



THE ROYAL
COLLEGE OF
MIDWIVES

Equality essentials: Appropriate risk assessment during the current pandemic

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As we learn more and more about COVID-19 it is clear it does not affect everyone equally. There is emerging evidence that you may be more at risk depending on your race. This guidance will help you apply existing legislation to the arising issues in the current crisis.

What the RCM is doing:

- ✓ We represent you as part of the national NHS Staff Council and the Equality, Diversity and Inclusion group where equality issues during COVID-19 are a priority.
- ✓ We are lobbying UK governments and NHS employers at all levels to ensure adequate supplies of PPE. Midwives and MSWs should not be exposed to unreasonable and unnecessary risk by not being provided with the correct PPE.
- ✓ We are producing guidance on caring for BAME women during COVID-19.
- ✓ Ensuring that race equality is central to our training and other programmes is something the RCM is committed to and this will remain a priority during and after COVID-19

Risk assessments

New guidance has been produced for healthcare leaders to risk-assess staff who may be at a greater risk of COVID-19, including those from black, Asian and minority ethnic (BAME) backgrounds, and make appropriate arrangements. This is a precautionary measure ahead of a national review of the effects of COVID-19 on the BAME community which will be led by Public Health England.

Risk assessments should be done in discussion with staff. Staff who have concerns should be able to self-refer to occupational health and line managers should take into account occupational health advice. Trade unions should be involved in the development of local processes.

The most recent WRES report showed a significant drop in the number of BAME staff who believe their Trust/Board gives equal career progression and promotion opportunities. These fears alongside cultural barriers may mean that BAME staff need extra support to feel comfortable to disclose a disability or underlying conditions which could make them more vulnerable to COVID-19.

RCM members must feel able to raise concerns without fear and those concerns should be listened to. The most recent staff survey found that 42% of midwives had experienced discrimination based on their ethnic background. The discrimination faced by BAME staff could be an added barrier to raising concerns around COVID-19.

Equality legislation is not on pause during the pandemic

The Equality Act 2010 contains both equality protections in employment and equality obligations. It covers four main types of

discrimination - direct and indirect discrimination, harassment and victimisation – across nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

As well as protecting employees, the Equality Act also protects service users. It sets out obligations which providers of services, such as maternity services in the NHS, must meet. To be able to provide a truly inclusive service and an NHS which treats all service users with respect, dignity and compassion, NHS workplaces need to be inclusive and the workforce need to be treated with respect, dignity and compassion.

Public Sector Equality Duty

The broad purpose of the Public Sector Equality Duty is to include equality and good relations in public services. Service providers need to consider how the service can affect different groups in different ways and how they can make sure that the effect does not lead to more inequality and poor outcomes.

By law, all organisations in the public sector must keep to the general equality duty. The requirements of the general duty remain in force during the coronavirus pandemic and are vital to ensuring the needs of everyone with different protected characteristics are considered and met.

The general equality duty requires organisations to consider how they could positively contribute to providing and promoting equality and good relations and to reflect this when designing policies and delivering services, including internal policies, and continue to keep these issues under review.

Equality impact assessments (EqIA)

An equality impact assessment must be carried out ahead of the introduction of any new COVID-19-related practices and policies. The EqIA must look at whether there are any unintended consequences for some groups and whether the policy will be fully effective for all target groups.

What your RCM Workplace Representatives will do:

- ✓ Promote equal rights for all members, by working to negotiate with employers on policies and procedures that provide equality and do not lead to one group being disproportionately disadvantaged
- ✓ Create a supportive atmosphere at work, and in the RCM branch, in which all members feel that they can take part and that their opinions are valued
- ✓ Challenge instances of harassment and discrimination and making sure complaints and concerns are dealt with effectively
- ✓ Act as a role model in treating everyone fairly.
- ✓ Work with local staff-side to make sure an EqIA is carried out and investigate the findings when a new policy is introduced. Policies around redeployment, rest breaks and overtime may be particularly relevant.

