



**BACK TO BUSINESS: RESILIENCE AND
RECOVERY THROUGH GENDER EQUALITY**

Think Business, Think Equality

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ABOUT THE GUIDANCE

This guidance is designed to support SME employers to develop gender-sensitive employment practice and return to work plans in response to Covid-19. It will help you to consider the different experiences of the women in your workforce, supporting a safe transition to a new way of working.

The business case for gender equality is even clearer during recession and recovery. Ensuring your new way of working consciously supports your female employees will also support business recovery. Making small changes to your employment practice can make a big difference to your people and your business.

This guidance provides easy to implement actions which will help make your business more productive and more resilient by responding to the needs of your talented and skilled female staff. Ensuring people feel valued and supported during this period of uncertainty is good for your team and for your business.



THE IMPACT OF COVID-19 ON WOMEN'S EMPLOYMENT

Covid-19 has exposed many of the gendered differences in men's and women's lives. The closure of schools and nurseries has resulted in women doing more childcare and home learning, often making it difficult for them to do their job at the same time. The second period of home learning has brought back these additional pressures.

Women are the majority of key workers responding the pandemic, highlighting how women are concentrated in jobs which are often low paid despite being essential to our economy. Women are more likely to work in sectors that have been shut down, and are most sensitive to necessary public health measures in reopening.

Research shows that women's jobs have been disproportionately disrupted by Covid-19 and there is a high risk that you could lose female talent in the workplace as a result. The cost of gender inequality at work is high – not only in the lost skills and experience to your business, but recruiting and training new staff also requires resources. New ways of working can deliver benefits for the women in your team alongside benefits for your business.

As we adjust to the new normal, it's important as an employer to recognise that Covid-19 has affected women and men in different ways. Your working practices have likely already changed dramatically during lockdown, showing just how possible it is to do things differently. This is an opportunity to transform your employment policy and practice and make sure it works for all staff.



WHAT YOU CAN DO

This section sets out **guidance** and **practical actions** for supporting women to return to work and to stay in work as your organisation moves towards recovery. This will enable you to ensure your organisation is resilient and ready for the new normal.

CARING RESPONSIBILITIES

The Covid-19 crisis has highlighted a long-standing issue: women still do the vast majority of childcare and care for older or disabled people. This creates significant barriers for women when it comes to work.

Women are four times more likely to give up employment because of multiple caring responsibilities.¹ This is because a lack of adequate flexible working options pushes many women out of the workplace.

The closure of schools and nurseries, and the disruption to social care services, created a huge burden of increased childcare, home learning, and care for older and disabled relatives. This has created particular challenges for women who have also been required to work from home, sometimes with little flexibility in working hours.

Schools and nurseries have now closed down for the second time during the pandemic, creating severe difficulties for employees with caring roles. There is also the potential for a move to blended learning as part of a phased return. This means women are likely to need ongoing flexibility to enable them to stay in work, and do their job well.

¹ <https://www.carersuk.org/for-professionals/policy/policy-library/sandwich-caring>



Providing this flexibility and support will enable you to retain key people and avoid costly recruitment and training processes. When your employees feel supported, they're more productive, more motivated and more loyal, all of which are important to your business's resilience and recovery.

ACTIONS: CARING RESPONSIBILITIES

- 1.** Be flexible in providing support to employees with caring responsibilities. This could include flexible working hours, reducing workloads, reallocating work and/or using the UK Government's Coronavirus Job Retention Scheme.
- 2.** Let your employees know that they can be furloughed to help them manage their caring responsibilities. Take a positive approach to any furlough requests for this reason.
- 3.** Ensure line managers understand how best to manage employees with caring responsibilities.
- 4.** Use all-staff communications, alongside individual conversations with managers, to make staff aware of support available to employees with caring responsibilities.
- 5.** Check in with employees to see how they're managing with their caring responsibilities and work.
- 6.** Conduct an all-staff survey to understand experiences of balancing work with caring and identify any gaps, to facilitate better solutions.
- 7.** Get in touch with your furloughed employees in advance of their return to work to find out what their needs are and how you can support them. This will help both you and them to prepare.



FLEXIBLE WORKING

While flexible working has been around for some time, many women still find it difficult to find the flexibility which enables them to balance their job with their caring responsibilities. A lack of quality part-time working results in many women working below their skill level in lower-paid, stereotypically female jobs.

Changes to working practice during lockdown have demonstrated that there are many different ways of working. Jobs are now being done from home, on flexible hours, and managed remotely on a large scale. 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.

Different groups of women have different needs around flexible working. Migrant Black and minority ethnic women are less likely to have informal networks of family and friends to rely on for childcare support and therefore would benefit from ongoing flexible working support from employers. Disabled women may require a different flexible approach to help them best manage their condition, while also having to manage any caring responsibilities. It's important for managers to work with their employees to understand their individual needs.

There is clear and mounting evidence that flexible working is good for your employees and good for your business. It enables you to recruit from a wider talent pool, retain key people, and benefit from increased employee wellbeing and productivity.



Flexible working is not just for a crisis. Most working parents and carers want their workplace to retain flexible working post-Covid-19.² To ensure sustainability you should make flexible working the default approach in your business.

Flexible working doesn't mean one-size-fits-all. Employees have different needs and preferences around working, especially when they have caring responsibilities. It makes sense to take an individualised approach to flexibility, wherever possible. Extending flexible working to all employees, including new recruits, will deliver benefits to you and your workforce, increasing your business's resilience on the road to recovery.

ACTIONS: FLEXIBLE WORKING

8. Make flexible working the default position in your business, and think creatively about how flexible and part-time options can be offered for all teams and at all levels.
9. Ensure managers are trained and supported to manage all types of flexible working.
10. Work with staff to identify the flexible options which are right for them, and for the business.
11. Have regular check-ins with staff who are working flexibly – be open to adjusting support if their situation changes.
12. Offer temporary changes to working hours or patterns to support those with shorter-term needs. This may be a good solution if there are further restrictions with schools and nurseries.
13. Work with staff to identify how to create long-term and sustainable approaches to flexible working after lockdown.

² <https://workingfamilies.org.uk/wp-content/uploads/2020/06/June-2020-FlextheUK-survey-briefing-Covid-19-and-flexible-working.pdf>



14. Collect data on new working patterns. (See Data section on page 22 for more information)
15. Showcase examples of good practice to share the learning among managers.

You can find out more on how to embed good flexible working practice in our [Think Business, Think Equality Flexible Working guidance](#).



WORKING FROM HOME

Health and safety

Many businesses moved rapidly to mass homeworking at the beginning of lockdown. It's important to remember that you have a legal responsibility for the health, safety and welfare of your staff - regardless of where they are doing their work.

Employers have a duty to ensure their employees' homeworking environments are safe, and to provide adequate equipment to do their job. 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 they feel the work they're asked to do can be done safely and that they have everything they need to work safely, for example:

- A keyboard, mouse, or larger screen
- Support cushions for chairs or footrests to prevent any physical pain
- Technical training to use new online tools or equipment

ACTIONS: WORKING FROM HOME - HEALTH AND SAFETY

16. Provide ongoing support to homeworking employees including regular catch-ups to discuss wellbeing and workload.
17. Work with employees to conduct a risk assessment of their homeworking setup, including equipment, workspace, workload and wellbeing.



18. Ensure all homeworking employees have access to training in using any remote working technology.
19. Support disabled female employees by conducting risk assessments to identify any barriers to working from home and make reasonable adjustments.

Wellbeing

The pandemic has led to increased anxiety and stress for many and evidence shows that women are disproportionately impacted by this. Women are more likely to have been juggling full-time childcare and home schooling alongside homeworking, which has a detrimental impact on their mental health and wellbeing. Self-isolating and social distancing may also lead to increased feelings of isolation, anxiety, or depression.

Homeworking on its own isn't a catch-all solution for employees with caring roles. You should offer additional flexibility to homeworking employees who are also managing caring responsibilities, including reduced or flexible hours, reduced workloads or work reallocation. Women who are shielding or self-isolating, or who live in households that are, should be supported to work from home if they're well enough to be working.

It's important to encourage your employees to talk about any challenges they're having with managing caring responsibilities or their wellbeing, as some may be reluctant to mention this because they think it may affect their job security. Small changes like extra check-ins to assess wellbeing or offering access to your employee assistance programme (if you have one) can make a big difference to your employees.



Communication is also important in tackling the feelings of isolation that can come with working from home. Staff who are working from home miss out on the impromptu chats that happen naturally in the workplace, which is an important part of life at work. Online tea breaks are a great way to help your people to catch up with their colleagues and stay connected to their team.

ACTIONS: WORKING FROM HOME - WELLBEING

- 20.** Encourage and support employees to talk about their caring responsibilities and the adjustments they might need.
- 21.** Offer additional support to homeworking employees who are also managing caring responsibilities, including reduced or flexible hours, reduced workloads or work reallocation.
- 22.** Schedule regular informal online team tea breaks to enable your people to catch up and stay connected while working from home.

Digital presenteeism

Digital presenteeism happens when employees feel they are always on and can't disconnect from their job outside of work. This could include implicit or explicit pressure to check and respond to emails even after finishing work for the day. For women who are also balancing work with caring responsibilities, this could result in working longer to make up hours. You should communicate the importance of clear and established boundaries to limit a long-hours culture to reduce the potential for digital presenteeism to become part of your working culture.



Presenteeism and discrimination

Presenteeism can unfairly influence redundancy selection. Employees who work longer hours or are seen as ‘always available’ may have an unfair advantage in the selection process due to assumptions that they are more committed or productive. This could lead to direct or indirect discrimination of women who are more likely to be juggling work with caring responsibilities, and less likely to be able to put in extra hours.

ACTIONS: WORKING FROM HOME - PRESENTEEISM

23. Communicate to staff the importance of good boundaries when working from home and the importance of only working the required hours for the job.
24. You should regularly check in with employees to make sure they aren’t working excessive hours.

You can find more info on presenteeism in our [Think Business, Think Equality Workplace Culture guidance](#).

Sustaining a flexible working culture

Homeworking is one form of flexible working, however homeworking during the pandemic has primarily been a response to the crisis, rather than a purposeful move to change working practice.

Homeworking has many benefits and can offer increased flexibility for employees so that they can better manage their work-life balance. Evidence shows that 87% of people would prefer to



work flexibly if they could and 92% of millennials identify flexibility as a top priority³. The business benefits of flexible working are clear – increased employee productivity, morale and loyalty, and reduced recruitment and retraining costs as a result. There’s also the reduction in office costs when more people are working from home, more of the time. The changes you’ve already made to working practice during the crisis provide the ideal opportunity to embed the infrastructure you need to make flexible working, including homeworking, work for you and your people long-term.

However, it’s important to remember homeworking itself isn’t a solution for everyone. Not all employees will have the right environment at home to enable long-term homeworking. Permanent homeworkers can also miss out on the positive aspects of the workplace, including chats with colleagues and the informal sharing of expertise and assistance. Using a flexible combination of working from home and on-site working can be a better option for some employees. Taking an individualised approach can help you to plan for the future of work at your business.

ACTIONS: HOMEWORKING - SUSTAINING A FLEXIBLE WORKING CULTURE

25. Develop a long-term homeworking strategy which supports a flexible approach including adjustments for employees with caring roles, and options such as reduced or flexible hours.

You can find out more on how to embed good flexible working practice in our [Think Business, Think Equality Flexible Working guidance](#).

³ <https://timewise.co.uk/wp-content/uploads/2018/02/Timewise-Flexible-Jobs-Index-2017-AM.pdf>



SEXUAL HARASSMENT

Despite many women not going into the workplace at the moment, there is evidence that women are still affected by sexual harassment at work. Sexual harassment doesn't just happen face to face, but also through email, text and online platforms, and perpetrators are manipulating new communication channels to sexually harass female colleagues. Women might not report this as they may feel it's not a priority or they won't receive support during this period.

You should have an IT and communications policy that covers all online work platforms and messaging tools, which makes clear the standard of conduct expected of employees and that sexual harassment will not be tolerated. You should also have a clear process for reporting sexual harassment and staff should be encouraged to come forward with any concerns.

ACTIONS: HOMEWORKING - SEXUAL HARASSMENT

26. Review your IT and communications policy to ensure that it includes the use of online work platforms. This should set out a code of conduct for employees, including zero tolerance of online sexual harassment, and describe the reporting process for employees affected.
27. Ensure managers are trained in the use of online work platforms and associated code of conduct for employees.
28. Ensure managers understand how to manage employee disclosures of sexual harassment.



RETURNING TO WORK

Risk assessments

In order to ensure that staff feel safe to return to work it's essential that you complete a full risk assessment, which includes consideration of employee health and wellbeing⁴. If you have fewer than five employees you don't have to write anything down, but it's good practice to do so. You also have a legal duty to undertake individual risk assessments for employees who are identified as being particularly at-risk⁵. These must be used to consider what might cause harm to your employees and identify the measures you can take prevent that harm. Risk assessments should be kept under review and updated as public health guidance changes. These reviews should be frequent, and any risks or gaps identified should be dealt with immediately.

Employees with caring responsibilities, the majority of whom will be women, may face additional risks in returning to work. Women are more likely to be dependent on public transport to get to work meaning they are more at risk of exposure to the virus. They're also more likely to take multiple short trips in order to deal with school and childcare drop-offs. This means women will face greater challenges in getting to work in the face of the staggered start and finish times of workplaces, schools and nurseries, and restrictions on public transport scheduling and capacity.

The pressure of such a complex situation is likely to have a significant negative impact on the mental health of the women in your business. Risk assessments should therefore include these impacts and consider whether impacted employees should be asked to return to the workplace with suitable adjustments or continue working from home.

⁴ <https://www.hse.gov.uk/coronavirus/working-safely/risk-assessment.htm>

⁵ <https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-individual-risk-assessment-for-the-workplace/>



INDIVIDUAL RISK ASSESSMENTS

Pregnant women

It's important to conduct individual assessments for pregnant employees returning to the workplace to identify any new or increased risks resulting from Covid-19. This will identify whether any specific measures need to be taken to create a safe working environment for pregnant staff, or if the risk is too high for them 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 19.

Black and minority ethnic women

A recent survey found that many organisations are failing to conduct effective risk assessments with Black and minority ethnic (BME) employees. In the survey BME employees not only highlighted a failure to conduct risk assessments, but also reported that when a risk assessment was carried out, the evidence on the increased risk and disproportionate impact of Covid-19 on BME people was not acknowledged. You should ensure all risk assessments conducted with BME women consider the increased risk they face.

Disabled women

Some groups of disabled women face a much greater risk from the virus than non-disabled women. Disabled women with limiting disabilities aged under 65 are 11 times more likely to die than non-disabled women⁶. You should therefore take a tailored approach with each disabled female employee that considers their individual circumstances to minimise their risk.

⁶ <https://www.disabilityrightsuk.org/news/2020/june/disabled-women-over-11-times-more-likely-die-coronavirus>



ACTIONS: RETURNING TO WORK - RISK ASSESSMENTS

29. You have a legal duty to complete a full risk assessment of return to work plans, including consideration of employees' health and wellbeing.
30. You must keep risk assessments under review and update as lockdown measures or medical guidance changes. These reviews should be frequent, and any risks or gaps identified should be dealt with immediately.
31. You should conduct individual risk assessments for:
 - Pregnant women and women returning to work from maternity leave.
 - BME women.
 - Disabled women.
32. Make sure that your risk assessments include consideration of employees' caring responsibilities.

Personal protective equipment

As an employer, you have a duty of care to manage the risk of Covid-19 and ensure that the workplace is safe to return to. This means ensuring access to personal protective equipment (PPE) where it's required. 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. Research shows that PPE equipment is routinely ill-fitting and therefore unsafe for women which risks women's safety and hampers their ability to do their job.

ACTIONS: RETURNING TO WORK - PPE

33. You should ensure that employees who require it have access to PPE and that PPE is appropriate and well-fitting for women.



Training

Your employees who are returning to work will require training on new practices and processes put in place to meet public health guidance. This should include information on social distancing, hygiene, any new policies and any risk mitigation steps that have been implemented. This training should be delivered to all staff, including those who work part-time or non-standard hours or shifts, and employees with caring responsibilities who may be working reduced or otherwise flexible hours.

ACTIONS: RETURNING TO WORK-TRAINING

34. Make sure that employees receive training on the new working environment and processes before they return to work.
35. Check that the return to work training is accessible to all employees, and that it's delivered during working hours.

Pregnancy and maternity

Pregnant women, women on maternity leave, and women returning to work after maternity leave have been acutely affected by the crisis. There is evidence that some women have experienced discrimination or less favourable treatment such as being singled out for redundancy or furlough or having their commitment has been questioned by their manager. Women returning to work after maternity leave are also finding it harder to access childcare as a result of the crisis.

Many pregnant women have also reported that they have not had a health and safety risk assessment. Where a risk assessment has been completed, many have failed to consider the additional risks posed to pregnant women by Covid-19.



If women in your business feel they are unsafe or have been treated unfairly, there's a risk that you'll lose skilled and experienced staff, and this will have a negative impact on business resilience.

You should therefore take steps to protect pregnant women in the workplace, and ensure that your business meets its legal obligations around health and safety.

ACTIONS: PREGNANCY AND MATERNITY

- 36.** Ensure your workplace risk assessment assesses risks faced by your employees who are pregnant, returning to work from maternity leave and/or are breastfeeding.
- 37.** Make reasonable changes to working conditions such as adjusting working hours or providing space for women who are breastfeeding to express that is compliant with social distancing measures.
- 38.** Provide employees with training on the new working environment and processes **before** they return to work. This training should be delivered during a Keeping in Touch (KiT) day.
- 39.** Support women who are returning to work after maternity leave by discussing any changes to their working pattern, hours or workload which could enable them to balance work with childcare.
- 40.** Share information on training and development opportunities with staff on maternity leave.

You can find information on best practice in our [Think Business, Think Equality Pregnancy and Maternity guidance](#).



REDUNDANCIES

Research shows that women are at greater risk of job disruption from the pandemic, including greater risk of reduced hours and redundancy⁷. 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. A survey of 20,000 pregnant women found that 11% of reported having been made redundant, or expected to be made redundant over the course of the crisis. More than half said they believed their pregnancy was a factor in the decision to make them redundant.

If your business is making staff redundant you should ensure your redundancy process doesn't discriminate against specific employees or groups of employees because of their sex. Redundancy selection criteria should be objective and free from bias. Decisions on who to select for redundancy should not be influenced by factors relating to their sex or any other protected characteristic.

ACTIONS: REDUNDANCIES

41. Ensure managers with responsibility for making-decisions on redundancies receive training on gender equality, including ensuring decision-making is free from sex bias.
42. Review your redundancy selection criteria to check they are objective and free from bias.

⁷ <https://www.closesthegap.org.uk/content/resources/Disproportionate-Disruption-The-impact-of-COVID-19-on-womens-labour-market-equality.pdf>



DATA

It's good practice to collect data on working practice to identify any differences between the experiences of male and female staff. This will also help you identify if any policy or practice is having an unintentionally negative impact on groups of staff such as women.

Your data should be gender-disaggregated and intersectional.

GENDER-DISAGGREGATED

The data you gather should be able to be broken down by gender, enabling you to identify differences in the experiences of women and men.

INTERSECTIONAL

It's important that the data you gather allows you to identify and understand the ways that gender inequality is inflected by race, disability, sexual orientation, religion and belief, and gender identity. This 'intersectional' data will enable you to identify not only disparities between women and men, but between different groups of women and men. For example, comparing the experiences of disabled and non-disabled women, or between disabled men and disabled women.

EXAMPLE

The data shows that more women than men have been moved to unpaid leave to manage childcare responsibilities because they have used up their annual leave entitlement. You could support those women who would prefer to return to work by accommodating their caring responsibilities through reduced or flexible hours.



ACTIONS: DATA

- 43.** Collect intersectional gender-disaggregated data on the impact of Covid-19 on employees. This could include data on:
- Who has been furloughed and why;
 - Employees' access to childcare;
 - The impact of working from home, and whether this was affected by childcare or home-schooling;
 - Who has been asked to return to work;
 - The impact and experience of being in the workplace during the pandemic;
 - Who has gone on unpaid leave;
 - Changes to working patterns or hours; and,
 - Who has been made redundant.
- 44.** Use the data to identify and different experiences of women and men in your business, and where decisions and/or actions you have taken in response to Covid-19 may have impact women more negatively.
- 45.** Make changes to your practice to mitigate any negative impact on groups of women.



SUMMARY OF ACTIONS

CARING RESPONSIBILITIES

1. Be flexible in providing support to employees with caring responsibilities. This could include flexible working hours, reducing workloads, reallocating work and/or using the UK Government's Coronavirus Job Retention Scheme².
2. Let your employees know that they can be furloughed to help them manage their caring responsibilities. Take a positive approach to any furlough requests for this reason.
3. Ensure line managers understand how best to manage employees with caring responsibilities.
4. Use all-staff communications, alongside individual conversations with managers, to make staff aware of support available to employees with caring responsibilities.
5. Check in with employees to see how they're managing with their caring responsibilities and work.
6. Conduct an all-staff survey to understand experiences of balancing work with caring and identify any gaps, to facilitate better solutions.
7. Get in touch with your furloughed employees in advance of their return to work to find out what their needs are and how you can support them. This will help both you and them to prepare.



FLEXIBLE WORKING

8. Make flexible working the default position in your business, and think creatively about how flexible and part-time options can be offered for all teams and at all levels.
9. Ensure managers are trained and supported to manage all types of flexible working.
10. Work with staff to identify the flexible options which are right for them, and for the business.
11. Have regular check-ins with staff who are working flexibly – be open to adjusting support if their situation changes.
12. Offer temporary changes to working hours or patterns to support those with shorter-term needs. This may be a good solution if there are further restrictions with schools and nurseries.
13. Work with staff to identify how to create long-term and sustainable approaches to flexible working after lockdown.
14. Collect data on new working patterns. (See Data section on page 22 for more information)
15. Showcase examples of good practice to share the learning among managers.

WORKING FROM HOME - HEALTH AND SAFETY

16. Provide ongoing support to homeworking employees including regular catch-ups to discuss wellbeing and workload.
17. Work with employees to conduct a risk assessment of their homeworking setup, including equipment, workspace, workload and wellbeing.



18. Ensure all homeworking employees have access to training in using any remote working technology.
19. Support disabled female employees by conducting risk assessments to identify any barriers to working from home and make reasonable adjustments.

WORKING FROM HOME - WELLBEING

20. Encourage and support employees to talk about their caring responsibilities and the adjustments they might need.
21. Offer additional support to homeworking employees who are also managing caring responsibilities, including reduced or flexible hours, reduced workloads or work reallocation.
22. Schedule regular informal online team tea breaks to enable your people to catch up and stay connected while working from home.

WORKING FROM HOME - PRESENTEEISM

23. Communicate to staff the importance of good boundaries when working from home and the importance of only working the required hours for the job.
24. You should regularly check in with employees to make sure they aren't working excessive hours.

HOMEWORKING - SUSTAINING A FLEXIBLE WORKING CULTURE

25. Develop a long-term homeworking strategy which supports a flexible approach including adjustments for employees with caring roles, and options such as reduced or flexible hours.



HOMEWORKING - SEXUAL HARASSMENT

26. Review your IT and communications policy to ensure that it includes the use of online work platforms. This should set out a code of conduct for employees, including zero tolerance of online sexual harassment, and describe the reporting process for employees affected.
27. Ensure managers are trained in the use of online work platforms and associated code of conduct for employees.
28. Ensure managers understand how to manage employee disclosures of sexual harassment.

RETURNING TO WORK - RISK ASSESSMENTS

29. You have a legal duty to complete a full risk assessment of return to work plans, including consideration of employees' health and wellbeing.
30. You must keep risk assessments under review and update as lockdown measures or medical guidance changes. These reviews should be frequent, and any risks or gaps identified should be dealt with immediately.
31. You should conduct individual risk assessments for:
 - Pregnant women and women returning to work from maternity leave.
 - BME women.
 - Disabled women.
32. Make sure that your risk assessments include consideration of employees' caring responsibilities.



RETURNING TO WORK - PPE

33. You should ensure that employees who require it have access to PPE and that PPE is appropriate and well-fitting for women.

RETURNING TO WORK-TRAINING

34. Make sure that employees receive training on the new working environment and processes before they return to work.
35. Check that the return to work training is accessible to all employees, and that it's delivered during working hours.

PREGNANCY AND MATERNITY

36. Ensure your workplace risk assessment assesses risks faced by your employees who are pregnant, returning to work from maternity leave and/or are breastfeeding.
37. Make reasonable changes to working conditions such as adjusting working hours or providing space for women who are breastfeeding to express that is compliant with social distancing measures.
38. Provide employees with training on the new working environment and processes **before** they return to work. This training should be delivered during a Keeping in Touch (KiT) day.
39. Support women who are returning to work after maternity leave by discussing any changes to their working pattern, hours or workload which could enable them to balance work with childcare.
40. Share information on training and development opportunities with staff on maternity leave.



REDUNDANCIES

41. Ensure managers with responsibility for making-decisions on redundancies receive training on gender equality, including ensuring decision-making is free from sex bias.
42. Review your redundancy selection criteria to check they are objective and free from bias.

DATA

43. Collect intersectional gender-disaggregated data on the impact of Covid-19 on employees. This could include data on:
 - Who has been furloughed and why;
 - Employees' access to childcare;
 - The impact of working from home, and whether this was affected by childcare or home-schooling;
 - Who has been asked to return to work;
 - The impact and experience of being in the workplace during the pandemic;
 - Who has gone on unpaid leave;
 - Changes to working patterns or hours; and,
 - Who has been made redundant.
44. Use the data to identify and different experiences of women and men in your business, and where decisions and/or actions you have taken in response to Covid-19 may have impact women more negatively.
45. Make changes to your practice to mitigate any negative impact on groups of women.



GLOSSARY

Direct Discrimination

This occurs when an employee is treated unfairly because of a protected characteristic, such as sex. For example, a manager may select a female employee over a male employee for redundancy because of an assumption that the woman is likely to have caring responsibilities and that these may mean she will be more likely to need adjustments to working hours during ongoing lockdown changes. The woman would be able to raise a direct discrimination case against the employer for unfair selection, presenting a business case.

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.

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.

Indirect Discrimination

This occurs when a policy is applied equally to a group of employees, but in practice is unfair to employees with a certain protected characteristic, such as sex, unless it is objectively justified or you have a real need to apply the policy and do so in a way that is necessary and appropriate. For example, using whether an employee was furloughed or not to decide on selection for redundancies is likely to mean women are more likely to be made redundant, as they are more likely to have been furloughed. This could put the business at risk of an indirect discrimination claim for unfair selection.



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.

Sex

Whether a person is a man or a woman. For data gathering, this would include an “other” option in which individuals may describe themselves, for example, as non-binary

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.



Close the Gap is Scotland's expert on the gender pay gap. We work with policymakers, employers and employees to influence and enable action that will address the causes of women's inequality at work.

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Close the Gap

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