

24 Sep 2020

COVID-19 and race: supporting employees

This guide offers advice on supporting ethnic minority employees who are one group that have faced a disproportionate impact of COVID-19

As the impact and effects of the coronavirus pandemic continue to emerge, there has been evidence to show that one group the disease has a disproportionate impact on are people from ethnic minority backgrounds.

While the [Public Health England review](#) into the risks and outcomes shows that older age, ethnicity, male sex and geographical area are associated with the risk of getting the infection, experiencing more severe symptoms and higher rates of death, the recommendations are focused predominantly on health services and the community rather than workplace guidance. Elsewhere in the UK, the Welsh Government has produced a [report from its BAME steering group](#), which contains recommendations on the security of employment and income and a risk assessment tool for BAME front line health and care workers. In Scotland, the Government has convened a [new expert group](#) to provide a clearer picture of the impact on minority ethnic communities of coronavirus (COVID-19).

The current situation facing organisations is a need to balance their plans to reopen and/or restructure workplaces with the importance of supporting the health, safety and wellbeing of their ethnic minority employees who are at increased risk. Coupled with the renewed focus on the necessity to root out racism in the workplace, people professionals will need to plan carefully.

At a societal level, we know that COVID-19 itself is sadly impacting on certain groups more heavily than others, in relation to factors such as age, sex, ethnicity, socio-economic background and those that have a disability/pre-existing health conditions. Serious attention needs to be paid to this when it comes to the safety of workers and enabling other people to safely return to the physical workspace now and in the longer term. It's essential that organisations take a holistic approach to understanding and managing the potential health risks because people may be affected by more than one factor. We are developing holistic practical guidance to help HR and line managers properly support those at increased risk to the virus and those that might be understandably concerned

about an immediate or longer-term return to the physical workspace.

This guide will offer information on the legal position that employers need to be aware of when planning a return to the workplace for ethnic minority employees who are at increased risk, as well as advice on good people management during this challenging time.

Context

The first step in supporting black and other ethnic minority employees in planning a return to the workplace after COVID-19 is to acknowledge and attempt to understand the disproportionate impact that COVID-19 has had on people from ethnic minority backgrounds. The review conducted by Public Health England into disparities of risk and outcomes, found that people from an ethnic minority background are likely to be at increased risk of infection because they are more likely to live in urban areas, in overcrowded households, in deprived areas and have jobs that expose them to higher risk (although we still don't have a complete picture of the risks).

The review made 7 recommendations in total including:

- the need to improve NHS and social care ethnicity data collection and recording;
- improving access, experiences and outcomes of NHS and local government services by ethnic minority communities;
- accelerate the development of culturally competent occupational risk assessment tools and;
- to fund culturally competent COVID-19 education and prevention campaigns.

There were limited recommendations specifically relating to workplace guidance. Even though the PHE review didn't specifically cover workplaces, it's vital to remember that the decisions employers are making around COVID-19 (and more generally) are essential in relation to the safety/wellbeing, participation and fair treatment of ethnic minority staff.

While this seems like a complicated and difficult topic to approach, it's essential that people professionals and organisations engage with the issues and take steps to address the inequality ethnic minority employees are facing as a result of COVID-19 as a key part of their work to ensure a safe return to the workplace, emphasising the safety and wellbeing of their entire workforce. The Public Health England review found that "the pandemic exposed and exacerbated longstanding inequalities affecting BAME groups in the UK", highlighting the need for organisations to address racial inequality at work more broadly, with a focus on the impact of COVID-19 as the first part of this work. It's vital that people professionals reassure employees that their personal circumstances and any concerns they have will be acknowledged and considered when planning a return to the workplace.

What the law says

In planning a safe return to the workplace organisations should begin by looking at the relevant legislation and the latest Government advice. Employers should undertake planning with regards to the Equality Act 2010 ([EHRC have produced guidance](#) relating to this) as well as the Health and Safety at Work Act 1974.

In addition, employers should refer to the [Working safely during COVID-19 guidance](#). This guidance outlines safety measures for different types of workplaces, with practical actions for different sectors.

The key issue to consider is risk assessment; working with health and safety and occupational health colleagues, organisations should look to conduct organisational risk assessments and then consider individual health risk assessment where needed - this should involve clinical assessment by occupational health and other professionals and look at that person's fitness for work in the round. Employers may wish to refer to the [NHS risk assessments for staff guidance](#) for an idea of what these risk assessments should cover.

Where working from home is not possible the CIPD has recommended [following three tests](#) when considering a return to the workplace; is it essential? Is it sufficiently safe? Is it mutually agreed? Organisations should look to follow these three tests for ethnic minority employees but also consider the further considerations which should be made for this group, based on the increased risk and their personal circumstances and feelings.

Employees could (justifiably based on the available evidence) feel at greater risk because of their race; while the guidance distinguishes between those who are high risk and those who are clinically extremely vulnerable (and who had been advised to follow shielding guidance which has now been 'paused' across the UK) it does not currently cover additional considerations for those from ethnic minority backgrounds. To help deal with this anxiety, employers should look to consult over the rules and measures about returning to the workplace and apply these consistently once they are agreed. People professionals should aim for everyone to feel safe and secure about the measures being put in place and to ensure that everyone understands the policies and processes being implemented.

Employers should then ensure that these policies and procedures are in keeping with the Equality Act 2010 and their duties with regards to reasonable adjustments.

Flexibility and alternatives are vital; can someone concerned about a return to the physical workspace work at home (in line with the latest government advice) or remain on furlough (until the scheme ends)? Would flexible working such as staggered start and finish times and staggered lunch breaks help? Perhaps a phased return to work would be

helpful? Considering alternatives is key as is discussing with employees the types of adjustments that would make them feel more confident about a continuation of/ or a return to the workplace. You can refer to our [guide on returning to the workplace](#) for more information.

Good people management principles

Once people professionals have consulted on and agreed their approach and have made sure it adheres to the legal framework, there are a number of steps that can be taken to ensure a good people management approach for this group of employees.

Clarity and consistency of management

Having agreed the approach which will be taken, people professionals must monitor that this approach is consistently applied. Communicate with line managers to ensure they understand the policies and processes being put in place and that they are applying them consistently for everyone in their team.

Review policies

Be sure to review your policies to ensure they align with the approach you have agreed to take and that they offer equality for everyone.

Flexibility

In order to work collaboratively with employees employers should seek to offer ongoing flexibility around working practices and offer alternatives wherever possible. This could include further periods of working from home, continuation of furlough (where possible) and perhaps even a change of duties (in agreement with the employee) to allow them to perform a role which faces reduced risk or is possible to carry out from home.

Part of this flexibility will be offering adjustments for those employees who are particularly at risk.

Remember inclusion principles

Throughout planning a return to the workplace, employers should keep the following inclusion principles at the centre of any measures:

- Remember there is no one-size fits all approach
- Maintain a clear focus on employee health, safety and well-being, not forgetting adjustments

- Appreciate that everyone's experience is different and provide appropriate support, flexibility is key!
- Skill-up line managers for the new way of working
- Provide genuine mechanisms for employee voice, including how you involve different networks or groups of staff
- Critically review your current people approaches to ensure they're inclusive
- Create opportunities for people to connect.

Communication

Communication and consultation is key.

Even though beginning a conversation about ethnicity can be complex and some people may feel reluctant to talk about race it's essential that employers have a responsive, two-way dialogue with staff to ensure that employees feel listened to and valued. Employers must discuss the reality of the situation with the black, Asian and ethnic minority employees who are at increased risk and listen to their concerns and needs. By doing this, employers will be able to plan reasonable adjustments and appropriate solutions to facilitating a safe return to the workplace.

More information on communicating with employees about race is available in our [anti-racism strategy guide](#).

Potential division and conflict

The disproportionate impact the pandemic is potentially having on different employees and groups of people means that employers will need to be vigilant about any sources of potential conflict and ensure that they take steps to prevent bullying and harassment.

Bullying can be defined as 'Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient' ([Acas, 2014](#)). If the bullying is related to a protected characteristic, it is harassment. For more information and support on dealing with conflict in the workplace, including bullying and harassment, see the [CIPD's report on managing workplace conflict](#).

Managers should consider the impact on other members of the team that continued working from home / a phased return to work or changes in duties might have. Make sure that co-workers are supported if they have additional tasks to achieve. Encourage them to be alert to, and act swiftly on, bullying and harassment relating to any workplace adjustments made.

Employees who are also shielding

Employees who fall under the 'clinically extremely vulnerable' category had been advised to 'shield'. The Government have now 'paused' the shielding programme and so employers will need to hold additional discussions with ethnic minority employees who also fall under the shielding category around potential risks and to consider adjusted duties or redeployment (provided staff agree). Any arrangements will depend upon individual circumstances. Specialist advice may be helpful, for example from an occupational health service, doctor's advice on the underlying condition, employment assistance programmes or counselling.

CIPD position

We have all been challenged and reminded of how deep-rooted racism is in society and how it remains a lived experience for all ethnic minorities, particularly for black people and the strength of feeling coming through the Black Lives Matter movement. We have far to go in building fair and truly inclusive societies and organisations for all, and we all have a responsibility to take action and commit to positive change.

Our profession, the people profession, has a fundamental and primary role in leading the awareness and understanding of racism at work, and the changes in culture, behaviours, policies, practices and learning that will make the difference. We must acknowledge that despite greater focus on diversity and inclusion initiatives in recent years, progress on tackling racism has been too slow. We must challenge ourselves to get to the heart of the issues, the often less visible barriers and cultures that have allowed racism to persist.

The CIPD will focus our work on three key areas to end racism at work:

1. Policy reform – We will call on Government to make policy changes to ensure organisations address the issue of bias and racism, and to give our profession voice.
2. Provide support for organisations to act – through our guidance, podcasts and webinars and through our learning and teaching on diversity and inclusion, particularly in addressing the causes of racism and how we confront them.
3. Attract and support progression of black and ethnic minority people professionals.

For more information on CIPD's position statement on ending racism at work see our [position statement](#).

Useful links

Here are some useful resources which you may wish to make use of in your planning:

- [EHRC guidance on making non-discriminatory workforce decisions](#)

- [Government guidance on working safely during coronavirus](#)
- [Public Health England recommendations](#)
- [BITC Race at Work charter and materials](#)

DISCLAIMER: *The materials in this guidance are provided for general information purposes and do not constitute legal or other professional advice. While the information is considered to be true and correct at the date of publication, changes in circumstances may impact the accuracy and validity of the information. The CIPD is not responsible for any errors or omissions, or for any action or decision taken as a result of using the guidance. You should consult a professional adviser for legal or other advice where appropriate.*