UCU Covid-19 risk assessment guidance for black members in higher education, further education, prison education and adult and community education

> **This document refers to black, Asian and minority ethnic (BAME). It is understood this guidance is designed to be used in negotiations with the employer. UCU internally uses the term 'black' in a political sense to refer to people who are descended, through one or both parents, from Africa, the Caribbean, Asia (the middle-East to China) and Latin America. It refers to those from a visible minority who have a shared experience of oppression. The word is used to foster a sense of solidarity and empowerment.**

Covid-19 poses a serious and imminent risk to the health of employees and the wider community and is having a disproportionate impact on those from black, Asian and minority ethnic (BAME) communities.

'...Covid-19 did not create health inequalities, but rather the pandemic exposed and exacerbated longstanding inequalities affecting BAME groups in the UK.'

Please refer to initial findings in the **Government Review of Disparities in Risks and Outcomes** and further analysis of causality going beyond the data in **Understanding the Impact on BAME Communities** which summarises stakeholder insights.

'Key actions recommended by stakeholders included the importance of valuing, supporting and protecting key workers; provision of adequate personal protective equipment (PPE); stronger arrangements for workplace wellbeing and risk assessments; targeted education, awareness and support for key workers; occupational risk assessments; and tackling workplace bullying, racism and discrimination to create environments that allow workers to express and address concerns about risk.'

Employers approach to Covid-19 risk assessments

It is important that employers recognise the wider socio-economic, occupational, cultural and structural racism which impacts upon Covid-19 outcomes in black, Asian and ethnic minority communities. Employers play a key role in addressing these issues within workplaces to protect the health safety and welfare of all their workers and the wider community.

Any policy, guidance and frameworks for undertaking risk assessments should be agreed following consultation with workers and their trade union representatives. This is particularly important when considering approaches to risk assessing workers from black, Asian and minority ethnic communities given the complex range of risk factors that should be considered.

Risk assessments should not only consider individual health risks and co-morbidities faced by workers (such as age, underlying health conditions, gender, ethnicity, pregnancy) but also the occupational risks and risks to workers physical and mental health as a result of the Covid-19 pandemic.

The unequal impact of Covid-19 is evidence that more action is needed by employers to tackle inequality, change workplace structures and practices to make them safer, healthier workplaces, free from racism and discrimination.

Legal framework

Employers must operate within the legal framework in the UK to ensure employees are safe and protected from harm while at work. They have a legal duty to consult with trade union health and safety reps in recognised workplaces on all significant safety matters under the **Safety Reps and Safety Committees Regs 1977** (also known as the 'Brown Book').

The Health and Safety at Work Act 1974 requires employers to take a precautionary approach to health and safety in the interests of all who may come into contact with their undertaking. The Management of Health and Safety at Work Regulations 1999 detail how employers must conduct suitable and sufficient risk assessments, following **principles of prevention** to avoid or mitigate against any potential risks to workers health, safety and welfare. The Control of Substances Hazardous to Health Regulations 2002 also requires employers to take a robust approach to the management of hazards such as COVID-19. Covid-19 is classed as a 'biological agent' under these regulations and employers must eliminate or reduce exposure to low levels before work can begin.

The Equality Act 2010 protects people from discrimination both inside and outside the workplace based upon a number of 'protected characteristics' including race and ethnicity. **The public sector equality duty** applies to colleges, universities and other employers

providing a public service (such as education) to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who don't.

The Coronavirus Legislation for England, Wales, Scotland and Northern Ireland, continues to be developed to protect public health as new evidence emerges and as the public health crisis continues.

Suitable and sufficient risk assessment

Employers are required to conduct suitable and sufficient risk assessments under The Management of Health and Safety at Work Regulations 1999. The assessment should be robust and follow a systematic approach to ensure all potential hazards and risks are captured, eliminated or reduced to low levels.

Suitable and sufficient means that:

- the person conducting the risk assessment is competent to do so (with understanding of their duties under health and safety legislation and with good knowledge, training and skills in the area of risk being assessed)
- the assessment has identified all significant hazards, and everyone who might be harmed by them
- the level of risk the hazards pose to health and safety have been correctly evaluated
- suitable measures have been put in place to either eliminate or manage the hazards to a level that no longer causes harm, and are in accordance with principles of prevention and the hierarchy of controls set out in the schedule to the regulations
- the main points of the risk assessment have been recorded (organisations with more than five employees).

Generic risk assessment

It is important that the increased risks to black, Asian and minority ethnic communities are recognised in generic Covid-19 risk assessments. The generic risk assessments need to capture a range of potential risk factors for those staff who are at increased risk due to a number of factors. Risks to Covid-19 reflect inequality and racism across a range of social structures and employers need to actively tackle these issues within their own workplaces in both the short and long-term if they are to protect the health, safety and welfare of their employees and all who may come into contact with their business undertaking.

Generic risk assessments can identify preventative and protective measures that can reduce potential exposure to Covid-19 and associated risks to mental and physical health and safety. It is important to remember that employers do not have to wait for evidence of harm before taking action to prevent potential hazards in the workplace.

A generic risk assessment can therefore include controls such as the development of new policies to tackle underlying causes of risk, the introduction of workplace race equality forums that include employees and trade union representatives (including H&S reps and Equality Reps) and senior leaders in the organisation. A generic risk assessment should refer to any additional and specific risk assessments that need to be introduced to better control Covid-19 risks and it should detail the policies, practices and safe systems of work that need to be developed to mitigate against the various risks.

A generic Covid-19 risk assessment cannot capture the combined risks which could impact on individual members of staff and as such individual risk assessments should be carried out for all staff at increased risk of Covid-19. Similarly, if staff are experiencing stress or anxiety an individual stress risk assessment should be conducted and If staff are working from home risk assessments should also be conducted to ensure this is done safely.

Individual risk assessment

Employers need to conduct individual Covid-19 risk assessments for all black, Asian and minority ethnic staff. These risk assessments should consider all the potential risk factors that can lead to an individual being at increased risk of contracting Covid-19 and consider the impact of the pandemic on staff physical and mental health. It is vitally important that managers conducting one-to-one risk assessments have a good understanding of the structural inequality that drives this unequal impact of Covid-19 and the various actions the organisation can take to mitigate risks for employees who are affected by this. Discussions should be conducted sensitively and encourage open dialogue and discussion.

An example template for individual Covid risk assessment can be found at the end of this guidance under 'Additional Resources' but members and reps should be mindful that employer's will develop their own risk assessment templates and union reps will need to ensure they are fit for purpose. Reps should ensure risk assessments ask the right questions, are able to capture all the significant hazards and control measures, and seek to keep risks at low levels. If a risk assessment approach is not satisfactory the Health and Safety Reps should challenge the process and seek improvements.

Protective control measures to consider in risk assessments

Please note that these are examples of the type of protective measures employers can put in place based upon occupational risk and other personal risk factors including travel to work and living with others considered to be 'vulnerable' or at increased risk of contracting Covid-19. All other control measures to ensure a workplace is 'Covid-19 secure' should already be in place and as such the individual risk assessment will identify additional control measures needed to ensure all potential risks to an individual remain low.

Individual controls

- Support to facilitate homeworking
- Amended duties to allow for homeworking
- Redeployment to lower risk roles that allow for homeworking
- Phased return back to the workplace at a safer stage when considering workplace risks and risks within the local area where people live or work (with due consideration of local infection rates and areas at risk of local lockdown).
- Working in low risk areas of the workplace with separate space to work
- Location and duties enable limited face-to-face interaction with others and ensure access to shared spaces are restricted to a fixed, small number of people
- Working in very small, fixed teams of colleagues or students who form part of a 'cohort' or 'bubble' to minimize risk of infection.
- Strictly enforced social distancing at a minimum of 2 meters at all times and enhanced cleaning measures, good ventilation and strict monitoring of compliance by managers which is documented for auditing purposes.
- Priority access to parking spaces or bicycle storage to allow staff to avoid use of public transport and minimize contact with other people.
- Priority access to changing or shower facilities.
- Flexible working to avoid busy periods on public transport where usage is unavoidable.
- Staggered start and finish times with colleagues to avoid social mixing
- Priority access to interest free loans and bursaries from employers to support any additional costs in mitigating financial impact of Covid-19
- Priority access to PPE or face coverings if required in risk assessments
- Access to culturally appropriate counselling support and signposting to a range of organisations offering additional targeted support around mental health.
- Access to stress risk assessment and homeworking risk assessments if applicable

Additional controls

- Strategies to create healthy and supportive workplaces that have zero tolerance for discrimination and empower staff to raise concerns about occupational risk and safety are essential.
- Employer engagement with black, Asian and minority ethnic groups and their trade union representatives to ensure communication materials are effective and increase awareness of Covid-19 risk factors and promote access to support.
- Targeted communications to engage with workers to promote awareness of health, safety and welfare arrangements in the workplace.
- Actions to ensure that racism and discrimination is addressed, that black workers are well supported and feel safe to disclose their experiences, that perpetrators are effectively sanctioned and that senior manager undertake training in this regard.
- Close monitoring of patterns of self-isolation and sickness to identify potential higher risk areas in workplaces with oversight from the organisations senior leadership team in

partnership with health and safety committees/ union health and safety representatives.

- Where employees are absent due to Covid-19 symptoms or self-isolating due to COVID-19, there should be no detriment to their pay, conditions or employment status
- Where redeployment, flexible working or alternative duties are agreed there should be no detriment to the worker's pay, conditions or employment status.
- Line managers must receive information and training to enable them to carry out individual worker risk assessments and have sensitive and supportive conversations.
- Conduct equality impact assessments before implementing any new ways of working, policies and practices in the workplace. Consult with unions and employees to prevent detrimental impact for those staff with protected characteristics. Ensure regular review periods are agreed so equality impact can be monitored as part of this ongoing process.
- Risk assessment control measures and management monitoring arrangements should be clearly documented and auditable.
- Employers to facilitate priority access to Covid-19 testing for high risk groups
- Employers to put in place health surveillance measures for high risk staff and those working in high risk roles to ensure control measures remain effective.
- Employees given access to health MOT's and blood tests where requested.

Risk assessment tools and quantifying risk

Health and safety legislation does not set out what a risk assessment must look like on paper but it does lay out the various principles and steps that employers must follow to ensure risks assessments are suitable and sufficient and protect the health, safety and welfare of employees.

Increasingly employers are looking to quantify the individual health risks of Covid-19 to better identify those individuals who are at an increased risk of contracting Covid-19 and suffering poor outcomes.

Examples of individual risk assessment tools quantifying risk levels:

- Welsh Government Covid-19 Risk assessment tool and guidance for different sectors - **https://gov.wales/covid-19-workforce-risk-assessment-tool**
- Association of Local Authority Medical Advisors (ALAMA) Covid-19 medical risk assessment which determines 'COVID-Age': **https://alama.org.uk/covid-19-medical-risk-assessment/**

The ALAMA 'Covid-Age' model has also been utilised by the Scottish government (see: **https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-individual-risk-assessment-for-the-workplace/**), the University of Warwick, and the University of Southampton as part of their approach to individual risk assessment of higher risk staff. However, the **research** underpinning this model, while useful does offer caution

in the application of the 'Covid-Age' tool in capturing all workplace risk factors for individual workers.

'We caution against simplistic rules for decisions based only on the risks that it estimates. It does not remove the need for clinical judgement, and there are other important considerations when managing occupational risks from Covid-19—for example, the practicability of different possible control measures, the expected prevalence of infection in the local population, the personal value judgements of the individual worker and prevailing advice from government (which may be driven by a need to control demands on healthcare services as well as individual risk).'
https://academic.oup.com/occmed/advance-article/doi/10.1093/occmed/kqaa150/5881715

While this type of assessment can be helpful in aiding discussion around risks and suitable control measures, it has potential to be misused by employers. Close scrutiny is needed to ensure employers are using these tools appropriately and that any data underpinning the health risk assessments is up to date and accurate. This type of quantitative assessment does not in itself constitute a suitable and sufficient assessment of individual risks and needs to be much more comprehensive if it is to effectively address the different types of risks posed by COVID-19. Any use of health risk assessments as part of the risk assessment approach within an organisation should be subject to union consultation and agreement.

Furthermore, individual health risk assessments do not capture all potential drivers for inequality of outcomes in spread of Covid-19 such as socio-economic status, immigration status, employment status, occupational risks, access to health services and support, housing, households with other members at increased risk of COVID-19, geography (urban vs rural), mental health, isolation and loneliness, stigma and race discrimination.

Occupational risk assessments

A major gap in the current Covid-19 data analysis is around higher risk occupations and the evidence suggests that black, Asian and minority ethnic staff are over-represented in higher risk, keyworker roles where access to suitable PPE has been limited or non-existent. As such it is considered good practice for employers to conduct occupational risk assessments to capture the potential Covid-19 hazards and risks for different types of role or occupation. For instance, higher risk roles that involve public outreach or travel via public transport (e.g. recruitment, research), roles that involve high levels of face-to-face contact with the public or students (e.g. Academic tutors, receptionists, student support staff, library staff), roles that bring people into direct contact with Covid-19 (e.g. cleaners, laboratory staff) or roles that require less than 2m social distancing (e.g. vocational tutors, first aiders). By identifying higher risk roles within an organisation, employers can work

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together with trade unions and employees to identify the necessary preventative and protective measures needed to protect those in higher risk roles from harm.

Additional risk factors to be considered

As well as considering ethnicity, individual health risk factors and co-morbidities, a number of other risk factors need to be identified and controlled. In the PHE review of stakeholder analysis and recommendations, '**Beyond the data: Understanding the impact of Covid-19 on BAME groups',** stakeholders call for additional research to be undertaken and for 'clear, visible and tangible actions' and 'a commitment to address the underlying factors'.

'Stakeholders clearly articulated an understanding that Covid-19 did not create health inequalities, but rather the pandemic exposed and exacerbated longstanding inequalities affecting BAME groups in the UK.'

Black workers are more likely to experience discrimination, bias and stereotyping, less likely to occupy senior leadership roles and more likely to experience reduced pay and barriers to career development and progression in comparison to their white colleagues. This experience of racism means that black workers are less likely to report safety concerns to managers for fear of further victimisation, bullying or harassment. Employers need to consider how workers experience of racism can increase their risks to Covid-19 and they need capture these hazards within Covid-19 risk assessments.

Below are some examples of additional risk factors that could be considered in generic or individual risk assessments. The list is not exhaustive and employers should directly consult with workers and trade unions to better understand the potential risk factors for their staff.

Potential risk factors	Potential impact on black, Asian and minority ethnic workers	Potential control measures
Occupational risk levels	Different occupational groups and roles within organisations are likely to experience increased risk due to the nature of the role and the level of exposure to the wider public and the wider student body. Many workers from black, Asian and minority ethnic groups are working in key-worker roles with inadequate PPE and high exposure to the general public.	Occupational risk assessments Individual Covid-19 risk assessment in high risk occupations Health surveillance measures Close monitoring of health of higher risk staff and those staff in higher risk occupations/roles.

Potential risk factors	Potential impact on black, Asian and minority ethnic workers	Potential control measures
		Priority access to Covid-19 testing

Secure suitable levels of PPE and ensure proper fit testing is undertaken.

Ensure PPE (respirators, surgical masks, gloves, aprons, eye protection etc) is properly considered as a control measure within risk assessments in line with health and safety legislation which requires that employers take precautionary approach and consider the emerging data and research around risks.

Learn lessons from other sectors that have witnessed significant staff losses due to lack of suitable and sufficient risk assessments and lack of suitable PPE. |
| Job insecurity | Increased job insecurity, insecure contracts, temporary contract, hourly paid contracts and all forms of precarious work can lead to increased risk of exposure to COVID-19.

Workers are less confident in raising concerns about health and safety for fear of losing employment or have less knowledge on internal processes for raising and escalating their concerns. | Equality impact of recruitment and contract processes and procedures

Equality impact of redundancy proposals

Actions to protect jobs and avoid redundancies

Commitment to increase number of staff on permanent contracts, with guaranteed hours and overall reduction in precarious work. |

Potential risk factors	Potential impact on black, Asian and minority ethnic workers	Potential control measures
		Full pay during periods of Covid-19 related sickness, isolation and shielding Whistleblowing systems and anonymous reporting of safety concerns Open and transparent communications about safety risks, safety complaints and concerns and how the organisation is addressing these.
Financial insecurity	Covid-19 restrictions and household income affected	Financial support packages to staff through access to grants or zero-interest loans. Access to free or subsidised services for staff and their families Facilitate access to financial support and advice
Immigration status	Migrant workers at increased risk of exposure to COVID-19. Predominantly working in lower paid and less secure roles. Predominantly working in high risk occupations. Visa restrictions exacerbating fears related to job security and financial security. Covid-19 restrictions combined with VISA requirements placing additional stress and strain on workers.	Targeted support to migrant workers to encourage access to support networks and health services. Targeted communications to inform workers about safety measures in place and how to raise any safety concerns at work. Including confidentially via trade union health and safety representatives. Individual Covid-19 risk assessments

Potential risk factors	Potential impact on black, Asian and minority ethnic workers	Potential control measures
	Isolation from family and social support networks exacerbating physical and mental health. Fears of accessing health services and support	Individual stress risk assessment and homeworking risk assessments where applicable Support workers overcoming VISA issues Facilitate access to culturally appropriate support networks Facilitate access to culturally appropriate counselling
Bereavement	Many workers may have lost colleagues or family members to Covid-19 and nearly all are experiencing the impact of the disease on their communities. This is having a major impact on mental health and well-being.	Bereavement policy for COVID-19 No loss of pay for time off taken due to bereavement Culturally sensitive support for mental health and well-being of staff experiencing bereavement
Anxiety and stress	Increased stress about perceived or actual risk of exposure to COVID-19. Increased anxiety or stress about being in a higher risk category. Increased anxiety or stress about impact of stigma or discrimination in the workplace and local community. Increased anxiety or stress about changes in the workplace and impact on role, relationships, and support. Increased isolation and loneliness due to Covid-19 restrictions.	Individual stress risk assessment Bullying, discrimination and harassment measures in place. Zero tolerance. Joint work to identify urgent concerns and to implement actions to tackle racism and discrimination in the workplace. Promote the Equality duty and tackle the underlying causes of stigma and discrimination in the workplace. Offer culturally sensitive counselling support services

Potential risk factors	Potential impact on black, Asian and minority ethnic workers	Potential control measures
		Facilitate and support free access to health MOT's and testing for Covid-19
Existing mental health condition	Long-term mental health concerns should be considered as potential risk factors for exposure to Covid-19.

Additional consideration should also be given to the potential for mental health issues to be exacerbated due to Covid-19 and the various changes taking place.

Social distancing measures place restrictions on access to social support networks which are a fundamental part of BAME communities.

In addition, many voluntary sector providers working closely with BAME communities have had to close due to public sector cuts or financial collapse during the pandemic. | Identify staff with long-term mental health concerns that may need additional support during the pandemic.

Targeted support to staff with long term mental health issues

Implementation of reasonable adjustments under the Equality Act

Individual risk assessments.

Facilitate access to culturally appropriate community support networks

Work in partnership with voluntary sector organisations to identify any joint work that can be undertaken to address gaps in support to the workforce. |
| Geographical location (home or workplace) | Consideration of infection rates across areas requires to live and work and potential for local lockdowns. Urban areas considered higher risk than rural areas for Covid-19 transmission. More deprived areas at greater risk. | Consider geographical location of home or work as a risk factor in risk assessments. Urban areas are generally higher risk than rural areas and areas of greater social deprivation at higher risk.

Closely monitor the local R rate for the workplace location and take a precautionary approach when there is a high risk of entering local lockdown |

Potential risk factors	Potential impact on black, Asian and minority ethnic workers	Potential control measures
		Consider additional controls for staff at higher risk, staff who travel to work and staff who live in areas where there is high risk of entering local lockdown.
Living with/caring for vulnerable people Living with people who work in higher risk occupations	More likely to live in intergenerational housing. More likely to live in overcrowded accommodation. More likely to live with people who are also high risk for contracting Covid-19 More likely to live with people working in higher risk occupations.	Support to work from home to minimise exposure to Covid-19. Support to work on site in low risk roles Priority access to Covid-19 testing Priority access to PPE
Violence at work	Increased risk of physical violence towards staff from black, Asian or minority ethnic communities. Negative press coverage and racism statements by politicians. Stigma that the black community is the cause of the pandemic.	Lone person working risk assessments Additional control measures for higher risk workplaces where violence is more likely to occur (e.g. prisons) Communications and training to challenge messages that promote stigma and discrimination Advice, training and support to staff who could be exposed to violence at work.
Domestic violence	Significant increase in domestic violence during lockdown restrictions	Implement domestic violence policy for staff

Potential risk factors	Potential impact on black, Asian and minority ethnic workers	Potential control measures
	Increase in numbers of people working from home and isolated from friends, family and colleagues.	Raise awareness of issues across the organisation and offer support to affected staff. Signpost to culturally appropriate domestic violence support services Ensure high risk workers choosing to work on site have individual risk assessments in place to ensure Covid-19 risks are reduced to low levels
Travel	Increased risk of Covid-19 exposure if travelling via public transport	Guaranteed access to parking or bicycle storage. Access to shower or changing facilities to support alternative means of transport. Flexible working to travel outside peak times on public transport Flexible working to support combination of homeworking and work on site to reduce frequency of usage of public transport
Communication	Employers should consider different methods of communication in their engagement with staff from different ethnic backgrounds	Communication through different methods which are culturally sensitive. Communications translated into different languages as appropriate Enhanced induction and training to support communication of key messages

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Additional resources

Please see further UCU coronavirus advice on return to the workplace, including examples of workplace hazards and controls here: **https://www.ucu.org.uk/coronavirus**

UCU 'Equality issues during COVID-19':
https://www.ucu.org.uk/media/10869/Equality-issues-during-Covid-19-UCU-briefing/pdf/ucu_covid-19_equality-briefing.pdf

Camden LGA – example of individual risk assessment template and guidance:
https://www.local.gov.uk/sites/default/files/documents/Camden%20-%20Individual%20Covid-19%20Risk%20assessment.pdf

HSE example generic Covid-19 risk assessment:
https://www.hse.gov.uk/coronavirus/assets/docs/risk-assessment.pdf

Counselling, support, financial assistance and more available to members through Education Support: **https://www.ucu.org.uk/educationsupportpartnership**

Research

Intersecting ethnic and native–migrant inequalities in the economic impact of the Covid-19 pandemic in the UK
https://www.sciencedirect.com/science/article/pii/S0276562420300640

Assessment of workers' personal vulnerability to Covid-19 using 'covid-age'
https://academic.oup.com/occmed/advance-article/doi/10.1093/occmed/kqaa150/5881715

UCU: 'The experiences of black and minority ethnic staff in further and higher education'
https://www.ucu.org.uk/media/7861/The-experiences-of-black-and-minority-ethnic-staff-in-further-and-higher-education-Feb-16/pdf/BME_survey_report_Feb161.pdf

PHE: **Government Review of Disparities in Risks and Outcomes** and **Understanding the Impact on BAME Communities**