



John Griffiths MS  
Chair of the Local Equalities,  
Government and Communities  
Committee

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Thursday 05 November 2020

Dear Chair,

**Subject: Inquiry into the treatment of ethnic minority workers during the  
Coronavirus pandemic**

The Equality and Human Rights Commission works to uphold human rights and reduce inequalities in all aspects of life, including by helping ensure equal access to the labour market and fair treatment at work for all.

Earlier this year, following evidence that certain ethnic minorities were at a higher risk of mortality, we announced plans to undertake an inquiry into the impact of Coronavirus and race inequality, in line with our powers under Section 16 of the Equality Act 2006. I am writing to share with you the Terms of Reference for this inquiry, which we have published today.

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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The inquiry will consider a range of factors including how employment status, workplace policies and practice, rights to redress, and commissioning and service planning practices may contribute to unequal treatment and outcomes for lower paid ethnic minority workers in the health and social care sector across England, Scotland and Wales. We will aim to produce recommendations that are transferable and relevant to other sectors.

In the coming weeks, we will undertake research, and launch a call for evidence on the experiences of ethnic minority workers. We intend to publish our findings alongside clear, evidence-based recommendations to tackle race discrimination in employment next year.

We acknowledge that whilst employment policy is not devolved in Wales, the application of policy in Wales is different and therefore, this will be reflected in our findings and recommendations. We hope that these recommendations could help inform the ongoing actions within the Race Equality Action Plan.

We will of course share relevant information with you in due course, including our findings and recommendations. If you would like to discuss the inquiry further, then please do not hesitate to contact me.

Yours sincerely,

Rev Ruth Coombs, Head of Wales

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# Inquiry into the treatment and experience of ethnic minority workers in lower paid roles in the health and social care sectors.

Race inequalities have been exposed by COVID-19. The inquiry will look at the experiences and treatment of ethnic minority workers in lower paid roles in the health and social care sectors and seek to document wider work issues highlighted by the pandemic.

In accordance with paragraph 2 of Schedule 2 to the Equality Act 2006. Statutory inquiry under Section 16 and Schedule 2 of the Equality Act 2006.

## **Terms of reference**

1. The inquiry will focus on the lowest paid roles in the health and adult social care sectors (those that are directly employed as well as those that are outsourced) across England, Scotland and Wales. Examples include but are not limited to: care assistants and care workers; personal assistants; porters and cleaners. We may examine similar roles in other sectors.
2. This inquiry will seek to understand how certain ethnic groups working in lower paid roles have been more impacted by COVID-19 and what work related factors contributed to this. We want to

hear about a broad range of experiences, to identify specific issues for particular ethnic groups, and, where applicable, to understand the impact of immigration status.

3. The inquiry will look at the experiences of ethnic minority workers starting from the 1 January 2019 to date.

## **Scope**

4. The inquiry will look at the working conditions of ethnic minority workers in lower paid roles in the health and social care sectors and examine these alongside their employment status (including whether they are in insecure or precarious roles). We will look at a range of factors including:
  - a. Hours of work and breaks
  - b. access to essential information and equipment
  - c. workplace policies and practices, including grievance and sickness policies as well as informal policies and practices that impact on the work culture
  - d. statutory employment rights, including but not limited to eligibility for sick pay
  - e. workplace experience, including but not limited to allocation of tasks and whether an individual feels that they can speak up at work to raise concerns and whether those concerns are heard and actioned
  - f. opportunities for training and progression
  - g. knowledge of workplace rights and access to support and redress including but not limited to: managers or direct reports; occupational health; staff groups; complaints processes; and trade union support.

5. The inquiry will consider whether race, including any structural factors, contributed to any difference in treatment and experience of ethnic minority workers.
6. The inquiry will consider whether immigration status contributed to any difference in treatment and experience of ethnic minority workers.
7. The inquiry will look at any difference in treatment and experience within the same ethnic group due to other protected characteristics.

### **Sources of information**

8. The Commission will gather evidence from health and social care workers, employers, providers, commissioners and other key stakeholders including academics and experts, unions, advice and support organisations.
9. The Commission may decide to use its powers under the 2006 Act to obtain the required evidence if necessary<sup>1</sup>. During the course of an inquiry the Commission may give notice under this paragraph to compel any person to provide information or produce documents in his possession, or to give oral evidence.

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<sup>1</sup> Sch 2, Paragraphs 9-14, Equality Act 2006

10. The inquiry will consider existing reports that are deemed relevant to the scope of the inquiry, and may include consideration of the reasons why recommendations have not been implemented and the impact of this.
11. The Commission will publish a report of its findings and may make recommendations in accordance with Schedule 2 paragraph 16 of the 2006 Act.

**Interpretation:**

12. For the purposes of these terms of reference the following definitions apply:
  - a. **'The 2006 Act'** means the Equality Act 2006
  - b. **'The 2010 Act'** means the Equality Act 2010
  - c. **'ethnic minority'** means: Mixed / Multiple ethnic groups, Asian / Asian British groups, Black / African / Caribbean / Black British groups, White ethnic groups including Polish, Gypsy, Scottish Gypsy Travellers and Irish Travellers, and Other ethnic groups. For the purposes of this inquiry ethnic minority does not include the following White ethnic groups:  
English/Welsh/Scottish/Northern Irish/ Irish/British.
  - d. **'social care'** means any formal residential, nursing, domiciliary and day care adult social care, be that long-term or short-term, irrespective of who provides it (public, third sector, private) or how it is funded (including care funded by direct payments). It does not include informal/unpaid care.
  - e. **'lower paid'** In this inquiry our focus is on roles paying up to about £10 per hour. This includes: NHS pay bands 1 and 2. This is just above the UK Real Living Wage, which is £9.30 per hour and allows a comparison across lower paid health and social care jobs.
  - f. **'precarious employment/work'** is work with no guaranteed hours (zero hours contracts) or no certainty of hours, that is also low-paid.

- g. **insecure employment/work** is temporary employment or agency/bank work

## **Methodology**

To include a review of existing relevant evidence, a further collection of qualitative evidence on ethnic minority workers' lived experiences, an open call for evidence, and interviews with key stakeholders.

## **Communications concerning this inquiry**

Any communication concerning this inquiry may be sent to: