

COVID-19, Equality Impact Assessment, Sectoral Guidance:

Construction

September 2020



Scottish Government
Riaghaltas na h-Alba
gov.scot

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	COVID-19, Equality Impact Assessment, Sectoral Guidance: Construction	
Minister	Minister for Business, Fair Work and Skills	
Lead official	Dermot Rhatigan	
Officials involved in the EQIA	name	team
	Elisabeth Stark Joe Dowd Robert Spratt Gary Gunn Gillian McDonald	Construction Policy Organisational Readiness
Directorate: Division: Team	Organisational Readiness	
Is this new policy or revision to an existing policy?	New, in response to COVID-19	

The EQIA

The full EQIA serves to focus on the key issues identified and considers what mitigations could be put in place to reduce the risk of disadvantage that may unintentionally be caused by the sectoral construction guidance.

This guidance is designed to reduce the public health risks in construction and complement public health guidance to limit the further spread of the disease.

On that basis, there has been limited opportunity to gather evidence on the possible impacts of guidance. However, given the importance of assessing the impact on each of the protected

characteristics, the Scottish Government has considered the measures against the needs of the general equality duty as set out in section 149 of the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not. The Scottish Government has also considered whether the measures could constitute direct and/or indirect discrimination.

Specifically, the EQIA considers impacts on equalities groups based on the three tests it is required to address:

- Does this policy eliminate discrimination for each of the nine protected characteristics? If not is the discrimination justifiable? Can it be mitigated?
- Does this policy advance equality of opportunity between people who share a protected characteristic and those who do not?
- Does this policy foster good community relations between people who share a protected characteristic and those who do not?

Policy Aim

The Scottish Government is keen to build confidence and create the right environment for supporting safer work as we look to restart parts of the economy as we develop new ways to live with COVID-19.

This Equality Impact Assessment has been designed to help Scottish Government policy leads develop the specific construction sector guidance to assist employers, businesses and the workforce in operating safely during coronavirus (COVID-19), based on the principles set out in [COVID-19: A Framework for Decision-Making](#) and our long-established commitment to fair work, which was set in the context of the current crisis in a joint statement with the STUC.

The Scottish Government is mindful of the three needs of the Public Sector Equality Duty (PSED) and recognises while some measures may positively impact on one or more of the protected characteristics, it also recognises that the introduction of the

measures may have a disproportionate negative impact on one or more of the protected characteristics. Where any negative impacts have been identified, we have sought to mitigate/eliminate these through guidance, however employers will need to use that guidance to inform actions. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. We have sought to do this through this guidance, or by current support and guidance available.

Who will it affect?

The Scottish Government construction guidance will be for employers, workers, customers and anyone visiting or delivering to a construction industry workplace. Each business will then need to translate the Scottish Government's guidance into the specific actions it needs to take depending on the nature of their business (i.e. the size and type of business, how it is organised, operated, managed and regulated) using this document as a guide. Each business will also follow the Construction Sector Restart and Site Operating guidance in conjunction with the SG guidance.

All protected characteristics have been impacted by COVID-19 and the public health response measures, and in economic terms:

- COVID-19 and physical distancing guidance are having a major impact on Scotland's economy and labour market.
- Research by the Scottish Government¹ estimates under the current lockdown, economic output in Scotland could reduce by 1/3 and the Office for Budget Responsibility estimate that unemployment across the UK could reach 10% in Q2 2020².
- Sectors most affected are those most impacted by social distancing guidance; Construction, Retail & Wholesale, Accommodation & Food, Education and Arts, Entertainment & Recreation. However, widespread economic downturn is impacting all sectors of our economy.
- Analysis by the Scottish Government also highlights Manufacturing, Administrative & Support Services, Public Administration & Defence, Health & Social Work and Other Services as being at high risk of labour market disruption³.

¹ <https://www.gov.scot/publications/state-economy-april-2020/>

² https://cdn.obr.uk/Coronavirus_reference_scenario_commentary.pdf

³ <https://www.gov.scot/publications/state-economy-april-2020/4>

This EQIA will evolve and be subject to regular monitoring to ensure Scotland can safely return to work, promoting fairness and equality.

What might prevent the desired outcomes being achieved?

COVID-19 is a relatively new disease and its public health and economic impacts will likely be felt for years and achieving outcomes will remain challenging. Understandably guidance is being produced very quickly and will continue to evolve and be refined throughout the response and recovery phases.

Stage 1: Framing

Results of framing exercise

The framing exercise identified a range of equalities considerations for the protected characteristics. Data shows us that COVID-19 is disproportionately affecting people with one or more of the protected characteristics^{3a}. The public health crisis has created an economic challenge, including fair work and the disproportionate impact likely to be faced by disabled people, older workers, and women, for example in ‘shut down’ sectors, such as Retail trade, (60% women), Accommodation (58%) and Food and beverage service activities (53%) and on the future employment opportunities open to young people leaving education and training. It has had a clear disproportionate impact on young LGBT people too.

COVID-19 early impacts⁴:

- More than one in three 18 to 24-year-olds is earning less than before the outbreak.
- The lowest-earning 10 per cent of workers were seven times as likely as the highest earners to work in sectors that have closed.
- The crisis has the potential to do disproportionate damage to women’s jobs and incomes.

^{3a} <https://www.gov.scot/publications/economic-impact-of-coronavirus-led-labour-market-effects-on-individuals-and-households/>

⁴ Economy COVID-19 Response and Recovery Programme - Human Rights and Equalities impacts, Staff briefing

- Minority ethnic people, women and disabled people are particularly concentrated in distribution, hotels and restaurant industries and at greater risk of job losses, reduced hours and pay.
- Evidence shows us that previous economic recessions have disproportionately impacted minority ethnic employment, and this may be repeated, especially given that a higher share of the visible minority ethnic population in employment work in the hospitality industry (31.7% vs 18.6% of the white population)⁵. There have been more confirmed cases of COVID-19 among women, and women's overrepresentation as unpaid carers and in health and social care jobs is likely to put them at higher risk of contracting COVID-19⁶. The vast majority of **part-time** workers are women: in 2019, women aged 16+ accounted for three-quarters of part-time employment in Scotland. There is significant **occupational segregation** – e.g. four out of five health and social care workers are women (80% - 2019), but just one in eight construction workers (13%)⁷. In 2019, the employment rate for those classed as disabled under the Equality Act 2010 was 49.0 per cent which was significantly lower than the employment rate for non-disabled people (81.6 per cent). In 2019, the disability employment gap was 32.6 percentage points.
- Those leaving FT education this year can expect to find it harder to find employment and, especially, harder to find well-paid employment.

EQUATE Scotland highlighted that COVID-19 has had huge impact on the construction sector, and to recognise that it has some unique challenges, it would be reasonable to highlight that many of the issues around labour supply, workforce and skills have been long standing, and were set out in the Farmer Report in 2016⁸. It is also worth highlighting that this report made little reference to the diversity of workforce in terms of gender, or minorities or flexibility of work styles and approach.

It is to be hoped that any construction sector recovery plan out of COVID-19 reflects on the issues in this report, and others. There

⁵ [Economic Impact of Coronavirus Led Labour Market Effects on Individuals and Households'](#)

⁶ [Scottish Household Survey, 2018](#); [Annual Population Survey 2019](#); [Sick Pay for All](#); [Public Health Scotland COVID-19 Statistical Report & Deaths involving coronavirus in Scotland](#)

⁷ [Annual Population Survey](#)

⁸ <https://www.gov.uk/government/publications/construction-labour-market-in-the-uk-farmer-review>

are also opportunities to reflect on the learnings post the financial crash of 2008 in relation to investment in skills and training in terms of building a diversified workforce.

Extent/Level of EQIA required

The impacts from COVID-19 are still relatively new and as such the policy EQIA highlights potential impacts using emerging data.

Everyone is instructed to comply with the rules and guidance issued by the Scottish and UK Governments in relation to coronavirus, in order to protect both themselves and others. The Construction guidance should not be read in isolation and there is additional advice on: business and physical distancing, childcare and for key workers.

The guidance emphasises in particular the importance of undertaking a robust and ongoing risk based assessment with full input from trade union or workforce representatives, and to keep all risk mitigation measures under regular review so that workplaces continue to feel, and be, safe. The risk assessment should take into account the additional requirements of those more impacted by COVID-19 such as: older people; disabled people; and BME communities.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic ⁹	Evidence gathered and Strength/quality of evidence	Data gaps identified and action taken
AGE	<ul style="list-style-type: none"> Disproportionate impacts from lockdown on age people of different ages. COVID-19 disproportionately affecting older workers and the employment opportunities open to young people leaving education and training. The age distribution of the Scottish construction workforce is broadly similar to that of the total Scottish workforce, although there is a slightly higher share of workers in the Scottish construction sector aged 55 to 64 (15.9%) relative to the total Scottish workforce (15.2%). There are a small number of construction workers aged 65 or over (2.7%), which is c. 6K people. 	<p>Emerging data for COVID-19. Guidance will take account of new data and any more robust data.</p> <p>We need to act to ensure that young people are aware of the impact of the pandemic on the construction sector. Skills Development Scotland is providing additional support though COVID-19. https://www.skillsdevelopmentscotland.co.uk/coronavirus-covid-19/</p> <p>In addition to advice for construction SG has also provided advice to people on returning to work safely. It also provides advice for employers on helping staff who need to self-isolate and for those shielding. This should be included in the risk assessment. https://www.gov.scot/publications/coronavirus-covid-19-returning-to-work/pages/employers/</p>

	<p>N.B. Not all of these people will necessarily be working 'on-site'.</p> <ul style="list-style-type: none">• We currently know that COVID-19 is of particular risk to older people and those with underlying conditions. We also know that women are more likely to fall into these groups from other sources – women are a larger proportion of older people¹⁰ and more women than men in Scotland live with a long-term health condition¹¹.	
--	---	--

¹⁰ World Health Organisation, Aging <https://www.who.int/nutrition/topics/ageing/en/>

¹¹ The Scottish Government (2018) Scottish Health Survey. Available at: <https://www2.gov.scot/Topics/Statistics/Browse/Health/scottish-health-survey>

<p>DISABILITY</p>	<p>¹²COVID-19 has impacted disabled people and careful thought needs to be given when developing workplace guidance to ease lockdown.</p> <p>¹³Many disabled people are fearful of the easing measures because more people are out and about making physical distancing more difficult. Many disabled people not on the Shielding list are nevertheless shielding or self-isolating and don't feel confident to ease that. Many feel that everyone else is able to get on with their lives, leaving them behind.</p> <p>Disabled people might be a bit more hesitant at allowing access to maintenance workers attending their property for fear of infection.</p>	<p>Emerging data for COVID-19. Guidance will take account of new data and any more robust data.</p> <p>In line with all relevant health and safety legislation, public health guidance, and the industry's Site Operating Guidelines. It remains the position that work in these areas can only proceed if physical distancing is maintained. Work carried out in people's homes, for example by tradespeople carrying out repairs and maintenance, can continue, provided that the tradesperson is well and is not showing coronavirus symptoms and neither they nor any of their household are self-isolating.</p> <p>The Guidance is clear to business that anyone with symptoms of COVID-19 should not be at work.</p> <p>The Skills Development Scotland (SDS) Equality Action Fund has supported seven projects across Scotland which aimed to encourage innovative and proactive approaches to increasing uptake of MAs amongst young people who are either from an ME community, are disabled, care-experienced or underrepresented by gender. SDS offer Enhanced Funding to training providers to help them support care experienced and/or disabled people (up to the age of 29) who may require additional support to stay in their apprenticeships.</p>
--------------------------	--	---

¹² ONS Annual Population Survey, Jan-Dec 2018.

¹³ COVID-19 Social Distancing-Disability Quality Scotland

<p>SEX</p>	<p>143,000 people employed in the Construction industry to (end 2018). 87% male and 13% female.</p> <p>¹⁴Women are being disproportionately impacted by COVID-19:</p> <ul style="list-style-type: none"> • Scotland’s gender pay gap remains 13.3%.²⁸ Women are significantly over-represented in part-time and insecure work, which gives them increased exposure to economic shocks. Furthermore, women are over-represented in industries at risk of contraction during COVID-19: tourism, retail, services, and hospitality. Many women working in paid roles such as childcare, domestic cleaning, and hospitality are likely to be self-employed. Increasing numbers of women in the social care workforce are also self-employed and have no access to statutory sick pay and other employment rights. They will therefore be significantly economically affected by measures to contain the spread of the virus. 	<p>Emerging data for COVID-19. Guidance will take account of new data and any more robust data.</p> <p>Research published by Engender has highlighted that inadequate employee support for flexible working and caregiving, including support for the self-employed, will lead many women to give up work during the pandemic, and force them into the social security system which isolates them further from economic independence.</p> <p>One of the steps to addressing the gender imbalance in construction and wider industry has been to encourage young women to consider working in the industry. This has happened through careers advice to encourage a change in behaviours and choices through the promotion of apprenticeships.</p> <p>SDS works with industry, stakeholders, and individuals to actively address the gender imbalance within apprenticeships and skills. For example, SDS supported Construction Scotland to set up the Skills Group for the sector and are proactively working with them to address skills needs in the sector. The group has a workstream focused on addressing workforce diversity challenges, including how to attract and retain women in the sector.</p>
-------------------	---	---

¹⁴ Scottish Government internal briefing unpublished ‘Woman in the Labour Market 2019’

	<ul style="list-style-type: none"> • Part-time working is more common for women (41.1 per cent of employed women compared with 12.4 per cent for men). The construction industry should be making, in line with legislation reasonable adjustments for women in their workforce as they return to work. • A study by the Institute for Fiscal Studies' (IFS)¹⁵ suggests that mums have taken on more housework and childcare responsibilities than dads in lockdown. In families where both the parents have paid work, mothers are said to be spending more of their working hours simultaneously trying to care for children compared with their partners, an analysis has found. Women are also the ones who are more likely to have quit or lost their job, or to have been furloughed, since the start of the coronavirus lockdowns. 	<p>SDS, working with the Construction Skills Group, have recently commissioned Equate Scotland to undertake research into the recruitment practices within the sector, and we have held focus groups in partnership with the Scottish Business Federation (SBF) with women working in construction, including apprentices. The findings from this will be presented to the SDS Programme Board in August: thereafter it will be shared with the sector and relevant actions will be agreed. SDS was due to present on gender equality at the SBF Leadership Conference in March: however, this was delayed due to COVID-19.</p> <p>A new Industry Guide has been launched by Equate Scotland based on their recent work with Robert McAlpine to deliver the Inclusive Value Toolkit¹⁷. The Toolkit helps employers to develop inclusive recruitment practices and workplaces cultures which support gender diversity. The Industry Guide has been written based on some of the key areas that were identified where employers may require additional support and guidance to do this.</p> <p>Balfour Beattie Community Benefits Advisor, Duncan Gardner, has been working with Margi Vilnay, Lecturer on the Graduate Apprentice Scheme at Dundee University, to help develop a mentoring scheme for female students. This was unveiled on International Women in Engineering</p>
--	--	--

¹⁵ <https://www.ifs.org.uk/publications/14860>

¹⁷ <file:///C:/Users/u206195/Downloads/Industry%20Guide.pdf>

	<ul style="list-style-type: none"> • Consideration should be given on how to mitigate impacts of dads/ partners/ carers returning to construction work, who have been sharing child care responsibilities. • SDS data from 2019-20 shows that only 2 per cent of Modern Apprentices with Construction and Related frameworks were female so working with the sector to address the gender imbalance is a key focus for us, although we recognise that other groups are also under-represented. • The gendered allocation of childcare sees women continue to provide the majority of primary care for children¹⁶. A report from the UN estimates that women do 2.6 times as much unpaid caregiving and domestic work as their heterosexual partners. Many of these workers will increasingly be affected by school closures, and requirements to balance paid work 	<p>Day 2020. The scheme, being delivered with support from Equate Scotland, has attracted mentors from across the engineering spectrum to provide opportunities for women studying all engineering specialisms to learn from a network of mentors.</p> <p>Although the number of women who are pursuing a career in engineering is increasing, research has shown there is still a long way to go towards equality. Furthermore, when we look more closely at the research, it becomes apparent that there are more facets to the issue than at first glance.</p> <p>Across Scotland, there have been a number of Construction Industry Board (CITB) funded projects in aimed at addressing gender imbalance as well as other under-represented groups. Such current and recent activity include the CITB Funded Building Blocks project which provides experiential construction learning activities for both undergraduates and school pupils and has a specific part-focus on encouraging females into construction.¹⁸</p> <p>Also, the recently announced £1.2 million CITB funded Pathways Into Construction project based in Sighthill, Glasgow aims at supporting 180 ‘hard to reach’ individuals into construction jobs.</p>
--	--	---

¹⁶ Alakeson, Vidhya (2012) The price of motherhood: women and part-time work Resolution Foundation. Available at:

<https://www.resolutionfoundation.org/publications/price-motherhood-women-part-time-work/>

¹⁸ <https://www.citb.co.uk/levy-grants-and-funding/grants-funding/collaborative-innovation-training-fund/previous-funded-projects/training-and-development/building-blocks/>

	<p>with increasing childcare and providing support to their children's learning. Additionally, 90 per cent of lone parents are women</p>	<p>CITB's latest funding round in Scotland is a £5.4 million commission to increase the number of jobs across Scotland in construction with a particular focus in remote rural areas. Targets for under-represented groups (including females) are defined. Please note that some CITB projects have been paused due to COVID-19, and it is expected that they will be re-instated at a later date.</p> <p>In addition, CITB does a huge amount with school/young workforce: Careers is defined as one of CITB's three core priorities. CITB works closely with a range of key stakeholders within this area and is currently in discussions with SDS to agree a SDS/CITB joint careers strategy for construction.</p> <p>Chair of Construction Scotland (ILG) Skills Group and Skills/Workforce Recovery Plan on the work to get more women into construction "It's moving slowly with women and see slow success in professions (university intake and early career) but not retaining and progressing well at all. Craft trades is stagnant as far as I can see despite huge efforts by some. For example – City Building and George Bell Ltd are doing fairly well to address but something I want explore in the Skills Group further. Many companies just won't employ women and conditions are off putting."</p>
--	--	--

<p>PREGNANCY AND MATERNITY</p>	<p>On 16 March the UK government classed pregnant women as ‘vulnerable’ to severe illness if infected with COVID-19. Official UK government advice is that all pregnant women should ‘carefully’ adhere to social distancing rules. There is limited evidence as to how the virus affects a growing foetus. Concerns from stakeholders remain as to how the virus affects the mother however we know that pregnancy weakens the immune system and can make pregnant women more vulnerable to illness.</p> <p>¹⁹An employer must, by law, make a workplace safe for a pregnant woman. This includes altering working conditions or hours in order to reduce the risk. They should demonstrate how they will do this through a risk assessment.</p>	<p>Emerging data for COVID-19. Construction Guidance will take account of new data and any more robust data.</p>
<p>GENDER REASSIGNMENT</p>	<p>We don’t believe that there is currently any data in this area looking at LGBT people and work or in construction site work. (Equality Network)</p>	<p>The Construction Guidance will take account of new data that emerges</p>

¹⁹ <https://maternityaction.org.uk/covidmaternityfaqs/>

<p>SEXUAL ORIENTATION</p>		<p>Emerging data for COVID-19. Construction Guidance will take account of new data and any more robust data.</p> <p>Balfour Beatty's LGBT+ network has worked with Building Equality, an industry wide LGBT+ construction sector network, to form the first construction LGBT+ group in central Scotland. The group was founded in August 2019 and is chaired by Balfour Beatty Quality Director Amanda McKay with support from other members of the Balfour Beatty network and allies. The group have run a number of events in Glasgow pre COVID-19, and participated in national virtual pride events organised by Building Equality. Amanda is also on the national executive of Building Equality. Later this year the group will be delivering their award winning LGBT+ toolbox talk to a number of organisations across central Scotland, and hopefully bringing the Rainbow coloured JCB to pride events in Scotland in 2021. Balfour Beatty celebrated Pride month 2020 in Scotland with a number of sites displaying the rainbow flag and also some sites holding talks on LGBT+ awareness.</p>
<p>RACE</p>	<p>²⁰The share of the Scottish construction workforce that has an ethnicity other than White is 0.9%; this is lower than the total Scottish workforce, at 3.3%.</p>	<p>Emerging data for COVID-19. Construction Guidance will take account of new data and any more robust data. There is emerging evidence that BME people are more vulnerable to COVID-19. For example, recent studies in England have shown that mortality rates from COVID-19</p>

²⁰ Scotland's Labour Market – People, Places and Regions, 2020

		<p>are higher amongst the minority ethnic population. The evidence base is building but this is likely due to a range of clinical, social and economic factors.</p> <p>The employment rate for the minority ethnic population aged 16 to 64 was 59.3 per cent. This is lower than the rate for white population (75.7 per cent) giving a gap in employment rates between minority ethnic and white of 16.4 percentage points²¹.</p> <p>Although the numbers of BME people are low in construction employers should reassure employees that both the Construction Guidance and all H&S guidance is being followed and monitored.</p> <p>There has been work led by Skills Development Scotland to inform BME communities about the opportunities in Construction and other Apprenticeships. They also have provided resources for training providers and employers to promote diversity in apprenticeships, and in the workplace more generally including:</p> <ul style="list-style-type: none">• Inclusive Recruitment Guides for Employers• Guide to Engaging Ethnic Minority Communities (for training providers)• Additional Support Needs Guide (for training providers)
--	--	--

²¹ [APS 2019](#)

		<p>SDS are also piloting the Ethnic Intersectionality Initiative which provides additional funding to training providers who recruit someone from an ethnic minority background who has additional barriers to work (such as caring responsibilities, or English as an additional language).</p> <p>At the iconic Glasgow Queen Street Station Renovation project, the team worked closely with the Bridges Programme based in Glasgow's Springburn neighbourhood. The Bridges programme works to support asylum seeker and refugees into positive employability destinations. This is often tough due to Home Office restrictions but on occasion there are individuals who are allowed paid work experience or placements. One such person with Ravia Lubad, a Syrian refugee who undertook a 10-week placement as a site engineer taking part in engineering roles such as surveying and setting out and witnessed site activities including hands on experience in demolition, excavations, piling and health and safety measures. With all this experience it allowed Ravia to gain self-confidence and understand how the construction industry works effectively and efficiently to meet the targets with time, cost and quality all in mind. Ravia says her placement encouraged her to progress with her studies and has just recently graduated with 1st Class degree in Civil Engineering.</p>
--	--	---

<p>RELIGION OR BELIEF</p>	<p>As a result of COVID-19, the construction industry needs to consider adjustments to continue to observe religious beliefs in workplace. For example when considering safer workplace this should include rooms such as prayer rooms/reflection rooms.</p>	<p>Emerging data for COVID-19. Construction Guidance will take account of new data and any more robust data.</p>
<p>MARRIAGE AND CIVIL PARTNERSHIP (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)</p>		<p>Emerging data for COVID-19. Construction Guidance will take account of new data and any more robust data.</p>

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			Developing guidance for the construction sector with appropriate EQIA guidance, will support workers of all ages and customers to feel safe about returning to work in a phased approach following medical evidence helping to maintain safe public health and support the safe restart of the sector to minimise the impacts of COVID-19. The Scottish Government and Age Scotland have provided clear advice to older people in the shielding group. https://www.ageuk.org.uk/globalassets/age-scotland/documents/ia---factsheets/health-and-wellbeing/coronavirus---a-short-guide---june-2020-updated-180620.pdf
Advancing equality of opportunity	X			Older workers are more likely to be impacted by lockdown measures and phased introduction included in the guidance will reassure them that

				they only return to work when it is permitted and it is safe.
Promoting good relations among and between different age groups	X			The construction guidance will support good relations between different age groups, in order to minimise the impacts of COVID-19 on the sector as well as giving the public confidence that workers of all ages are operating within safe guidelines.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			A phased return to construction with appropriate checkpoints, will support public health and help restart the economy, in order to address the impacts of COVID-19. In developing the guidance and related EQIA officials will need to explore what other support will need to be available for disabled workers who are unable to return to work. This evidence should be collated and discussed with other relevant officials such as the Disability Employment Team and those leading on the Job Retention Scheme and/or PACE.
Advancing equality of opportunity	X			Easing lockdown guidance will support equality of opportunity, in order to address the impacts of COVID-19. The SDS Equality Action Fund has supported seven projects across Scotland which

				aimed to encourage innovative and proactive approaches to increasing uptake of MAs amongst young people who are either from an ME community, are disabled, care-experienced or underrepresented by gender. SDS offer Enhanced Funding to training providers to help them support care experienced and/or disabled individuals (up to the age of 29) who may require additional support to sustain their apprenticeships.
Promoting good relations among and between disabled and non-disabled people	X			Easing lockdown guidance will support good relations between disabled and non-disabled people, in order to address the impacts of COVID-19. The work by Skills Development Scotland to encourage and support disabled people into construction apprenticeships should also support the good relations and allow the government to review and build on the lessons learned.

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	X			Developing guidance for the construction sector with appropriate EQIA guidance, will support both men and women to feel safe about returning to work when the time is right helping to maintain safe public health and support the safe restart of the economy, in order to address the impacts of COVID-19. There is also guidance available to

				provide advice on a safe return to work. The evidence shows there are a greater proportion of women affected by the lockdown due to child care and other caring responsibilities and Government and the sector has recognised this in all of the work related guidance.
Advancing equality of opportunity	X			Easing lockdown guidance will support equality of opportunity, in order to address the impacts of COVID-19. The action being taken by Skills Development Scotland and the Industry has helped advance opportunity for women in the sector.
Promoting good relations between men and women	X			The phased return set out in the guidance will support good relations between men and women, in the daily efforts in order to address the impacts of COVID-19. Both SDS and the sector are gradually promoting more opportunities for women.

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	X			Releasing lockdown restrictions carefully with appropriate EQIA guidance, will support public health and restart the economy, in order to address the impacts of COVID-19. In developing the guidance and related EQIA officials will need to explore what other support will be needed for staff returning to work with support needs due to pregnancy.
Advancing equality of opportunity	X			Easing lockdown guidance will allow us time to consider what further work is needed to support equality of opportunity, in order to address the impacts of COVID-19.
Promoting good relations	X			Easing lockdown guidance will allow us time to consider what further work is needed to support good relations, in order to address the impacts of COVID-19.

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	X			Releasing lockdown restrictions carefully with appropriate EQIA guidance, will support public health and restart the economy, in order to address the impacts of COVID-19.
Advancing equality of opportunity	X			Easing lockdown guidance will support equality of opportunity, in order to address the impacts of COVID-19.
Promoting good relations	X			Easing lockdown guidance will support good relations, in order to address the impacts of COVID-19.

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	X			The Construction guidance, will support public health with a phased restart that give support to employees with strict health & safety guidelines to help minimise the impacts of COVID-19.
Advancing equality of opportunity	X			Easing lockdown guidance will allow us time to consider what further work is needed to support equality of opportunity, in order to address the impacts of COVID-19.

Promoting good relations	X			Easing lockdown guidance will allow us time to consider what further work is needed to support good relations, in order to address the impacts of COVID-19.
--------------------------	---	--	--	---

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	X		X	Releasing lockdown restrictions carefully with appropriate EQIA guidance, will support public health and restart the economy, in order to address the impacts of COVID-19.
Advancing equality of opportunity	X			The development of the guidance has highlighted the low numbers of BAME working in construction. There is good work happening to advance the opportunity of jobs and apprenticeships in the sector. In reviewing the guidance officials will need to explore what other support will be needed to allow construction to be a sector of choice for people of different ethnic backgrounds.
Promoting good race relations	X			Easing lockdown guidance will allow us time to consider what further work is needed to support good race relations, in order to address the impacts of COVID-19.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	X			From the evidence held we are not aware of unlawful discrimination because of religion or beliefs. Introducing a controlled and phased return for construction has not raised any concerns from people because of their religion of beliefs. Releasing lockdown restrictions carefully with appropriate EQIA guidance, will support public health and restart the economy, in order to address the impacts of COVID-19.
Advancing equality of opportunity	X			Easing lockdown guidance will allow us time to consider what further work is needed to support equality of opportunity, in order to address the impacts of COVID-19.
Promoting good relations	X			Easing lockdown guidance will allow us time to consider what further work is needed to support good relations, in order to address the impacts of COVID-19.

Do you think the policy impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership²²	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination.			X	We have no evidence to assess any impact on people because of their marriage or civil partnership.

²² In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	Positive impacts have been identified around the construction workforce: as shown in the evidence above there is work ongoing to increase the representation of women, disabled people, young people and BME people to encourage them to consider construction as a career path.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ²³ ?	No
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	No
If not justified, what mitigating action will be undertaken?	

Describing how Equality Impact analysis has shaped the policy making process

The Equality impact assessment has confirmed that shape and makeup of the workforce in the construction sector is still predominantly white male and the guidance has been able to highlight some of the good work going on to provide support a safe return to work while helping to

²³ See EQIA – Setting the Scene for further information on the legislation.

eliminate unlawful discrimination, advance equality of opportunity and promote good relations in three of the key protected characteristic groups; age, sex and race. The work to increase wider participation is part of a longer piece of work being supported by the Scottish Government and the sector to with work on careers advice in schools encouraging young people from the protect characteristic groups to think positively about a career in construction.

Monitoring and Review

This Equality Impact Assessment will be monitored and as any new evidence emerges we will make the relevant changes as appropriate.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination,

harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for COVID-19, Sectoral Guidance: Construction and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Dermot Rhatigan

Position: Deputy Director, Manufacturing & Industries Division **[Deputy Director level or above]**

Authorisation date:



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2020

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-108-0 (web only)

Published by The Scottish Government, August 2020

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS769927 (09/20)

W W W . G O V . S C O T