

Equality issues during Covid-19

The current Covid-19 pandemic has raised a number equality issues and concerns. We have put together some information that you may find useful as you navigate through understanding your rights and responsibilities and in seeking support.

Equality reps

Due to current lock down we were unable to proceed with our scheduled Equality Reps Conference in early April – we will hope to reschedule the conference once the current lockdown has been lifted. However, in the interim, **we are keen to receive reports from reps on equality related issues facing members as a result of Covid-19.**

Please send your report to eqadmin@ucu.org.uk – this will help us greatly in responding effectively to branches through the advice and guidance we issue.

As information is fast changing during the current period, we will endeavour to provide up to date information as soon as is possible. If you have any queries, please send these to eqadmin@ucu.org.uk

Please ensure that you regularly visit our coronavirus web page for information, advice and rights on the virus at work www.ucu.org.uk/covid19. If you are experiencing challenges with your employer, please contact your regional office for advice.

Black members surviving Covid-19 and beyond

The abandonment of A level, GCSE and City and Guilds examinations in favour of the use of predicted grades taken from teacher evaluations disadvantages black students and communities. For some, this may lead to a loss of university or college place.

OFQUAL are consulting on the proposed arrangements which can be accessed here:

<https://www.smartsurvey.co.uk/s/jvvh13>. **The deadline for responses is Wednesday 29 April.**

Some questions to consider when responding:

- have OFQUAL developed the appeal process as outlined and requested by the Secretary of State for Education?
- does the appeals process focus on using the correct data?
- how was this process applied?
- was there mediation during the application of this process?
- what guidance will be provided in ensuring there is no bias during grading and ranking?
- can this be outlined clearly?
- will it be made public? What quality assurance will take place?
- it is unfair to expect vocational students to potentially be assessed in the same way as those taking alternative academic routes. Why is this the case? Many students will be trying to complete their qualification whilst in employment. Why is it not possible for them to be assessed and their competence measured using the same principles as for final year health care workers and professionals?

UCU's Black Members' Standing Committee is developing a broad-based, joint response to the Coronavirus crisis focussed on the following areas of concern for black staff and students. If you would like to share your experience or wish to contribute to any of the following please contact Chris Nicholas cnicholas@ucu.org.uk:

1. no detriment from non-examination
2. guarantee access to college and university places for all qualified candidates
3. threat to range of educational provision to black (and poor) communities
4. black educators concentrated in most precarious roles and areas - how to safeguard
5. equality implications of online learning and working
6. maintaining and rebuilding education and training provision post-Covid-19.

Disabled members' changes as a result of Covid-19

These are unprecedented times and it is extremely stressful for members with hidden disabilities to feel the need to 'explain' their condition to anyone. Members should contact their regional office for advice if they feel undue pressure from employers to disclose their disability. The current pandemic presents additional challenges and barriers for UCU members with disabilities and we have issued some specific advice here:

https://www.ucu.org.uk/media/10838/Coronavirus-and-disability/pdf/ucu_main_v4.pdf

The Coronavirus Act 2020

The Coronavirus Act 2020 came into force on Wednesday 25 March. The Act grants the government emergency powers to handle the 2020 coronavirus pandemic. However, the Act raises a number of concerns that will impact on disabled and older people, and those with a mental health issue or condition, for example:

- suspending every duty in the Care Act 2014 including the duty to meet the eligible needs of disabled people (section 18) and their carers (section 20)
- delay in carrying out an assessment for eligibility for NHS continuing care
- suspending the duties for young people transitioning to adult social care
- significantly weaken the legal obligation on schools and colleges to provide reasonable adjustments and to include young people with SEND
- allowing only one doctor's opinion to detain individuals under the Mental Health Act.

The weakening of the rules around sectioning people may well have a disproportionate impact on black communities: [https://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366\(19\)30027-6/fulltext](https://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366(19)30027-6/fulltext). UCU is concerned of the potentially devastating consequences the Act has and will be making a submission to the Women's and Equalities Select Committee and will keep a close watch on the Act and its implementation.

Social model of disability

UCU follows the social model of disability. This is a way of understanding disability which looks at how society is organised and the social and institutional barriers which restrict disabled people's opportunities.

The social model argues that a person may have an impairment or condition, but they are disabled by barriers they face in society, which work in combination with their impairment or condition to restrict their access and rights.

Barriers may include:

- physical barriers such as steps
- communication barriers such as information only being available in a format that some people cannot access (e.g. print)
- sensory barriers such as noise or lighting
- demand barriers such as long working hours
- attitudes and perceptions around disabilities

These barriers can make it impossible or very difficult for disabled people to access jobs, buildings, transport, open spaces or services. Removing those barriers is the best way to include millions of disabled people in our society.

Shielding

This information explains what the latest government and NHS advice is around **shielding** and how UCU members who fall within the vulnerable category should protect themselves.

What is shielding?

Shielding is a measure taken to protect clinically vulnerable people by minimising the interaction between individuals who are extremely vulnerable and others. It is a means to protect those who are at very high risk of severe illness from coronavirus from coming into contact with the virus.

The measures included in shielding are:

1. **strictly** avoid contact with individuals who are displaying symptoms of coronavirus - symptoms include a high temperature (37.8°C) and a new continuous cough
2. **do not leave your home**
3. **do not attend any gatherings:** family, social or religious
4. **do not go out** for shopping, leisure or travel - ask family or friends to deliver shopping/medication. **It is important that they follow the guidance on social distancing to minimise contact**
5. **keep in touch** with family, friends via phone, and social media platforms.

How would I know if I need to shield?

NHS England are in the process of writing to everyone who falls within this category to provide further advice. **If you have not received a letter and feel that you fall within this category, you should contact your GP or consultant.**

Shielding requires individuals who fall within the extremely vulnerable categories to stay at home and minimise all non-essential contact with others within the household **for a period of 12 weeks from when you receive your letter.**

Who does it affect?

Current government advice has placed the following people in this group:

1. solid organ transplant recipient
2. people with specific cancers:
 - people with cancer who are undergoing active chemotherapy
 - people with lung cancer who are undergoing radical radiotherapy
 - people with cancers of the blood or bone marrow such as leukaemia, lymphoma or myeloma who are at any stage of treatment
 - people having immunotherapy or other continuing antibody treatments for cancer
 - people having targeted cancer treatments which can affect the immune system, such as protein kinase inhibitors or PARP inhibitors
 - people who have had bone marrow or stem cell transplants in the last 6 months, or who are still taking immunosuppression drugs.
3. people with severe respiratory conditions including all cystic fibrosis, severe asthma and severe COPD
4. people with rare diseases and inborn errors of metabolism that significantly increase the risk of infections (such as SCID, homozygous sickle cell)
5. people on immunosuppression therapies sufficient to significantly increase risk of infection
6. women who are pregnant with significant heart disease, congenital or acquired

If members meet the definition of disabled under the Equality Act 2010, and are concerned that by being at work, their immune system may be compromised and or may have a higher risk of contracting Covid-19, that employers have a legal duty to make reasonable adjustments to working arrangements.

Further information on reasonable adjustments can be found here:

https://www.ucu.org.uk/media/10607/Making-Adjustments-Work-Information-Sheet/pdf/Making_Adjustments_Work_Info_Sheet.pdf

LGBT+ members support and advice

Being able to be open about who we are and our experiences is an important part of good mental health. Being out at work, and in wider society can provide protected / safe space, support and solidarity that are crucial for that openness. Space and protection for being out at work, supported by hard won rights such as in the Equality Act, can enable pride and wellbeing that may not be found elsewhere, including at home.

Impact of social restrictions

Whilst the UK follows lockdown and social distancing measures people may find themselves cut off from the people and places where community and confidence are found.

The pressure to conform to societal norms such as nuclear families and co-habitation which may have more benefits for heterosexuals (heteronormativity) and people who identify their gender with the sex assigned at birth (cis normativity) may be so much greater as the space we inhabit daily shrinks. Condemnation of mass gatherings and social interaction outside the home may become a stronger norm which could operate outside these times where social distancing is necessary to stop the spread of the virus. Alongside any development of condemnation an environment that does not tackle hostility could manifest in homo and Trans phobias as being LGBT+ may not be considered acceptable or a norm by some people including a vocal and perhaps violent minority. This could negatively impact on people whose social interactions, large or small, take place outside a single home unit, such as LGBT+ Pride events, LGBT+ clubs and bars.

Waiting lists for gender identity clinics

A major issue for Trans people is waiting times for medical appointments. This is something that is always an issue but all the more so now as appointments are put on hold.

Now is not the time to be looking up gender identity clinic or surgeon waiting times. They are on hold and are completely out of our control. It is catastrophically unfair that transitions cannot be progressed now. After long waits some people find that their scheduled slots are now not available. Also those on waiting lists find that the already long wait is further extended. Waiting times for appointments need to be addressed as a matter of priority, particularly with the hugely negative impact that is experienced now in the time of the coronavirus pandemic.

Trans people may find that the Trans Resilience in Isolation (<https://www.galop.org.uk/trans-resilience-in-isolation/>) slideshow on the Galop website, listed below, is useful in the current situation.

HIV

LGBT+ people are still disproportionately affected by HIV. The Government sent out incorrect information that people with HIV are subject to shielding as they are at high risk of serious infection, shielding only applies to people who in the previous 6 months have had a CD4 count under 50 and / or had an opportunistic infection.

The impact / memory of the hugely negative experience of HIV before effective antiretroviral drugs were widely available may be very challenging for many LGBT+ people at this time.

This may be a memory that is difficult to talk to people about but is very understandable for those who have had similar experience. In the 80s whilst HIV was tearing the LGBT+ community apart and seeing the death of many, the Government of the day left much of the responses up to the LGBT+ community, didn't do much to tackle the negative stereotypes of people living with HIV and dying from AIDS and introduced the notorious section 28 of the 1988 Government Education Reform Act. Listed below are ways of reaching into the LGBT+ community now where others can be contacted who may be experiencing / aware of similar challenging emotions and memories.

Living in isolation and or difficult situation

Access to wider relationship structures than those that exist at home are likely to be greatly reduced. Many LGBT+ people live in single person households and at this time may experience this as unwelcome isolation and lack of support. It is useful at this time to reach out in whatever ways are open whether to friends or beyond. This may be particularly for those with underlying health conditions who are informed that they should be shielded, that is not go out at all for 3 months.

Some LGBT+ may find themselves in situations or times that are isolating, not accepting, or hostile, perhaps violent. There will be times for people in these situations when the only time they can access support is when taking daily exercise. It is important that there is no judgement of people taking time outside where it does not compromise vital social distancing to prevent the spread of the virus.

Online support and challenges

Access to sources of support from fellow trade union members, LGBT+ networks, and supportive friends and work colleagues can be reduced when no longer meeting in the workplace or social settings. It is crucial that LGBT+ people reach out to keep connection with work colleagues, and usual sources of social support, whilst perhaps finding new sources of support. The Government has announced vital support for the charity sector as key workers. This means that to some extent they are able to maintain their vital services. Helplines can be an important source of information as can online chat.

Working at home

It is important to recognise that as vital as face to face contact on screen can be at times it can also be very tiring, this is a broad TU issue and it should be recognised that this time can be one of stress for people who do or do not have caring responsibilities so it is important to communicate what one's situation is. Perhaps first with people who may understand and then in more formal contexts. This is also the case regarding supply of equipment that is really effective in enabling effective home-working, it may be that providers were unprepared for this dramatic and sudden change. UCU has guidance on working at home: https://www.ucu.org.uk/media/10830/UCU-guidance-on-working-from-home-and-teaching-online/pdf/ucu_workfromhome_guide_mar20.pdf

LGBT+ histories/stories

Stories of the lives and struggles of other LGBT+ people, organisations and rights are important sources for pride, connection and confidence. There are films, websites, books and various other media that feature LGBT+ histories. There are powerful inspiring stories and the activism is our history. Now is a good time to learn where our rights have come from. We are part of a big community with a rich, fascinating history and proud stories.

LGBT+ studies is important

Online learning may negatively impact on the number of people who take up LGBT+ studies, this may also be one of the areas that learning providers do not prioritise. The lack of this can be devastating to people who find confidence from engaging in such study, and to the wealth of knowledge/community that has emerged amongst LGBT+ academics and researchers. UCU is committed to the importance of LGBT+ studies so if this is an issue it should be raised within the union.

Supporting LGBT+ learners

UCU members who are learner-facing may be the people LGBT+ students turn to as they may be just coming out, feeling scared, alone or personally compromised in the situations they experience at this time. Many LGBT+ learners in both FE and HE find their first supportive friends / groups amongst other learners, it is important that they know they can reach out online and find some support. Directing learners to the NUS website might be helpful: <https://www.nusconnect.org.uk/liberation/lgbt-students>

Provided at the end is a list of useful online sites covering struggles that may be faced by LGBT+ people now.

Communication

Online meetings using facilities such as skype can be great sources of support at this time. Whether that be with work colleagues, fellow union members through for example branch meetings, or individuals/groups of other LGBT+ people. It is important to reach out and join in order to keep, and even build, the connections that support, provide solidarity, and enable us to be out and proud.

This time can be one of finding out more and engaging with others online. Some organisations that run helplines, tele friending etc. are still open, though they may have reduced hours.

In addition to facilities provided through the workplace and communication with colleagues there are online groups of LGBT+ people and sites that are providing information and connections.

The online LGBT+ news site Gay Star News has a list of LGBT+ podcasts (<https://www.gaystarnews.com/article/gay-queer-lgbti-podcasts-digital-pride/>)

What the Trans!? Is a regular podcast (<https://whatthetrans.com/category/pods/>) that also now has an online community (<https://twitter.com/WhatTheTrans/status/1240058308972732422>) on Discord.

Links:

The following links provides a range of resources

Age UK (www.ageuk.org.uk/)

Age UK has specific guidance (<https://www.ageuk.org.uk/information-advice/coronavirus/>) for this time and a daily support line (<https://www.ageuk.org.uk/services/age-uk-advice-line/>) (8am – 7pm) for people over 60

AKT (www.akt.org.uk/)

Albert Kennedy Trust supports young LGBT+ people facing or experiencing homelessness, or who are living in a hostile environment. AKT which has an extensive list of links (<https://www.akt.org.uk/covid-19>) covering housing, body mind and spirit, and mutual aid.

Galop (www.galop.org.uk/)

Galop supports LGBT+ who encounter violence of any kind. There are numerous links and resources some of which are isolation / coronavirus specific

Gendered Intelligence (www.genderedintelligence.co.uk/)

A support service for Trans and gender variant young people which has adapted some services (<http://genderedintelligence.co.uk/support/trans-youth>) so that they can provide online support and group space.

LGBT Helpline Scotland (www.lgbthealth.org.uk/)

The helpline (<https://www.lgbthealth.org.uk/services-support/helpline/>) is open Tuesdays and Wednesdays (phone, email 12pm to 9pm and live chat from 3pm) and Thursday (phone only 12pm – 6pm)

Opening Doors London (www.openingdoorslondon.org.uk/)

ODL provides a tele friending service to the over 50s in London and beyond.

Stonewall (www.stonewall.org.uk/)

Stonewall provides an extensive list of links (<https://www.stonewall.org.uk/about-us/news/covid-19-%E2%80%93-how-lgbt-inclusive-organisations-can-help>) about LGBT+ inclusive services during coronavirus

QueerCare (<https://queercare.network/>)

This organisation provides forms (<https://docs.google.com/forms/d/e/1FAIpQLSeobSg0--C19YQtDmnrHxxRiipS-ybUWtL6Z-qc-GRuOu7TQw/viewform>) to help match up immunocompromised, asthmatic and elderly people, particularly those who are queer and Trans, with those who can provide support during isolation within the UK

Switchboard LGBT+ (<https://switchboard.lgbt/>)

Switchboard continues its phone, chat and email support during this time.

Terrence Higgins Trust (www.tht.org.uk/)

THT provides lockdown and social distancing specific advice about sex and sexual health and for people who are living with HIV (<https://www.tht.org.uk/news/coronavirus-covid-19>)

What the Trans?! (<https://whatthetrans.com/>)

Regular podcast (<https://whatthetrans.com/category/pods/>) and a new community space (<https://twitter.com/WhatTheTrans/status/1240058308972732422>) for Trans people.

Migrant members' immigration status updates

Updated Home Office guidance

The Home Office has issued updated guidance (<https://www.gov.uk/government/collections/coronavirus-covid-19-immigration-and-borders>) for visa holders and sponsoring institutions in light of the current coronavirus outbreak. The main points are summarised here, but any members with specific queries about the impact of Covid-19 on their immigration status are advised to contact CIH@homeoffice.gov.uk.

UCU has prepared a handy FAQs for members on the impact of Covid-19 on migrant workers here: https://www.ucu.org.uk/media/10863/Migrant-members-coronavirus-FAQs-April-2020/doc/Covid19_FAQs_-_April_14_2020.pdf.

Extension of leave to remain

The government has stated that nobody whose leave to remain has expired since 24 January 2020, and who is unable to leave the UK because of Covid-19, will be regarded as an over stayer or suffer any detriment in the future.

Any visa-holder whose leave is due to expire between 24 January and 31 May 2020, (<https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents>) and who can't leave the UK because of self-isolation or travel restrictions, can apply to extend their visa to 31 May 2020. To do this, you need to update your details using this form:

<https://gov.smartwebportal.co.uk/homeoffice/public/webform.asp?id=199&id2=5C97E7>

Until 31 May 2020, temporary visa holders can also apply from the UK to switch to a long-term UK visa, including applications where you would usually need to apply for a visa from your home country, though normal visa costs will apply.

Changes to sponsor requirements

The updated guidance for sponsors (<https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-tier-2-4-and-5-sponsors>) states that the Home Office will not take any enforcement action against institutions who continue to sponsor students or employees who have been absent as a result of coronavirus. This applies to any absences of those on Tier 2, Tier 4 and Tier 5 visas due to illness, self-isolation or inability to travel due to travel restrictions linked to the current health crisis.

Sponsors are not required to notify the Home Office about employees who are working from home due to the coronavirus outbreak, although the government is still asking for any other changes to working arrangements to be reported as normal.

The guidance also makes it clear that institutions can continue to sponsor students on Tier 4 visas who have shifted to distance learning, including new students who have been unable to travel to the UK to commence their studies in person. There is no requirement for sponsoring institutions to notify the Home Office when students move to distance learning. These arrangements for Tier 4 students will be reviewed on 31 May 2020.

Changes to restrictions on hours of working / volunteering for those working in the NHS

The normal limits on working and volunteering hours have been changed for international staff and students who are working for the NHS as a doctor, nurse or paramedic. This change applies to Tier 4 students, Tier 2 visa-holders who work for the NHS as a second job, and visiting academic researchers.

Visa compliance and monitoring during the coronavirus crisis

UCU is concerned to note that, despite the updated Home Office guidance which confirms that absences due to coronavirus do not need to be reported, several institutions are continuing to ask international staff and students to submit visa monitoring information.

At this time of crisis which is causing significant uncertainty for migrants, we do not believe that a 'business as usual' approach to visa monitoring is appropriate. UCU is encouraging institutions to suspend their normal approach to visa monitoring activity – including any automated emails to staff and students – and circulate the updated Home Office guidance, along with clear information about the changes to monitoring requirements, to all staff.

Challenging racism and xenophobia arising from coronavirus

The global nature of the coronavirus crisis unfortunately means it has been linked to a number of racist and xenophobic incidents. UCU is asking all universities and colleges to be vigilant and ensure that there are clear mechanisms in place to report any such incidents, and that appropriate support is provided to any affected staff or students.

Women members' important rights during Covid-19

Pregnant workers and COVID-19: What are workers' rights?

The TUC have issued a call on government to protect the health and jobs of pregnant workers and ensure employers follow the law.

They've produced an accompanying blog that sets out the 4 steps employers must legally follow to ensure the health and safety of pregnant workers and breastfeeding mothers, and the 4 actions reps can take to ensure employers don't flout the law.

Read the blog in full here: <https://www.tuc.org.uk/blogs/pregnant-and-worried-about-coronavirus-heres-what-you-need-know-0>

Employers have a legal obligation to assess the workplace risks for pregnant employees and their unborn children, and breastfeeding mothers who have returned to work.

They must keep these risks under review as circumstances change and as pregnancy progresses, if applicable. They should follow these four steps if risks, such as exposure to COVID-19, are identified:

1. they must try to remove or prevent your exposure to risks.
2. if that is not possible, they should temporarily adjust your working conditions to allow you to work from home.
3. if that is not possible, you should be offered suitable alternative employment at the same rate of pay if available.
4. if none of this is possible, they must suspend you from work on full pay for as long as necessary to protect your health and safety or that of your baby. Your full pay should be based on your usual earnings, not pay based on your contractual hours.

If there is a health and safety risk which prevents you from carrying out your role and you cannot be redeployed, you should be suspended on 100% of your usual pay.

If, however, you are furloughed because there is no specific health and safety risk, but your employer is affected, for example by a lack of demand or through carrying out non-essential work, you should be furloughed on the same terms as other non-pregnant colleagues. For more information, read the blog in full here:

<https://www.tuc.org.uk/blogs/pregnant-and-worried-about-coronavirus-heres-what-you-need-know-0>

Working Families has put together an advice page on COVID-19 (<https://workingfamilies.org.uk/articles/coronavirus/>) for working parents and carers, which is updated regularly and informed by the latest developments from

government. Working Families is a charity which campaigns for flexible working for all and has been supporting working parents for 40 years. They chair the Work and Parents Group of which UCU is a member.

Safe abortion care during COVID-19 crisis

As of 30 March, women in England, Scotland and Wales will be able to access safe and effective abortion care at home while also following the advice relating to Covid-19. This is the best way to protect women and staff whilst maintaining a woman's right to choose.

However, women in Northern Ireland have not been granted the same rights.

Many women there with unwanted pregnancies are currently unable to leave their homes and would have to travel to England to receive abortion care, putting themselves and those they come into contact with at needless risk.

A petition calling on the minister for health NI to use his powers to ensure women in Northern Ireland can access safe and effective abortion care at home during this crisis can be accessed via this link: <https://my.uplift.ie/petitions/allow-remote-abortion-provision-in-ni>

For advice and information on abortion care, please contact BPAS (British Pregnancy Advisory Service) please visit their website: www.bpas.org

Domestic abuse safety advice

COVID-19 brings additional challenges for women and children experiencing domestic abuse, feeling unsafe whilst isolated at home with their abusers. Women's Aid continues to provide a number of services and they have issued guidance. To access the guidance which includes information about the Silent Solution system for women being afraid of being overheard calling 999, please go to: <https://www.womensaid.org.uk/covid-19-coronavirus-safety-advice-for-survivors/>

The domestic abuse national helpline can be contacted on **0808 2 000 247**

Anyone facing domestic abuse is allowed to leave home to seek help at refuges, regardless of other measures in place to stop the spread of coronavirus. The government has issued guidance which can be found here:

<https://www.gov.uk/government/publications/coronavirus-covid-19-and-domestic-abuse/coronavirus-covid-19-support-for-victims-of-domestic-abuse>