Government's *Coronavirus (Covid-19): Guidance for homeworking.*

Actions for homeworking

- Work with employees to conduct risk assessments to determine their support needs for working from home.
- Offer additional equipment to support employees to work from home.
- Assess whether employees need additional training to use new online tools or equipment at home.
- Monitor staff wellbeing through regular communication.
- Ensure you're supporting disabled female employees by conducting risk assessments to identify any barriers to working from home and make reasonable adjustments.
- Ensure staff working from home are kept up to date with any changes being made to the workplace and include them in any decisions being made.

Health and safety

As workplaces begin to reopen, many employees may worry about feeling safe at work. It's critical that councils are prioritising how to safeguard the health and wellbeing of their employees. This includes ensuring that their physical and mental health are considered in plans for returning to work.

Employers have a duty of care to identify and manage the risk of Covid-19 and ensure that the workplace is safe to return to. This means conducting ongoing risk assessments and ensuring access to personal protective equipment (PPE). It's important that staff are provided with the necessary PPE and also with training to ensure they are familiar and comfortable with the new health and safety arrangements being put in place. Prior to Covid-19, PPE equipment was found to be routinely ill-fitting for women because its design is often based on male physiology.[18] Ill-fitting PPE creates significant challenges, risks women's safety and hampers their ability to do their job. It's therefore critical that women are provided with appropriate and well-fitting PPE.

Risk assessments should be regularly conducted and should include the risk posed to employees getting to and from work, and whether staff should be asked to come into work or to stay at home. Some employees may be reliant on public transport to get to work and therefore could be at an increased rate of exposure. Women are less likely to have cars, and are more reliant on public transport, and this should therefore be considered in the risk assessment process. In some cases, employees may be travelling between different sites, for example, cleaners, an overwhelming majority of whom are women, who work in more than one school. Being exposed to several workplaces can also place employees at increased risk.

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[18] TUC (2017) *Personal protective equipment and women: Guidance for workplace representatives on ensuring it is a safe fit.*

It's important to conduct individual assessments for pregnant employees returning to the workplace to determine whether any new risks have arisen as a result of Covid-19. This will identify whether any specific measures need to be taken to create a safe working environment for pregnant staff. It will also highlight whether the risk is too high for pregnant staff to return to the workplace. More information on best practice for pregnant employees, and employees returning to work from maternity leave can be found on page 22.

A recent survey[19] found that many workplaces were failing to conduct effective risk assessments with BME employees. In the survey BME workers not only highlighted a failure to conduct risk assessments, but also shared that when they were carried out, employers did not acknowledge the increased risk and disproportionate impact of Covid-19 on BME people. Therefore, any risk assessment conducted with BME women should consider the increased risk they face. It's important that a tailored approach is taken that considers individual need which will enable you to better support BME women at work and take action to mitigate any risks.

Actions for ensuring health and safety

- Conduct a workplace risk assessment for employees currently in the workplace to determine their health and safety needs.
- Ensure that female employees have access to PPE and that it's appropriate and well-fitted.
- Provide training for staff on new policies or procedures put in place to manage the health and safety of employees during the crisis.
- Conduct individual risk assessments for pregnant women and women returning to work from maternity leave.
- Conduct individual risk assessments for BME women who are more likely to be affected by Covid-19.

[19] TUC (2020) *Dying on the job: Racism and risk at work.*

Key workers and undervaluation

The concept of undervaluation underpins gendered pay inequality, occupational segregation and the gender pay gap. Stereotyping about women's capabilities and skills results in women being clustered into predominantly female occupations or 'women's work', which is often associated with low pay. In local government, these roles include cleaning, catering, admin, and care. 'Women's work' is systemically undervalued in the labour market and women's skills and contributions are often valued less than their male counterparts. The systemic undervaluing of 'women's work' means that two-thirds of workers earning below the Real Living Wage are women, and women are more likely to experience in-work poverty.

The Covid-19 crisis has illuminated the critical role 'women's work' plays in Scotland's response to the pandemic. The majority of key workers with the highest exposure to the virus are women working in often lower paid roles. In councils that includes cleaners, carers, school cooks, and early learning and childcare workers.

Prior to Covid-19, Close the Gap carried out research with women working in lower paid roles in the pilot councils of Equally Safe at Work. Participants reported that they often felt undervalued by their employer and colleagues and felt omitted from discussions about their work or their role and, at times, excluded from the wider workplace. Moving out of lockdown provides the opportunity to recognise the important role of women working in key roles and to address undervaluation.

Actions for supporting key workers and addressing undervaluation

- Engage with women working in lower paid roles, especially remote or non-office-based staff to ensure their experiences are used to inform plans for recovery.

- Conduct risk assessments for women working in lower paid roles who may have high exposure rates to determine how best to support them in the workplace.
- Prioritise key workers' health and wellbeing by addressing any challenges they are facing either through one-to-one meetings and/or through an employee survey.
- Offer support to manage key workers' health and wellbeing. This could include offering mental health support through your employee assistance programme to care workers who have been working on the front line.
- Address the undervaluation of women's work in the council by reviewing your job evaluation scheme to check for sex bias and ensure that lower paid female-dominated roles are being evaluated on all skills required in the role.
- Ensure that all employees and workers are paid the Real Living Wage.

Pregnancy and maternity

Recent research[20] has found pregnant women, women on maternity leave, and women returning to work after maternity leave have been acutely affected by the crisis, facing increasing discrimination in the workplace. One in four pregnant women and women on maternity leave experienced discrimination or less favourable treatment at work including being singled out for redundancy or furlough. In addition, one in ten pregnant women said their commitment has been questioned by their manager or employer.

As previous research from the Equality and Human Rights Commission highlights, pregnant women and women on maternity leave or returning from

[20] TUC (2020) *Pregnant and precarious: new and expectant mums' experiences of work during COVID-19.*

maternity leave experience a 'motherhood' penalty as a result of negative and discriminatory attitudes from managers and employers.[21]

The research also found that pregnant women's health and safety rights are being routinely breached by many employers, leaving women feeling unsafe at work or without pay when they are unable to attend their workplaces. Since the crisis started, 30% of pregnant women reported feeling very or somewhat unsafe at work and two in five pregnant women have not had a health and safety risk assessment. Of those pregnant women who did have a health and safety assessment, over a quarter said the risk assessment did not include the additional risks posed by Covid-19.[22]

Low-paid pregnant women are twice as likely as women on median to high incomes to have lost pay and or been forced to stop work (either by being required to take sick leave when they were not sick or to take unpaid leave, start their maternity leave early or leave the workplace altogether) because of unaddressed health and safety concerns.

Women currently on maternity leave who are planning on returning to work are facing increased difficulties in accessing childcare. In the research, 70% of women planning on returning to work in the next three months and are unable to find childcare to enable them to return to work as a result of the crisis impacting the childcare sector as a result of Covid-19.

If women are unable to return to work as a result of unsafe work practices, lack of access to childcare, or negative and discriminatory attitudes, employers will lose skilled workers that contribute to a productive workforce. There are also reputational risks in not supporting women who are pregnant or returning to work from maternity leave. For employers to attract the best talent, create the

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[21] EHRC (2016) *Pregnancy and Maternity Discrimination and Disadvantage: summary of findings.*
[22] TUC (2020) *Pregnant and precarious: new and expectant mums' experiences of work during COVID-19.*

conditions for all their staff to perform well and to avoid the loss of skills and experience, it's important that discriminatory workplace practice is addressed and women are supported to succeed in their roles.

You should therefore take steps to protect pregnant women in the workplace and ensure that the council meets its legal obligations around health and safety. It's good practice to ensure that there is a suitable place in the workplace for breastfeeding women that allows social distancing to be followed.

Actions for supporting pregnant women, women on maternity leave and women returning to work from maternity leave

- Conduct risk assessments for pregnant women and women returning to work from maternity leave to identify any risks they may face.
- Make reasonable changes to working conditions such as adjusting working hours or providing space for women who are breastfeeding that is compliant with social distancing measures.
- Adopt a flexible approach in managing staff will ensure that women who are pregnant, on maternity leave or returning to work are supported.
- Maintain consistent communication with women on maternity leave, and ensure they are kept up to date with changes in the workplace.
- Regularly check in with employees who are pregnant, or maternity leave or returning to work to ensure that any changes that were made are still relevant. Women's support needs may change over time and it's important to monitor the impact of changes being made to women's working practice.

Violence against women

The crisis has necessitated a number of changes to workplaces, and as a result, victim-survivors may be facing different, and very often greater, barriers to access support. Some women may be at increased risk of violence or abuse and their experience of VAW may be intensified by the current self-isolation and social distancing measures.

Employers have a vital role to play during both lockdown and the recovery period. Line managers and colleagues may be the only consistent contact for victim-survivors during this time.

How VAW affects women's experience of work

For women experiencing domestic abuse and working from home, perpetrators may interfere with and/or prevent them from doing their job. They may insist that the woman is responsible for childcare or prevent them from accessing the equipment they need to work from home, such as a laptop or phone. Coercive control is likely to intensify during lockdown, without regular interaction with other people, as perpetrators further restrict their partners' freedoms and threaten their safety.

Stalking may increase as perpetrators will be able to easily locate victim-survivors which could be either at their home or at work, if they're not working from home. They may try to force contact with them through any means, including violating social distancing.

Despite many women not going into the workplace at the moment, they're still subject to sexual harassment at work. Sexual harassment doesn't just happen face to face, but also through email, text, and online platforms. Emerging evidence has revealed that perpetrators are manipulating new communication channels to sexually harass women. This itself creates increased challenges for victim-survivors to report, as they may feel it's not a priority or they won't receive support during this period.

Evidence shows that increasing numbers of victim-survivors of rape and sexual assault are living with trauma. Self-isolating and social distancing may exacerbate women's experiences of trauma and lead to increased feelings of isolation, anxiety, or depression. The current crisis atmosphere may also be triggering for victim-survivors. If a victim-survivor is working in a scaled back team, or has been redeployed to a new role, they may find it difficult to work with different colleagues, especially if they're required to work alone with men.

'Honour-based' violence has similar effects as domestic abuse on women's lives during Covid-19. In many cases, victim-survivors have multiple perpetrators which can include their partner and also family members. As a result of self-isolation, women may be locked in with their multiple perpetrators.

Further information and best practice on VAW during Covid-19 can be found in the Equally Safe at Work guidance *VAW, Work and Covid-19.*

The effect of VAW on the workplace

It's important for you to continue to prioritise VAW during as the council moves to the new normal as many victim-survivors may need to access support. VAW can affect women's ability to do their job effectively. This can be because of stress, trauma or physical injuries that can make it difficult to do their work as normal. An increase in unexplained lateness or absence can also be a sign that something is wrong. Victim-survivors often require to take time off work to seek help from specialist support agencies, attend doctor's appointments or access legal support. Some women also leave their job as a result of the impact of VAW and may be forced to move to a new role that doesn't effectively utilise their skills. This represents a significant loss of female talent to employers, with many organisations missing out on women's skills and experience.

VAW also affects people who are in the victim-survivor's life on a regular basis. This can include work colleagues, and the running of the wider department or organisation. It can have an adverse impact on staff morale and can create reputational risks to the council.

There are clear economic and business benefits in advancing gender equality and preventing VAW. VAW is estimated to cost over £66 billion per year, which includes an estimated £14 billion lost due to decreased productivity, administrative difficulties from unplanned time off, lost wages and sick pay. It therefore makes good business sense for councils to support victim-survivors in the workplace, and to take steps to address gender equality at work and prevent VAW.

Actions for supporting victim-survivors and preventing VAW

- Raise awareness of your VAW policy and the support available for victim-survivors, such as safety planning, flexible working, special leave or your employee assistance programme.
- Offer victim-survivors a key worker letter to enable them to come into the office. This should be discussed with the victim-survivor and only provided if they want it.
- Communicate to your employees that there is zero tolerance of VAW in the organisation.
- Raise awareness of the reporting process for VAW and ensure employees are aware that the council will take their disclosure seriously.
- Collect intersectional gender-disaggregated data on VAW. This should include:
    - the number of reports or disclosures made to line managers;
    - the form of VAW reported; and
    - employee satisfaction with how the disclosure was handled.
- Signpost to local specialist services, such as Women's Aid and Rape Crisis.

Summary of actions

Data

1. Collect intersectional gender-disaggregated data on the impact of Covid-19 on employees. This could include data on:
    - the experience of employees, their access to childcare, and social care services and how this affects their ability to do their job;
    - the impact of working from home or remotely, and how this is affected by childcare and/or home-schooling, and caring;
    - the impact and experience of being in the workplace during the pandemic;
    - access to technical training to use new online tools or equipment;
    - absence rates;
    - changes to working patterns or hours, for example employees may have been expected to work longer hours; and
    - staff wellbeing and access to mental health support.
2. Use a gendered analysis to identify the different experiences of women and men during Covid-19.
3. Use this data and analysis to inform your return to work plans and ensure staff wellbeing.

Caring responsibilities

4. Support employees who have caring responsibilities by offering flexible working, such as changing working hours, reducing workloads or reallocating work. This could be on a temporary basis.
5. Support employees to take paid time off to look after dependants, where possible.

6. Check in with employees to see how they are managing balancing caring responsibilities and work.

7. Ensure all staff are aware of the ways the council can support them if they have caring responsibilities.

8. Adopt a flexible approach to managing all staff.

Flexible working

8. Implement a default flexible approach to working.

9. Offer temporary changes to working hours or patterns to support those with caring responsibilities, where possible.

10. Consistently communicate with staff who are working flexibly to assess whether their working arrangements are still benefiting them or if further changes need to be made.

11. Work with employees to identify how to create long-term and sustainable approaches to flexible working after lockdown.

12. Offer flexible working and part-time working for all roles in the council.

13. Collect data, disaggregated by gender, job, grade and service, on new working patterns. This could include temporary changes or long-term changes, which may be informal or formal.

Homeworking

14. Work with employees to conduct risk assessments to determine their support needs for working from home.

15. Offer additional equipment to support employees to work from home.

16. Assess whether employees need additional training to use new online tools or equipment at home.

17. Ensure you're supporting disabled female employees by conducting risk assessments to identify any barriers to working from home and make reasonable adjustments.

18. Ensure staff working from home are kept up to date with any changes being made to the workplace and include them in any decisions being made.

Health and safety

19. Conduct a workplace risk assessment for employees currently in the workplace to determine their health and safety needs.

20. Ensure that female employees have access to PPE and that it is appropriate and well-fitted.

21. Provide training for staff on new policies or procedures put in place to manage the health and safety of employees during the crisis.

22. Conduct individual risk assessments for pregnant women and women returning to work from maternity leave.

23. Conduct individual risk assessments for BME women who are more likely to be affected by Covid-19.

Key workers and undervaluation

24. Engage with women working in lower paid roles, especially remote or non-office-based staff to ensure their experiences are used to inform plans for recovery.

25. Conduct risk assessments for women working in lower paid roles who may have high exposure rates to determine how best to support them in the workplace.

26. Prioritise key workers' health and wellbeing by assessing any challenges they are facing either through one-to-one meetings or through an employee survey.

27. Offer support to manage key workers' health and wellbeing. This could include offering mental health support through your employee assistance programme to care workers who have been working on the frontline.

28. Address the undervaluation of women's work in the council by reviewing your job evaluation schemes to check for sex bias and ensure that lower paid female-dominated roles are being evaluated on all skills required in the role.

29. Ensure that all employees and workers are paid the Real Living Wage.

Pregnancy and maternity

30. Conduct risk assessments for pregnant women and women returning to work from maternity leave to identify any risks they may face.

31. Make reasonable changes to working conditions such as adjusting working hours or providing space for women who are breastfeeding that is compliant with social distancing measures.

32. Adopt a flexible approach in managing staff will ensure that women who are pregnant, on maternity leave or returning to work are supported.

33. Maintain consistent communication with women on maternity leave, and ensure they are kept up to date with changes in the workplace.

34. Regularly check in with employees who are pregnant, or maternity leave or returning to work to ensure that any changes that were made are still relevant. Women's support needs may change over time and it's important to monitor the impact of changes being made to women's working practice.

Supporting victim-survivors and preventing VAW

35. Raise awareness of your VAW policy and the support available for victim-survivors, such as safety planning, flexible working, special leave or your employee assistance programme.

36. Offer victim-survivors a key worker letter to enable them to come into the office. This should be discussed with the victim-survivor and only provided if they want it.

37. Communicate to your employees that there is zero tolerance of VAW in the organisation.

38. Raise awareness of the reporting process for VAW and ensure employees are aware that the council will take their disclosure seriously.

39. Collect intersectional gender-disaggregated data on VAW. This should include:
    - the number of reports or disclosures made to line managers;
    - the form of VAW reported; and
    - employee satisfaction with how the disclosure was handled.

40. Signpost to local specialist services, such as Women's Aid and Rape Crisis.

Glossary

Coercive control

Coercive control is a pattern of behaviour that seeks to take away the victim-survivor's liberty or freedom, and strip away their sense of self. It's an act or a pattern of acts or behaviour that is used to harm, punish, or frighten their victim. It's used to maintain or regain control of a partner or ex-partner. Coercive control is recognised as a form of psychological abuse in the Domestic Abuse (Scotland) Act 2018.

Diversity

The recognition and valuing of difference, in its broadest sense. It is about creating a culture and practices that recognise, respect, value and harness difference for the benefit of service users, members of the public and employees.

Domestic abuse

Domestic abuse can be perpetrated by partners or ex partners and can include physical abuse (assault and physical attacks involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).

Equality

Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration - recognising the diversity of different groups of women and men.

Equality impact assessment

Equality impact assessment is a way of examining policies, proposals and plans to detect and assess their differential impact on men and women so that any potential inequalities can be addressed prior to implementation. It is a requirement of Scottish public bodies under the public sector equality duty.

Gender

A socially constructed set of norms, roles and relationships that is constituted in our social mores, laws, processes, and policies. It is time- and culture-specific and functions as a hierarchy.

Gender impact

This term describes the impact of policy and/or practice on either women or men. Many policies appear gender neutral; however, due to the reality of gender inequality, and the different shapes of women's and men's lives, they may have an unintended differential impact on women and men. The reason for examining this is to avoid developing policy which will perpetuate or exacerbate gender inequality. The primary tool for identifying gender impact in your council is the equality impact assessment.

Gender mainstreaming

Making sure that gender issues are built into the processes and outputs of a public body. It is an approach to integrating gender considerations into all facets of work. It involves ensuring that a gender perspective and the goal of gender equality is central to all activities, whether policy development, research, advocacy, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects. It integrates a gendered awareness into each aspect of work, rather than considering gender separately. Mainstreaming is a requirement of the public sector equality duty.

Gender sensitive

This term describes approaches, policies and practices which have been developed considering gender and do not have an unintended negative impact on women or gender equality as a result.

"Honour-based" violence

So-called "honour-based" violence is a form of violence and abuse that is committed to protect family and community honour. It's the belief that family and community honour is rooted in women's behaviour, appearance, and sexuality, and is to be guarded by men.

Intersectionality

An intersectional approach recognises that that women are not a homogenous group, but their experiences will vary according to their multiple identities. For example, disabled and Black and minority ethnic women's experiences will be inflected by not only sexism but also ableism and racism.

Occupational segregation

Refers to the clustering of men and women into different types of work (horizontal segregation) and into different levels of work (vertical segregation).

Perpetrator

An individual who chooses to use abusive behaviours in order to assert power and control, usually to gain authority over their partner. Someone who is currently or has previously committed VAW.

Rape and sexual assault

Rape and sexual assault can be defined as any behaviour of a sexual nature which is unwanted and that takes place without consent or understanding. Rape is when a man penetrates another person against their will, either vaginally, anally, or orally. Sexual assault covers other sexual contact and behaviour that is unwanted, ranging from touching to any other activity if it's sexual.

Stalking

Stalking is persistent and unwanted behaviour which causes or has the intention to cause fear or alarm. It's a form of surveillance underpinned by the communication of that surveillance.

Sex

Whether a person is a man or a woman.[23]

Sexual harassment

Sexual harassment is unwanted conduct of a sexual nature, which is intended to, or has the effect of, violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Undervaluation

In economics, the undervaluation of 'women's work' means that there is evidence of lower returns to women's productive characteristics. In practical terms, this means that work which is typically done by women tends to be poorly valued and underpaid.

Victim-survivor

The term victim-survivor is used to capture that individuals experiencing VAW can be both victim and survivor. Victims are often portrayed as helpless, powerless, or passive in contrast to survivors who are active, heroic and resourceful. However, the terms used separately don't capture the experience of VAW or the external factors that affect women's ability to leave.

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[23] For equalities monitoring, this would include an "other" option in which individuals may describe themselves as, for example, non-binary

Close the Gap works in Scotland on women's labour market participation. We work with policymakers, employers and unions to influence and enable action that will address the causes of women's inequality at work.

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