

Equality and Human Rights Commission
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

30 September 2021

Re: CIPD submission to EHRC 'Our strategic plan for 2022 to 2025: have your say'

Dear Sirs/Madams,

Further to the release of your Our Strategic Plan for 2022 to 2025: have your say consultation which was release back in August this year. I would also like to take this opportunity to offer to meet with you and your team to discuss how the CIPD's expertise, voice and reach into organisations can support the EHRC's upcoming work in the future.

As you may know, the CIPD is the professional body for HR and people development, with over 150,000 members responsible for recruiting, managing and developing a large proportion of the UK workforce.

I wanted to set out a few areas the CIPD's public policy covers which you may be working on in your new Strategic Plan, we'd be delighted to sit down and discuss these with you in further detail:

Gender Pay Gap Reporting

The CIPD is supportive of the EHRC's proposed focus on "Fairness in a changing workplace". It has long championed the importance of ensuring that people are paid enough for their contribution and are rewarded fairly for it.

One aspect of this is employers disclosing their gender pay gaps, and publishing both a narrative to explain the figures and an action plan setting out the necessary steps that need to be taken to mitigate or manage significant differences in pay.

The CIPD would like to see EHRC encouraging employers to both comply with gender pay gap legislation and for it to highlight examples of good practice, such as looking at more than one protected characteristic. In addition, it wants the EHRC to publish the names of those employers that have repeatedly failed to abide by the requirements to disclose their gender pay data.



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The CIPD also support the EHRC focusing on compliance in certain sectors and parts of the UK each year, given that it has limited resources and wouldn't be able to look at everything in-depth on an annual basis.

Flexible working

With its many benefits, we believe flexible working should be the norm - not the exception - for UK workers, and central to the creation of inclusive and productive workplaces. True flexible working can boost job satisfaction and commitment, support diversity, inclusion and wellbeing and help organisations attract and retain talent. In the context of a global pandemic, inclusive flexible working remains as relevant as ever for both employers and policymakers.

CIPD survey findings on the impact of the pandemic on flexible working reveal that the number of staff working from home in the future is expected to double in comparison to pre-pandemic levels. More employers, where relevant to their industries and roles, are likely to adopt a hybrid mixture of home & workplace working. However, employers need to avoid creating a two-tiered workforce - those present & visible in the office and those who work at home/ remotely through necessity or choice. And how about those that aren't able to work from home at all?

CIPD research suggests just a third (33%) of employers say they plan to introduce new forms of flexible working or increase existing uptake in the future. There is also an inclusion risk as the gap is set to grow between home working and other employees who have to go to the physical workspace and have little flexibility.

For all of these reasons, we are calling on the Government to make the right to request flexible working a day-one right for all employees and to strengthen the business reasons so it is more difficult to reject requests. Currently, employees must have worked for the same employer for at least 26 weeks to be eligible for flexible . Making the right to request flexible working a day 1 right, would support the uptake of a wider range of flexible working options, beyond home working and offer greater choice and fairness for all. As you will know, the Government recently published its consultation on 'Making flexible working the default' which asks specifically about changing the right to request to make it a day 1 right and we are currently putting together our submission.

To this end, we have launched a [campaign #FlexFrom1st](#) to encourage organisations and the government to make the right to request flexible working a day 1 right and to promote greater take-up of a range of flexible working options.

Domestic abuse

One of a number of health and wellbeing concerns relating to the impact of COVID 19 is that incidences of domestic abuse have increased and many have felt isolated from their support network.

The National Domestic Abuse helpline, run by the charity Refuge, reported a concerning increase in calls and online requests for help since the 2020 lockdown in response to the COVID-19 pandemic. According to the ONS, in April, May and June 2020, roughly one-fifth (21%, 20% and 19%) of all offences recorded by the police were flagged as domestic abuse-related, which represents an increase of around five percentage points compared with the same period in previous years.

Domestic abuse does not only affect women of course but many more women are affected. All employees who experience abuse should be supported, regardless of sex and the type of abuse. Employers need to think about how support can be maintained as we all work in different ways, and we recently produced [guidance for employers alongside the EHRC](#).

We recommend that organisations have a domestic abuse policy in place, develop an effective framework around domestic abuse support and create open cultures that help to break the silence around this important issue.

We propose what such a framework of employer support could look like, comprising 4 steps. Within our guidance we detail points to consider within each of these 4 steps and suggest supportive actions. The four steps are:

- Recognise the problem
- Respond appropriately to disclosure
- Provide support
- Refer to the appropriate help.

Employer recommendations

Here we summarise ten good practice recommendations, which we would encourage employers to adopt:

1. Develop a domestic abuse policy and create an effective framework around domestic abuse support.
2. Where an organisation has a recognised trade union, policies should be reviewed and agreed with union representatives.
3. Employers have a duty of care for the health, safety and wellbeing of their staff and are in a strong position to create a safe and supportive workplace environment.
4. Think about the safety/security measures that may be required.
5. Treat everyone as an individual as everyone's situation will be different. It's important not to make assumptions about what someone is experiencing or what they need, or the gender of the perpetrator.

6. Create open work cultures that help to break the silence around this important issue and ensure people know that the organisation will support people experiencing domestic abuse to seek help.
7. Offer flexibility to enable people to attend counselling, legal and finance appointments, get support from professional organisations and make arrangements, for example concerning childcare and housing.
8. Outline people's different roles and responsibilities when it comes to supporting employees experiencing domestic abuse.
9. Make it clear that abusive behaviour is the responsibility of the perpetrator and misconduct inside and outside of work is viewed seriously – and can lead to disciplinary action.
10. Signpost to supportive services, charities and organisations and outline the types of support that someone might need, such as: legal support, housing support, support with childcare, support in dealing with financial abuse, specialist counselling.

We welcome the Home Office's domestic abuse campaign, #YouAreNotAlone, but much more needs to be done to raise awareness of domestic abuse and provide effective support in the workplace. Meanwhile, we welcome the *Domestic Abuse Bill* and wider programme of work, as well as the review into the employment rights of people experiencing domestic abuse looking at what more can be done to help them in the workplace.

Menopause

Before the pandemic, women over the age of 50 were the fastest-growing segment of the workforce, and most will go through the menopause transition during their working lives. CIPD research shows that for every ten women experiencing menopausal symptoms, six say it has a negative impact on their work. With the right support, there's no need for women to press pause on their career during this natural transition. But many women will continue to suffer in silence unless we break the taboo and start talking openly about the menopause at work.

Our recommendations to employers

- Review existing policies and frameworks and look for opportunities to specifically highlight menopause issues within these or through a stand-alone policy.
- Help to break through the silence in your organisation: if you create a culture where everyone can talk openly about health issues, such as the menopause, women are much more likely to feel confident about asking for the support they need to be effective in their role.
- Identify reasonable adjustments. Small adjustments to someone's job or working pattern can help people manage their symptoms and continue to perform well in their role.

- Enable line managers to support their teams: Educate managers about the menopause, who it can affect, and how they can support colleagues going through it.
- Get your senior leadership team on board. Make support for the menopause a key part of your strategy to attract, retain and develop female talent. Present a persuasive vision for change and a strong case for future-proofing your business.

Our recommendations to policymakers

We launched a [Menopause Manifesto](#) in 2019 which is calling on the Government to:

1. Ensure that menopause is referenced as a priority issue in its own public policy agenda on work, diversity and inclusion.
2. Nominate a Menopause Ambassador to represent the interests of women experiencing menopause transition across government departments.
3. Support an employee-led campaign to raise awareness of the menopause as a workplace issue.

Bereavement support at work

We think it is really important for organisations to properly support bereaved employees. The [CIPD's guidance for employers](#) on compassionate and comprehensive bereavement support encourages employers to develop a bereavement policy, to empower managers to support employees, put in place flexible working practices to best support employee needs, and provide information to employees on workplace support for bereavement. A separate line manager guide is also available and focuses on how to manage and support a member of your team who has suffered a bereavement.

At the CIPD, alongside Lucy Herd, we are calling on the Government, to build on the work of Jack's Law and parental bereavement leave and pay (introduced on the 6th April 2020), and to create a new legal right to bereavement leave and pay for *all* employees experiencing a bereavement of a close family member or dependent. That is the right to two weeks' leave or paid leave if the recipient is classed as an employee.

What can organisations do to support?

Bereavement policy

It's a good idea for your workplace to have a policy that covers bereavement absence and pay, to keep things clear. A policy can also help clarify anything offered at work that's more than what's legally required.

Acknowledge the bereavement

Acknowledge the bereavement that the employee has experienced. They may or may not want to talk about the situation in detail, but acknowledging that it has happened is important.



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Discuss what they would like communicated

By law, an employee has the right to keep their bereavement private from work colleagues. It can be a good idea for the employer to ask their employee what, if anything, they would like their work colleagues to know about the bereavement.

Build supportive cultures

Train your line managers to have open and sensitive conversations and to explore what extra support would be helpful to affected employees. Different cultures respond to death in significantly different ways. Line managers should check whether the employee's religion or culture requires them to observe any particular practices or make special arrangements.

Flexibility is key

In particular, it might be helpful to support bereaved employees through the provision of a phased return to work and flexible working provisions.

Signpost to supportive services, organisations and charities

Many businesses will have counselling, occupational health and employee assistance programmes available to support their people, and they should highlight these to those experiencing bereavement. They should also signpost to relevant organisations and charities that can support bereaved employees; this will be particularly important for smaller businesses with limited resources (you can find a comprehensive list of further sources of support in our new guidance for employers).

I'd appreciate the opportunity to meet with you to discuss these important areas. If this is something you'd like to arrange please contact me on either claire.baithun@cipd.co.uk or 07939 350 046.

Best wishes,

Claire Deller-Rust
Public Affairs Officer
CIPD, the professional body for HR and people development