

## Written evidence submitted by the Trades Congress Union (CVG0027)

### Introduction

1. The TUC is the voice of Britain at work. We represent more than 5.5 million working people in 48 unions across the economy. Unions play vital role in winning equality in the workplace for women. OECD evidence shows unionised workplaces are safer and more equal than non-unionised workplaces<sup>1</sup>. Throughout the coronavirus emergency, the TUC and trade unions have challenged unfair treatment and discrimination in the workplace and fought to protect working women's safety, jobs and livelihoods.
2. The pandemic and our government's response to it are heavily affecting the UK's labour market and economy. Existing inequalities in the workplace and more widely mean this crisis is having a disproportionately negative impact on women.
3. We welcome the opportunity to respond to the Women and Equalities Select Committee's call for evidence and have set out the TUC's evidence uncovering the extent of the gendered impact of Covid-19.

### Evidence

#### Low pay, high risk

4. TUC analysis has found that women are almost twice as likely as men to be employed in a key worker occupation (45%, compared to 26%).<sup>2</sup> Women in public-facing roles have been on the front-line of responding to Covid-19 and helping to limit its public health impact.
5. Within the key worker group, women are more likely than men to be low-paid. 41% of female key workers are paid less than £10 per hour, compared to 32% of male key workers.
6. Many female key workers are at high risk of exposure to Covid-19, working without proper fitting personal protective equipment (PPE) or access to PPE at all. When these women become unwell, the inadequate provision of sick pay is not enough for women and their families to live on. Statutory Sick Pay is paid at a rate of £95.85 per week, and some women are not entitled to any sick pay at all. Many women have struggled to meet basic living costs while receiving SSP or no sick pay and others have faced no choice but to continue working and ignore public health advice.
7. The required earning threshold for Statutory Sick Pay also means that those who are in insecure forms of work are also more likely to miss out because they are likely to earn less. TUC analysis shows around a third (34 percent) of those on zero-hour contracts do not meet the earnings threshold compared to six percent of permanent employees.<sup>3</sup> Of the two million workers that don't earn enough to qualify for sick pay, 70% are women<sup>4</sup>. This is because their irregular hours may not result in them earning enough to meet the income threshold. Those in insecure jobs may force themselves in to work even if they are unwell – putting their clients' or fellow workers' health at risk.

8. Recommendation: The government must deliver for working families. The TUC is calling for the minimum wage to be increased to £10 per hour to ensure that everyone is paid a decent living wage. This would benefit around nine million employees, including the 3.7 million key workers, and would particularly benefit female key workers and young key workers. The government should also increase the weekly level of sick pay from £94.25 to the equivalent of a week's pay at the Real Living Wage to ensure workers can follow government advice without falling into poverty and debt. The government should act to abolish the lower earnings limit (and any earnings threshold) for receiving Statutory Sick Pay, extending coverage to almost two million workers.

### **Insecure work**

9. The coronavirus pandemic has exposed the serious gaps in our social protection systems, particularly for low-paid workers in insecure forms of work such as zero-hour contracts, the majority of whom are women<sup>5</sup>. Women in insecure work are at the sharp end of the UK labour market, they are more likely to be low-paid, to work in high-risk environments such as the social care sector and to miss out on many of the basic rights and protections available to securely employed workers including the right to time off for emergencies, protection from unfair dismissal and the right to sick pay.
10. Female-dominated sectors with the highest amounts of insecure working such as zero-hours contracts include health and social care and retail.<sup>6</sup> Women make up 83 per cent of those working in social care and 50 per cent of domiciliary care workers are on zero-hours or agency contracts. A lack of adequate PPE and the difficulties with observing social distancing measures when caring has meant women working in the social care sector have faced some of the highest risk of exposure to Covid-19. Covid-19 related deaths of social care workers have been twice that of any other occupation.<sup>7</sup>
11. Lack of workplace rights, and the knowledge that hours can be reduced or temporary contracts not renewed, shapes the workplace experience of insecure workers, meaning they often have little choice but to comply with demands to expose themselves to higher levels of risk. In our recent call for evidence about the experience of BME workers during the Covid-19 crisis, one told us that when asked to do visits to the vulnerable and elderly during the pandemic:<sup>8</sup>

*"My other colleagues refused, I am still under a short-term contract and don't have similar rights as they did to refuse to do tasks."*

12. Recommendation: The government must act immediately to introduce a ban on zero-hours contracts, a decent floor of rights for all workers and the return of protection against unfair dismissal to millions of working people.

### **Pregnant and precarious**

13. New and expectant mums have been acutely affected by the health and economic impacts of the coronavirus crisis, and the actions that government and employers have taken to respond to it. As a result, in June 2020, the TUC surveyed over 3,400 pregnant women and mums on maternity leave to find out about their experiences at

work since the crisis began. We found shocking levels of discrimination and unfair treatment, and that employers are routinely flouting health and safety law:<sup>9</sup>

- One in four pregnant women and new mums in our survey have experienced unfair treatment at work, including being singled out for redundancy or furlough
- Low paid pregnant women are most likely to have lost pay or work since the crisis began
- Two in five pregnant women haven't had a workplace safety assessment and of those that have, almost half (46%) said their employer did not take the necessary action to reduce the risks identified – which is against the law

14. These shocking levels of discrimination and health and safety breaches show the extent to which Covid-19 crisis is a health and economic crisis for new and expectant mums. As one mum told us:

*“I was the only one being singled out and threatened with furlough, it's only after HR got involved that they offered me an alternative solution and then my team leader changed her attitudes towards me.”*

15. TUC found evidence of employers routinely flouting health and safety law and pregnant women's health and safety rights are being routinely disregarded, leaving women feeling unsafe at work or without pay. Low-paid pregnant women responding to our survey were almost 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.

16. Recommendation: The government should change the law to protect new and expectant mums' health and safety. Employers are already required to undertake a Covid-19 risk assessment, which should take account of additional risks to anyone who is pregnant or a new mum. The government should now change the law to require employers to undertake individual written risk assessments when they are informed that a woman who works for them is pregnant, has given birth in the past six months or is breastfeeding. Assessment of risk should involve discussions with the woman involved, and if there is any risk then it must be removed.

17. Recommendation: The government should ensure employers have a stronger awareness of existing health and safety provisions which provide that if risks cannot be removed, and there is no alternative work available, pregnant women have the right to be suspended from work on full pay. The Health and Safety Executive should enforce the law through spot-checks and should encourage pregnant women to raise concerns with them (anonymously if necessary). Employers who break the law should be subject to the full range of penalties including fines.

18. Recommendation: The government should strengthen existing protections for pregnant women and new mums at risk of unfair treatment and redundancy. This should include extending pregnancy and maternity redundancy protections to six

months after a new mum has returned to work, and ensuring all workers have a day-one right to this protection, including pregnant women on zero-hours contracts.

### **Forced Out: The cost of getting childcare wrong**

19. Childcare is a vital part of our infrastructure enabling parents to stay in work. A big challenge for working mums, before as well as during the coronavirus crisis, has been how to balance paid work with caring responsibilities. These difficulties have intensified since the crisis began and have damaged women's equal access to employment. Prior to the crisis, 68% of parents of two to four year olds were accessing some form of childcare such as a preschool, nursery or children in period before March 2020.<sup>10</sup> As of June 2020, this had fallen to just 7%. This has created huge difficulties for working parents, particularly mums as they try to balance full-time and paid work.
20. The drop in childcare provision is a result of measures taken by the government to contain the spread of coronavirus. Necessary measures, such as the mass and prolonged closure of schools and childcare settings and social isolation restrictions that prevent friends and family providing informal childcare support, has meant working parents have become full-time carers for their children. Due to the unequal division of care and domestic work in households, mums have picked up the majority of childcare while nurseries and schools have been closed – and many have had to sacrifice work hours and pay to do so.<sup>11</sup>
21. The TUC's analysis shows the impact the childcare squeeze is having on mums currently on maternity leave. 70 per cent of mums on maternity leave planning to return to work in the next three months are unable to find childcare to enable them to return to work.<sup>12</sup>
22. The decision to close childcare settings has also created a crisis in the childcare sector. As many as one in four providers do not think they will be open by Christmas while others may only be able to open safely on reduced hours or with fewer places under social distancing rules. Working parents will also face huge ongoing difficulties as wraparound before and after school care will be unavailable or very limited in the coming months, a near total lack of summer holiday care provision for school-aged children and NHS Track and Trace which requires childcare providers and schools to shut down at very short notice following a local outbreak.
23. Without immediate strategic action on the part of government, women with caring responsibilities and those returning from maternity leave are at higher risk of being unfairly targeted for redundancy and dismissal due to difficulties with their childcare.
24. Recommendation: Childcare provision is a vital part of our economic recovery. The government must give an urgent cash injection to the childcare sector to ensure existing levels of provision can be maintained and meet the needs of working families. Additional funding should be provided and targeted at children from low income households to ensure they do not lose out.
25. Recommendation: A more limited form of the job retention scheme should remain in place beyond October to support parents who are unable to return to work because of

childcare responsibilities and enable them to remain on it until schools and childcare settings are fully reopened. This would protect women's incomes and help employers support workers to balance work and care.

26. Recommendation: Make flexible work the default and give all workers the right to work as flexibly as possible from their first day in the job. Flexible working can take lots of different forms, including the right to predictable hours, working from home, jobsharing, compressed hours and term-time working. This would enable more working parents affected by the childcare crisis to balance work and care commitments.
27. Recommendation: Ensure our parental leave system is fit for purpose and give all workers, regardless of their employment status, a day one right to 10 days paid parental leave. This could be used, for example, to cover parents who are unable to work during a 14-day self-isolation mandated by NHS Track and Trace.

### **Black women workers**

28. The disproportionate impact that Covid-19 has had on black and minority ethnic (BME) workers and their families is deeply rooted in the structural inequalities and racism that impact what they earn, where they work and what happens at work as well as what happens when they catch the virus.
29. Black and minority ethnic women experience systemic inequalities across the labour market that mean they are overrepresented in lower paid, insecure jobs. These inequalities are compounded by the racism and sexism that BME women face within workplaces.
30. TUC research carried out just before the outbreak of Covid-19 revealed that BME women's experiences at work are blighted by discrimination: more than half of BME women (53 per cent) have been given harder or more difficult tasks to do, a higher rate than BME male workers reported. This has worsened since the Covid-19 crisis began.
31. In TUC's recent call for evidence, one in six of those responding said that that during the pandemic they had been put at more risk because of their race or ethnicity.<sup>13</sup> BME workers described being forced to undertake risky tasks, frequently on the frontline. These tasks were often those that white colleagues had previously refused to do. A number of responses highlighted workers being asked to go on external visits when no one else would:

*"I was made to do home visits when patients refused to come into hospital for the maternity care.*

*Some of my white colleagues refused and I was given no choice."*

*"I was sent to cover in another branch because they were low on staff due to some of them being high risk or abroad. Other colleagues didn't have to go because they were scared of putting themselves at risk; however, that didn't seem to be a reasonable reason not to ask me to."*

32. Other BME workers were exposed to higher levels of risk within their usual workplaces. One nurse, for example, told us that she was always allocated to work with the patients with coronavirus, something that didn't happen to white colleagues. When she asked if staff could be rotated so that no one person was always looking after coronavirus patients, her manager exploited her insecure status as an agency worker, threatening to inform her agency and stop booking her for work. She was then faced with a stark choice between being able to earn an income and continuing to be placed at increased risk which could threaten her life.

*"I had to make a decision to either die on the job or move away quietly to save my dignity and health."*

33. The nurse felt that the experience typified the "racism and injustice" that she faced on a daily basis in her workplace, adding that in the past it had caused her to leave a permanent senior role.

34. Recommendation: The government should create and publish a cross-departmental action plan, with clear targets and a timetable for delivery, setting out the steps that it will take to tackle the entrenched disadvantage and discrimination faced by BME women and all BME people; in order to ensure appropriate transparency and scrutiny of delivery against these targets regular updates should be published and reported to parliament

35. Recommendation: The government should introduce mandatory ethnicity pay-gap reporting alongside a requirement for employers to publish action plans covering recruitment, retention, promotion, pay and grading, access to training, performance management and discipline and grievance procedures relating to BME staff and applicants

July 2020

## Endnotes

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<sup>1</sup> OECD (2018) Good jobs for all in a changing world of work: The OECD Jobs Strategy available at <http://www.oecd.org/employment/jobs-strategy/about/>

<sup>2</sup> TUC (2020) Key worker pay available at <https://www.tuc.org.uk/research-analysis/reports/ps10-minimum-wage-would-benefit-millions-key-workers>

<sup>3</sup> TUC (2020) [Sick pay for all](#)

<sup>4</sup> TUC (2020) [Sick pay for all](#)

<sup>5</sup> TUC (2020) Pregnant and precarious: New and expectant mums experiences at work during Covid-19

<sup>6</sup> Living Wage Foundation; NEF (2019) Living Hours: providing security of hours alongside a Living Wage

<sup>7</sup> HM Government (2020) Coronavirus related deaths by occupation England and Wales [www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causesofdeath/](http://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causesofdeath/)

<sup>8</sup> TUC (2020) Dying on the job

<sup>9</sup> TUC (2020) Pregnant and precarious: New and expectant mums experiences at work during the coronavirus available at <https://www.tuc.org.uk/news/employers-are-breaking-law-and-forcing-pregnant-women-out-work-during-pandemic-warns-tuc>

<sup>10</sup> Sutton Trust (2020) Covid-19 impacts: Early Years

<sup>11</sup> TUC (2020) Forced Out: The cost of getting childcare wrong available at <https://www.tuc.org.uk/research-analysis/reports/forced-out-cost-getting-childcare-wrong>

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<sup>12</sup> TUC (2020) Pregnant and precarious: New and expectant mums experiences at work during the coronavirus available at <https://www.tuc.org.uk/news/employers-are-breaking-law-and-forcing-pregnant-women-out-work-during-pandemic-warns-tuc>

<sup>13</sup> TUC (2020) Dying on the job