

UNITE EQUALITY BRIEFING FOR REPS



COVID-19 – IMPACT ON LGBT+ MEMBERS



Unite the union guide to workplace
equality impact assessments



Thank you to all who have contributed and are acknowledged in this guide. 2021



UNITE EQUALITY BRIEFING FOR REPS

COVID-19 – Impact on LGBT+ members

OVERVIEW

The COVID-19 pandemic has had a significant impact on the health, safety and wellbeing of Unite LGBT+ members. This Government is clearly out of touch with the realities of life for LGBT+ people.

Long standing prejudice and discrimination had already forced LGBT+ people to hide their true identity from family, friends and colleagues. The existing homophobia, biphobia and transphobia have been deepened by the COVID-19 crisis and have pushed many LGBT+ workers into isolation and abusive home environments.

There has been significant increase in reporting of mental health issues as a result of lockdown. There is some evidence that LGBT+ people were unable to access healthcare, or medication during the coronavirus pandemic and are at increased risk of homelessness, lower employment, and restricted access to healthcare. Having to work from home has in many cases put LGBT+ members at increased risk.

Crucially, the Government has not carried out equality impact assessments on its measures to deal with COVID-19.

Unite 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.

Unite Reps need to use Equality Impact Assessments as an essential tool to negotiate changes to working practices, particularly home-working policies, workplace health and safety, redundancies, working hours, fair pay and conditions. This is particularly important since the COVID-19 health emergency is a rapidly changing situation.

Unite is campaigning hard to address these issues. This briefing brings together some analysis on the impact of COVID-19 on LGBT+ workers, useful advice, information and campaign actions that will help you in the support that you are providing to our LGBT+ members.

You can access Unite's extensive information about COVID-19 here

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

For Unite Equality Impact Assessment Guide please click on the link below

<https://unitetheunion.org/media/3382/action-on-covid-19-equalities-booklet.pdf>

TAKE ACTION

1. As a Unite safety rep use your rights to request from your employer copies of Equality Impact Assessments associated with health and safety policies and procedures when carrying out your inspections and investigations.
2. Write to your MP to let them know about all of the issues that are set out in this briefing and ask them to set out a strategy to support LGBT+ workers through COVID-19 and redress the inequality that LGBT+ workers face in the longer term.

You can find your MP's details here. <https://www.theyworkforyou.com/>

3. Keep in touch. Please let us know if you have any questions or comments or any success stories relating to supporting LGBT+ members through the COVID-19 crisis by emailing equality@unitetheunion.org



PROTECT LGBT+ MEMBERS' SAFETY, JOBS AND INCOME

PROTECT LGBT+ MEMBERS' HEALTH AND SAFETY

- Medical treatment
- Health & Safety at work and PPE
- Working from Home and Domestic Violence and Abuse
- Zero Tolerance of Harassment, Discrimination and Bullying

Medical treatment

Because of the overload of our health system, medical treatment for LGBT+ people has been interrupted, postponed or deprioritised in many cases. This includes HIV treatment and testing, hormonal treatment and gender affirming treatments for trans people. The Government's inaccurate and disorganised communication about shielding for people with HIV/AIDS has created unnecessary anxiety for many LGBT+ people.

Many trans workers have been denied access to prescribed and scheduled hormone injections, with some being told that these are 'non-essential'. However, Royal College of General Practitioners guidelines state that practices should aim to continue essential injections (such as testosterone) regardless of the scale of the virus outbreak. Also, the already problematic issue of waiting times for medical appointments has been worsened as appointments have been put on hold. This means many trans workers have to wait even longer for their transition to progress.

The Government must ensure that decisions regarding health service provision do not discriminate against LGBT+ people. This includes:

- Planning for and providing funding for mental health support post COVID-19, particularly in relation to counselling, cognitive behavioural therapy (CBT) and for trans people having appointments to transition cancelled
- Urgently addressing waiting times for appointments and treatments
- Ensuring that deferred health monitoring for HIV services has not and will not put anyone at risk

Unite reps need to make sure our LGBT+ members are fully supported through these difficult times in the union as well as by the employer.

Health & safety at work and Personal Protective Equipment (PPE)

The health and safety of workers is Unite's highest priority.

Unite LGBT+ members work across many of our industrial sectors and in public facing jobs. There are major challenges in safe working practices and access to PPE. Our LGBT+ members have had problems in accessing the correct PPE, particularly those working in the health service and social care. Even if they are able to access PPE, it is in short supply, there is lack of training in its use, it does not fit properly, it is not the right type, or is out of date.

It is important to encourage our Unite LGBT+ members to report when they are concerned about health and safety at work.

At risk groups

If you fall into any of the at risk groups, you should inform your employer of your health status immediately. The employer must perform a risk assessment to assess your likely exposure to COVID-19 and any mitigating control measures that can be enacted, then implement these as soon as possible to provide a safe working environment. This may require you to work from home, stagger working time – arrival and departure - where possible, or change job roles without suffering any detriment to pay and benefits whilst the COVID-19 virus is at large in the population.

If an employee has a disability defined by the Equality Act 2010 which could compromise their immune system or pose a higher risk of developing severe COVID-19, the employer may have a legal duty under the Act to make reasonable adjustments to the employee's working arrangements.

For more information on at risk groups please see information from Unite:

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

Risk assessment

Unite is advocating a risk assessment approach using the hierarchy of control common in good health and safety management. No work should start without an up to date COVID-19 risk assessment and individual risk assessments should be carried out where the need is identified for example for disabled members and members who are at particular risk from COVID-19.

Health and safety law

In addition to their duties to protect their employees' health, safety and welfare while they are at work under the Health and Safety at Work etc Act 1974, employers have general duties to carry out risk assessments under the Management of Health and Safety at Work Regulations 1999.

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

There are specific workplace risk assessment requirements under the Control of Substances Hazardous to Health Regulations 2002 (COSHH) which apply to infectious micro-organisms/biological agents, of which coronavirus is a group.

<https://www.hse.gov.uk/coshh/>

Personal Protective Equipment at Work Regulations 1992

<https://www.hse.gov.uk/toolbox/ppe.htm>

Please refer to the Unite COVID-19 health and guidance listed below for fuller information

Collective protective measures in the workplace must take priority (such as physical distancing, erecting barriers). If, having taken these measures, there is still a risk to workers, then PPE must be used as part of the COVID-19 prevention strategy.

Personal Protective Equipment

PPE is generally designed by men for men based on the sizes and characteristics of male populations from certain countries in Europe and the USA. As a result many LGBT+ workers, most women and many men who do not come in this standard size range experience problems in finding suitable and comfortable PPE, and are put at risk. Employers must work with manufacturers and suppliers to source appropriate PPE (in consultation with Unite safety representatives and equality representatives).



PPE principles

- Selected based on the hazard identified
- Provided free of charge to workers
- Workers given a choice of suitable PPE
- Wearing PPE must not create additional hazards
- One size does not fit all: a range of sizes made available which are designed to fit the diversity of LGBT+ workers and to take account of particular characteristics of workers
- Fitted to the individual worker and not shared
- Be compatible when worn with other PPE
- Workers trained to use PPE correctly
- Stored safely and regularly cleaned, inspected and maintained (or disposed of and replaced)

Protection from detriment or dismissal under the Employment Rights Act 1996 for workers facing a situation of imminent danger

In addition to requirements under health and safety law, employees are protected from being subjected to a detriment or dismissal (contained in S44 & S100 of the Employment Rights Act) on grounds that:

- 'in circumstances of danger which the employee reasonably believes to be serious and imminent and which they could not reasonably be expected to have averted, they left (or proposed to leave) or (while the danger persisted) refused to return to their place of work or any dangerous part of their place of work'; or
- 'in circumstances of danger which the employee reasonably believed to be serious and imminent, they took (or proposed to take) appropriate steps to protect themselves or other persons in danger.'

It is for individuals to make their own decisions in their own workplace as to whether there are 'circumstances of danger' which they 'reasonably believe' to be 'serious' and 'imminent' so as to justify leaving the workplace or (while any danger persists) refusing to return or taking appropriate steps to protect themselves.

This advice is intended only to communicate what the law is; however if members suffer a detriment or dismissal on the basis of a genuine and reasonable belief then **UNITE WILL SUPPORT YOU**.

You should contact your rep or officer as soon as you have removed yourself from danger.

For more information please refer to:

UNITE ACTION

PPE

Unite is leading the campaign for production, distribution and supply of PPE to frontline workers.

Safe working practices

There are many examples where Unite has been able to negotiate safe working practices. Your regional officer will be able to give you examples of best practice including workplace adjustments, travel to work, shorter shifts and moving to working online.

Unite health and safety guides – COVID-19

You can access Unite guides for vital information about Health and Safety.

General advice link to all the Unite guides and advice on COVID-19

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

Examples of Unite guides

Covid-19 and workplace health and safety <https://tinyurl.com/ktu3sj34>

Covid-19 risk assessment <https://tinyurl.com/fed6neh6>

Workplace infection control and facilities at work <https://tinyurl.com/2tcnhzmy>

Unite Supports International LGBT+ Solidarity <https://tinyurl.com/pnpruysc>

Take Pride <https://tinyurl.com/8t9z2mb6>

Unite Greetings for LGBT+ History Month 2019 <https://tinyurl.com/wms9fva4>

Trans Equality at Work <https://tinyurl.com/7hwy23w8>

Mental health under the strain of a pandemic <https://tinyurl.com/43kt8trj>

Unite helpline

Unite has launched a helpline and volunteer care service for its vulnerable members during the coronavirus crisis.

Unite members can call the helpline number 0330 1072351. The helpline is fully staffed between 08:00 until 19:00 Monday to Friday with an overflow service at other hours. A Unite volunteer will be assigned to assist anyone who needs help with picking up shopping, posting mail, collecting urgent supplies, such as prescriptions, or simply talking to those who are experiencing loneliness. For more information use the link <https://tinyurl.com/a2k7e434>

Working from Home and Domestic Violence & Abuse

Many LGBT+ members are working from home but, for some, home is not the best option. Many people are living in hostile, non-accepting, and sometimes abusive households.

There has been a worrying increase in reports of domestic violence and abuse towards LGBT+ workers, particularly young workers. This is an increasing concern while many LGBT+ members are working from home or have had to move back to their family home where they may face prejudice.

Many LGBT+ members had to go back in the closet with stark mental health implications. At the same time access to wider relationship structures have been greatly reduced leading to isolation.

As most support services had to close or have been functioning with meagre resources and also due to lockdown, many LGBT+ workers have been unable to access the support of peers, allies and their usual support networks.

There are other issues that will affect LGBT+ members while working from home for example, working longer hours, lone working without supervision, issues around IT, including broadband capacity, specialised display screen equipment needs and the management and coordination of work as well as stress and mental health.



Employers should ensure that home is a safe and secure place of work:

- carry out health and safety risk assessments to take into account the ergonomics of the workstation including providing suitable work equipment and appropriate seating
- pay for all work equipment
- ensure normal working hours
- maintain any benefits related to usual place of work for example, if lunch or childcare is paid for
- take steps to address concerns about isolation and loneliness

Employer's duty to make reasonable adjustments for disabled LGBT+ members working from home, under the Equality Act 2010

Employers have a duty to make a reasonable adjustment where a provision, policy or practice and/or any physical features of premises causes a substantial disadvantage for a disabled LGBT+ person. An example would be when a worker is required to start to work from home.

New requirements for each disabled member for reasonable adjustments should be addressed, implemented and paid for by employers. It is important to remember that with different ways of working due to the pandemic, reasonable adjustments which had been agreed could have, or can, change.

Supporting LGBT+ members in the workplace

The workplace is often one of many places where LGBT+ workers can access support and information.

It is important that Unite reps:

- Ensure their employers fully support LGBT+ members, find new ways to provide support for them to work from home, make reasonable adjustments for disabled LGBT+ members and adapt and/or introduce security plans for work/home settings, as well as signpost them to help
- Negotiate a policy with the employer, whether as a stand-alone or as part of other policies
- Support members, where possible, to find a place of safety
- Make sure LGBT+ members keep up their connection with other trade union members, LGBT+ networks and supportive colleagues. This could be through online meetings or phone conversations
- Remind employers of their health and safety responsibilities for their employees who are working from home

An up to date working from home policy

Unite reps need to negotiate a working from home policy. If one already exists, ask for it to be reviewed in the light of the COVID-19 pandemic, and make sure you are consulted on any changes.

UNITE ACTION

Unite campaigns for shorter working hours, health and safety protection for all workers and decent employment rights, whether members are working in a workplace or from home.

We are pressing the government to provide sufficient and appropriate funding for LGBT+ services to ensure those who have been distanced from supportive community structures during the pandemic receive all necessary support through housing and mental health services.

Unite is campaigning for stronger legislation covering employment and domestic violence and abuse to support our collective bargaining agenda. This includes a specific legal duty on employers to prevent harassment, discrimination and bullying at work including a duty to protect the victims of domestic violence and abuse.

Unite is also campaigning for a nationally funded network of support services helping those suffering from domestic violence and abuse.

Unite has produced guidance on COVID-19 and homeworking in the link below

<https://unitetheunion.org/media/2996/101-unitehomeworkingguide-20-04-01-v01b.pdf>

You can access Unite Domestic Violence and Abuse Advice and Guidance here –

<https://unitetheunion.org/media/3493/9223-violence-and-abuse-doc-003.pdf>

You can access more information on Galop website here www.galop.org.uk/domesticabuse

You can find helpful information here, which includes self-isolation helplines and support for LGBT+ people <https://www.stonewall.org/about-us/news/covid-19-%E2%80%93-how-lgbt-inclusive-organisations-can-help>

Zero Tolerance of Harassment, Discrimination and Bullying

Harassment, Discrimination and Bullying cause untold misery and humiliation to thousands of workers, particularly women, black, Asian & ethnic minorities, disabled, LGBT+, young and older workers, every year. During the pandemic LGBT+ workers have been at greater risk of discrimination and exclusion.

All Unite members should be able to turn to the union for advice, support and representation if they are subjected to unwanted and/or offensive attention, exclusion, verbal or physical abuse and undermining of their capabilities.

Unite reps need to be fully aware of harassment, discrimination and bullying in order to deal with it effectively, provide support to members, and ensure workplaces with zero tolerance of all forms of harassment, discrimination and bullying.

UNITE ACTION

Unite is campaigning for a specific legal duty on employers to prevent harassment, discrimination and bullying at work.

Unite guidance

Click on the link below for guidance on tackling and preventing harassment, discrimination and bullying and ensuring workplaces where there is dignity and respect for all.

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

You can find Unite regional contacts and support at the end of this guide.



PROTECT LGBT+ MEMBERS' JOBS

● Job Retention

Job Retention

LGBT+ members are at a particular risk of redundancy as many work in sectors where it is often easier to be openly out such as the voluntary sector, arts and culture, travel and tourism and hospitality, which have been badly affected by the pandemic.

Coronavirus Job Retention Scheme ("furlough")

Unite has been at the forefront of campaigning for job protection. As a result of pressure, the government furlough scheme, the Coronavirus Job Retention Scheme, has been extended until 30 September 2021. Also, flexible furloughing will continue to be allowed in addition to full-time furloughing.

You can access information and updates about the Job Retention Scheme using the following link
<https://unitetheunion.org/campaigns/coronavirus-covid-19-advice/#Anchor1>

Unite's successful campaigns for job protection

In many cases Unite has been able to negotiate agreements with employers to ensure that workers are provided with job protection during Covid19. Please see some examples here:

<https://unitetheunion.org/news-events/news/2020/april/unite-hails-victory-as-1-500-marriot-hotel-workers-go-on-coronavirus-job-retention-scheme/>

<https://unitetheunion.org/news-events/news/2020/april/greenwich-library-coronavirus-furlough-deal-could-act-as-national-template-says-unite/>

PROTECT LGBT+ MEMBERS' INCOME

LGBT+ workers are often worse off economically due to continual discrimination in the world of work and society in general. BAEM and disabled LGBT+ workers are hit even harder.

The COVID-19 crisis has exacerbated the pay gap and access to employment particularly for trans workers.

UNITE ACTION

Unite continues to campaign for the government to address homophobia, biphobia and transphobia as a priority given the current levels of hostility faced by LGBT+ people.

Unite benefits advice line

Unite has set up a dedicated benefits advice line which members can access by calling **0333 202 6563**.

Please note that phones may be busy, but we will do everything we can to respond to all member enquiries as quickly as possible.

For Unite information on Universal Credit click on the links below:

<http://unitelive.org/universal-credit-chaos-coronavirus-crisis/>

<https://unitetheunion.org/media/2194/stop-universal-credit-how-to-survive-booklet.pdf>

https://unitetheunion.org/media/2631/8869_universal-credit-report_a4_finaldigital.pdf

Department of Work and Pensions (DWP)

If members need advice on a COVID-19 related benefits query, information is available from the DWP

<https://tinyurl.com/3wptdxu4>



BUILDING OUR COLLECTIVE STRENGTH

It is so important that Unite uses the full force of our collective strength to campaign and ensure that:

- no worker is left behind
- a decent income is provided for all during this pandemic
- we have secure, decent jobs in the longer term
- we have sectoral collective bargaining so that everyone is protected
- we have statutory rights for union equality reps

LGBT+ workers are joining Unite and we are reaching out to our new members to get organised and encouraging all Unite LGBT+ members to get involved.

What you can do

- Stand for election as a union rep, health and safety rep, union equality rep, or branch officer
- Bring work colleagues into membership
- Demand union recognition and collective bargaining for wages and conditions going forward

LASTING CHANGE

Unite has long challenged LGBT+ discrimination that exists in our labour market and called for strong regulations to eliminate homophobia, biphobia and transphobia.

As government ministers clapped for health and social care workers every Thursday night and proposed producing badges to thank them, we were clear that the pay restraint they imposed in the last decade has caused the poverty we are now dealing with.

Unite continues its work to ensure that there is a lasting recognition in pay and equality at work for all workers by:

- Prioritising to protect everyone's safety, jobs and income
- Encouraging LGBT+ members to become health & safety and/or union equality reps
- Campaigning for mandatory Workplace Equality Impact Assessments with strong implementation, regular monitoring and acting on recommendations
- Training reps to carry out equality impact assessments
- Campaigning to extend the Equality Duty to the private sector

- Pressing the government to take urgent action to address the immediate impact of COVID-19 as follows:
 - Addressing homophobia, biphobia and transphobia
 - Providing appropriate funding for LGBT+ services
 - Providing effective social security protection and an end to Universal Credit
 - Implementing a decent pay rise for public sector workers
 - Increasing the National Living Wage
 - A framework for trade union rights



Unite National and Regional Contacts

128 Theobald's Road, Holborn, London WC1X 8TN

Email: equality@unitetheunion.org

Harish Patel, National Officer for Equalities

020 7611 2643

Diana Holland, Assistant General Secretary, Transport - Equalities - Food

Tel: 020 76112563

Anooshah Farakish, Researcher for Equalities

Tel: 020 7611 2639

Regional Women's & Equalities Officers

North West	Sharon Hutchinson	0161 848 0909
North East, Yorkshire & Humberside	Sue Pollard	0113 236 4830
West Midlands	Maureen Scott-Douglas	0121 553 6051
East Midlands	Neelam Verma	0133 254 8400
South West	Karen Cole	0117 923 0555
South East	Janet Henney	0118 402 6810
London & Eastern	Margaret Bourne (stand down officer)	020 8800 4281
Ireland	Taryn Trainor - Belfast - Dublin	028 90 232381 00353 (0)1 8734577
Scotland	Lorna Glen	0141 404 5424
Wales	Jo Galazka	02920 394 521

Useful Organisations

Trade Union Congress (TUC) - www.tuc.org.uk Tel: 020 7636 4030 info@tuc.org.uk

Health and Safety Executive (HSE) - <https://www.hse.gov.uk> Tel: 03007906787

Equality & Human Rights Commission (EHRC) - www.equalityhumanrights.com,

Phone Advice: 0808 800 0082, Textphone Advice: 0808 800 0084

Albert Kennedy Trust - www.akt.org.uk

Galop - www.galop.org.uk Tel: 0800 999 5428

Switchboard LGBT+ Helpline - www.switchboard.lgbt Tel: 03003300630

Terrence Higgins Trust - www.tht.org.uk Tel: 020 7812 1600

British HIV Association - www.bhiva.org Tel: 01462 530070

Prepster - www.prepster.info

LGBT Foundation - www.lgbt.foundation Tel: 0345 3 30 30 30

Press for Change - www.pfc.org.uk Tel: 08448 708 165

Stonewall - www.stonewall.org.uk

Unite equality briefing for Reps

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