

SCOTTISH COVID-19 INQUIRY

Written Statement of Anna Ritchie Allan on behalf of Close the Gap

1. My name is Anna Ritchie Allan. My contact details are known to the Inquiry. I am the Executive Director of Close the Gap.
2. I have worked at Close the Gap for 16 years, and therefore have extensive experience of working on women's labour market participation. I have significant governance experience in the violence against women sector and was previously chair of the boards of Scottish Women's Aid and Glasgow and Clyde Rape Crisis. I am also co-chair of the National Advisory Council on Women and Girls. My background is in research and labour rights.

Part 1: Introduction

3. Close the Gap is Scotland's policy advocacy organisation working to advance women's labour market equality. Close the Gap has been operating since 2001, initially as a European-funded, innovative partnership initiative, and since 2016 it is constituted as a Scottish charitable incorporated organisation. The organisation is governed by a board of four trustees. The board sets policy and objectives and ensures good governance around management and financial stability. The board meets quarterly to provide governance and oversight to ensure effective delivery of Close the Gap's strategic aim of women's labour market equality. Responsibility for operational activity is delegated to me, as Executive Director. There are currently five members of staff at Close the Gap.
4. Close the Gap works with policymakers, employers, unions, and civil society organisations to influence and enable action to tackle the inequalities women face in engaging with the labour market. The gender pay gap, the key indicator of women's labour market equality, represents the divergent experiences men and women have not only in accessing and progressing in employment but also in education and training, care and other domestic labour, and men's violence.

5. Our work is wide-ranging and includes:
- Delivering advocacy with Scottish Government and its delivery agencies on the gendering of policy related to women's labour market participation.
 - Developing policy papers and briefings and undertaking research on women's labour market equality to expand the evidence base on the experiences of different groups of women at work.
 - Delivering parliamentary engagement work that will advance women's labour market equality.
 - Influencing employers to develop gender-sensitive employment practice.
 - Developing guidance and tools for employers to support compliance with legislation, build gender competence, and to enable action that address the causes of women's inequality at work.
 - Developing guidance and tools for unions that will build capacity in their representatives to advance women's workplace equality.
 - Working in partnership with women's organisations, and other civil society organisations, on areas of common cause that will advance women's equality.
6. The causes of women's labour market inequality include a range of societal and economic factors which inter-relate in complex ways.¹ Gender norms and stereotypes based on assumptions about girls' and boys', and women's and men's capabilities, skills and interests result in gender segregation in subject choice and patterns of acute and chronic occupational segregation in the labour market. Women are concentrated in female-dominated, low-paid, undervalued jobs such as administration, care and retail, while men are more likely to work in higher paid and technical roles. Women remain disproportionately responsible for care for children, older people and disabled people, and a lack of quality part-time and other types of flexible working that would enable them to balance work with family life, means that many women are working below their skill level.² There is also widespread discrimination embedded in the design of pay and grading systems which results in many women being paid less than men for equal work.
7. Women are not a homogenous group, and their experiences are shaped by the intersecting inequalities they face. While there are commonalities that are generally

¹ Close the Gap (2018) *The Gender Penalty: Exploring the causes and solutions to the Scotland's gender pay gap* (Exhibit ARA/1).

² Ibid.

- experienced by women at work, racially minoritised women, disabled women, single parents (91% of whom are women), LGBTI women, young women, older women, refugee women, and women from lower socioeconomic backgrounds experience inequalities that intersect and compound to erect barriers to their labour market participation, and to progression within their occupation.
8. For example, disabled women and some groups of racially minoritised women are more likely to be underemployed in terms of skills, to report higher levels of discrimination, bullying and harassment, and experience higher pay gaps.³ Research by Close the Gap found that almost three-quarters of racially minoritised women have experienced racism, discrimination, racial prejudice and/or bias in the workplace.⁴ An intersectional analysis is therefore imperative so that the experiences of women most marginalised are recognised, and their needs met.
 9. Close the Gap works to centre an intersectional analysis in our own work, and advocates that this approach is also taken by Scottish Government, its delivery agencies, and employers. This means recognising that women are not a homogenous group and that women from marginalised communities, such as disabled women, racially minoritised women, women who are single parents, LGBTI women, and migrant women, experience intersecting inequalities that overlap and compound to create greater levels of disadvantage and inequality. We have a strategic focus on women working in low-paid jobs, and those experiencing in-work poverty. Racially minoritised women, disabled women and women from lower socioeconomic backgrounds are more likely to be in these types of undervalued jobs. Addressing the economy-wide undervaluation of 'women's work' has been a long-standing priority for Close the Gap. Undervaluation drives unequal pay, occupational segregation, the gender pay gap, and women's and children's poverty. COVID-19 particularly exposed this injustice, and highlighted how essential women's work was to a pandemic response, to our society, and to Scotland's economy. During the pandemic, women were 79% of Scotland's key workers, many of whom work in low-paid and undervalued jobs such as social care, early learning and childcare, nursing, and retail.
 10. Women also comprise the majority of the public sector workforce that have felt the severe effects of UK Government austerity policies resulting in widespread public sector spending cuts. The consequence of these policies is stark workforce challenges and

³ Ibid.

⁴ Close the Gap (2019) *Still Not Visible: Research on BME women's experiences of employment in Scotland* (Exhibit ARA/2).

services pressures, and in particular a lack of sufficient investment in health and social care. Social care in particular has been characterised by a lack of investment, including the investment needed to address the undervaluation of social care work. Low pay and poor terms and conditions in the sector drives the chronic workforce shortages, and recruitment and retention challenges.

Part 2: Key Issues

Broader labour market context

Women were the majority of key workers:

11. The COVID-19 crisis illuminated the critical role 'women's work' plays in Scotland's economy and wider society. During the pandemic, women made up 79% of key workers in Scotland.⁵ As such, the majority of key workers with highest exposure to the virus were women, working in often low-paid and increasingly precarious jobs such as social care, childcare, nursing, and retail. Although these workers were essential to a successful pandemic response, they were and continue to be undervalued, underpaid, and under-protected.⁶

School and nursery closures and reductions in social care packages resulted in the wholesale transfer of care from the state to women:

12. The unequal distribution of unpaid care is a barrier to women entering and retaining employment. Pre-pandemic Scottish time use data showed that women did 68% of the childcare, alongside 68% of domestic labour.⁷ Women were also principally responsible for caring for disabled people and older people. In 2020, the number of unpaid carers in Scotland increased from 708,000 pre-pandemic to 1.1 million, 61% of whom were

⁵ This figure was calculated using the methodology established by the independent research organisation, Autonomy, which identified 28 occupations in the UK with the highest 'Risk Indication Factor' (70 and above) which measures occupational exposure to COVID-19 (see: <https://autonomy.work/portfolio/jari/#1585154656848-79319e80-dc06>). This was mapped onto the Standard Occupational Classification 2020 (SOC 2020) produced by the Office for National Statistics, which is disaggregated by sex and region (see: <https://www.ons.gov.uk/methodology/classificationsandstandards/standardoccupationalclassifications/oc/soc2020>) and then mapped onto the list of COVID key worker roles produced by Scottish Government to provide an high level gender breakdown (see: <https://www.bbc.co.uk/news/uk-scotland-51978133>).

⁶ Close the Gap (2020) *Disproportionate Disruption: The impact of COVID-19 on women's labour market equality* (Exhibit ARA/3).

⁷ Scottish Government (2019) *Centre for Time Use Research Time Use Survey 2014-15: Results for Scotland*. Scottish Government (Exhibit ARA/3A).

women. More than three-quarters of carers (78%) had to provide more care than they did prior to COVID-19.⁸

13. The difficulties in balancing paid work, home schooling and childcare saw many women reduce their working hours or leave their job entirely, posing significant risks for women's economic equality in the longer term. In addition, the reduction of social care packages and changes to eligibility criteria during the crisis made it more difficult to access care, displacing responsibility for care onto female family members.⁹ Analysis by the Institute for Fiscal Studies found that once occupation is controlled for¹⁰, women in couples with children were 6 percentage points more likely to stop working positive hours in the Spring of 2020 than men.¹¹

Pressures of home working and home schooling on women:

14. During the pandemic, the significant increase in childcare and home schooling fell disproportionately on women. Women across the UK typically provided at least 50% more childcare, as well as spending around 10% to 30% more time than fathers homeschooling their children.¹²
15. The public health restrictions imposed during the COVID-19 pandemic meant that informal childcare or support from family or friends was severely constrained with no access to this support for the vast majority of families during periods of lockdown. This, combined with the closure of schools and nurseries, further intensified the burden of care on women. It created negative impacts for women, affecting both their income and financial security, and their mental health. Many women struggled to manage the huge increase in childcare, homeschooling, and unpaid care, while also having to do their paid work at the same time, often with limited or no flexibility. As a result, some women

⁸ Engender (2020) *Gender and Unpaid Work: The Impact of COVID-19 on Women's caring roles* (Exhibit ARA/4).

⁹ Ibid.

¹⁰ This is to account for the fact that women were the majority of key workers. As highlighted in more detail at paragraph 50 below, there was increasing demand for labour in female-dominated sectors such as social care, childcare and essential retail which somewhat skews the overall picture of the impact on women's employment.

¹¹ Crossley, Thomas F., Paul Fisher, Peter Levell and Hamish Low (2021) *A Year of COVID: the evolution of the labour market and financial inequalities through the crisis*, Institute for Fiscal Studies (Exhibit ARA/5).

¹² Adams-Prassl, A.; Boneva, T.; Golin, M.; and Rauh, C. (2020) *Inequality in the impact of the coronavirus shock: Evidence from real time surveys*. Cambridge-INET Working Paper Series No: 2020/18 (Exhibit ARA/6).

were forced to leave the labour market altogether, further damaging their financial security.¹³

16. Research from the Office for National Statistics showed that, although men increased the amount of unpaid childcare they were doing in March and April 2020 when the UK Government's furlough scheme was introduced, this was not sustained. Instead, gendered patterns of care were intensified with women doing significantly more unpaid care and other domestic labour while men did more paid work.¹⁴ Further research from the Institute for Fiscal Studies showed that, in opposite-sex couples, women were looking after children for an average of 10.3 hours a day – 2.3 hours more than men – and doing housework for 1.7 more hours than men.¹⁵ This created a regression on gender equality gains that have been made in recent decades.¹⁶

The disproportionate impact on women in low-paid jobs, racially minoritised women, single parents, disabled women:

17. The lack of intersectional labour market data makes it challenging to draw conclusions about the experiences of different groups of women. However, Close the Gap's analysis showed that women's employment was impacted in multiple, specific ways by COVID-19 job disruption¹⁷, with disproportionate effects on the employment of racially minoritised women, disabled women and single mothers, who already face intersecting inequalities in engaging with the labour market.
18. Racially minoritised women were more likely to work in a sector that was shut down; more likely to be in insecure work which put them at increased risk of losing hours and earnings; and were concentrated in low-paid service sectors which were more susceptible to redundancies over the course of the crisis.¹⁸ Between 2020 and 2021, Close the Gap worked with Engender, Fawcett Society, UK Women's Budget Group, Women's Equality Network Wales, and Northern Ireland Women's Budget Group to

¹³ Close the Gap (2021) *One Year On: How COVID is affecting women's employment in Scotland* (Exhibit ARA/7).

¹⁴ Office for National Statistics (2020) *Coronavirus and how people spent their time under lockdown: 28 March to 26 April 2020* (Exhibit ARA/8).

¹⁵ Institute for Fiscal Studies (2020) *How are mothers and fathers balancing work and family under lockdown?* (Exhibit ARA/9).

¹⁶ Engender (2020) *Gender and Unpaid Work: The impact of COVID-19 on women's caring roles* (Exhibit ARA/4).

¹⁷ Close the Gap (2021) *One Year On: How COVID-19 is impacting women's employment in Scotland* (Exhibit ARA/7).

¹⁸ Women and Equalities Committee (2021) *Unequal Impact? Coronavirus and the gendered economic impact fifth report of session 2019-2021* (Exhibit ARA/10).

gather survey data on women's experiences during the pandemic.¹⁹ The data found that Black and minority ethnic (BME) women and disabled women were significantly more likely to say they were unfairly selected for furlough than their white and non-disabled counterparts. In Scotland, around a fifth of BME women (21%) and 19% of disabled women felt they were unfairly selected for furlough because of their race, sex, age, disability or health condition compared to just 1% of white women and 1% of non-disabled women.²⁰

19. The survey data also found that young women, particularly young BME women and those on low incomes, were particularly affected by rising financial precarity and anxiety as a result of the pandemic. Over half of young men (53%) had their furloughed salary topped-up by their employer, compared to just over one-third of young women (35%). Young BME women were also less likely to have their furlough topped up compared with young white women, 27% compared with 37% respectively.²¹
20. Young women were more likely than their male counterparts (37% compared with 43%) to say that they had not been able to access training, development and employability opportunities. Young women were also more likely than young men to say that affordability was the reason they could not access these opportunities (45% compared to 30%). One in 10 female respondents said that they could not access these opportunities because of their caring roles. No male respondents cited caring responsibilities as a reason for why they could not access training.²²
21. Young women were also more likely than their male counterparts to say their mental health had worsened since the outbreak of the pandemic (62% to 55%). 42% of young women believed their physical health had become worse since the start of the pandemic, compared to 30% of young men.²³
22. There is a lack of labour market data to highlight how the pandemic specifically affected women with pre-existing health conditions and disabled women. However, research by

¹⁹ Three waves of polling was conducted by Survation between November 2020 and July 2021, with each focusing on themes: experiences of women with caring responsibilities (sample of 721 parents); women's wellbeing, mental health and financial security (sample of 509 adults and a booster sample of 266 BME adults); and the impact of the pandemic on young women (sample of 501 young people aged 18-30 and a booster sample of 266 BME young people) (Exhibit ARA/11).

²⁰ Close the Gap and Engender (2021) *Joint briefing on the impact of COVID-19 on women with childcare responsibilities in Scotland* (Exhibit ARA/12).

²¹ Close the Gap and Engender (2021) *Joint briefing on the impact of COVID-19 on young women's employment, financial security and mental health* (Exhibit ARA/13).

²² Ibid.

²³ Ibid.

Glasgow Disability Alliance found that disabled women experienced a number of employment challenges as a result of the pandemic including lack of employment support, discrimination, increased difficulties in progressing Access to Work claims, and pressure from employers to return to the workplace.²⁴ Many disabled women also lost social care support during the pandemic which will have created additional barriers to maintaining paid employment.

Women are concentrated in the sectors most affected by shutdowns and restrictions:

23. Overall, women were more likely to work in a sector that was shut down (18%, compared to 14% for men).²⁵ Shutdown sectors also had an over-representation of BME women, migrant women,²⁶ and young women. 39% of women under 25 worked in these sectors, compared to 26% of men aged under 25.²⁷ Occupational segregation is the key cause of women's over-representation in these sectors.
24. Low-paid women in both key worker roles and shutdown sectors were significantly impacted by job disruption. Research by UK Women's Budget Group's found that women account for 98% of the workers in high exposure jobs earning 'poverty wages'.²⁸ In 2020, typical pay for workers in shutdown sectors (£348 per week) was less than half that of those in jobs where homeworking was possible (£707 per week) and four in ten of those working in retail and wholesale were paid less than the Real Living Wage.²⁹
25. Women in shutdown sectors were more likely to be accessing furlough through the Job Retention Scheme. As women comprise the majority of low-paid workers, and account for two-thirds of workers earning less than the Real Living Wage, receiving only 80% of their usual salary through the Job Retention Scheme put these women at higher risk of being pushed into, or further into, poverty.

Furlough:

26. The UK Government's furlough scheme provided a lifeline to many during the pandemic. However, its initial design was not gendered as it did not take account of

²⁴ Glasgow Disability Alliance (2022) *Triple Whammy: Disabled Women's Lived Experiences of Covid-19* (Exhibit ARA/14).

²⁵ Scottish Government (April 2020) *State of the Economy* (Exhibit ARA/15).

²⁶ Women's Budget Group (2020) 'It is women, especially low-paid, BAME & migrant women putting their lives on the line to deliver vital care' (Exhibit ARA/16).

²⁷ Scottish Government (April 2020) *State of the Economy* (Exhibit ARA/15).

²⁸ Women's Budget Group (2020) 'It is women, especially low-paid, BAME & migrant women putting their lives on the line to deliver vital care' (Exhibit ARA/16).

²⁹ Resolution Foundation (2020) *Risky Business: Economic impacts of the coronavirus crisis on different groups of workers* (ARA/17).

women's caring responsibilities. In response to advocacy from civil society organisations, furlough provision was extended to employees who were unable to work because of caring responsibilities. However, there was no right to be furloughed, and the delayed extension of the provision, after the scheme had been introduced, resulted in low awareness of it among employers and resistance to furlough women with caring responsibilities. A TUC survey of 50,000 working mums found that 7 in 10 eligible mothers who asked for furlough (68%) had the request refused by their employer.³⁰ This created additional challenges for women who were struggling to manage caring with their paid work, and it was compounded by the widespread, inflexible workplace cultures and practices in which many employers do not recognise the significant barrier caring responsibilities present in being able to do paid work.

27. Close the Gap published a report analysing labour market data to identify the impact of COVID-19 on women's employment one year after the start of the pandemic.³¹ It found that between March and June 2020, more male employees were furloughed than female employees. However, from July 2020 more women were furloughed than men suggesting that women were furloughed for longer periods of time. Furthermore, two female-dominated sectors, retail and hospitality, had the highest rates of furlough. In January 2021, accommodation and food services, and wholesale and retail, accounted for just under half (44.5%) of furloughed employments. Data from January 2021 highlighted that women were more than half (52%) of furloughed employees in Scotland. Women's concentration in low-paid service sectors therefore put them at heightened risk of furlough, and of lost hours and earnings.
28. Throughout the pandemic, low-paid workers were more likely to be furloughed and less likely to have their furloughed salary topped-up by their employer. As women are the majority of low-paid workers in Scotland, comprising 60% of those earning below than the Real Living Wage, it can reasonably be assumed that women were less likely to have their furloughed salary topped-up by their employer.
29. Partial furlough, often referred to as flexible furlough, was introduced on 1 July 2020. This enabled employers to bring furloughed employees back to work on a part-time basis. Crucially, employers were able to use partial furlough for employees with caring

³⁰ TUC (January 2021) *Working mums and Covid-19: Paying the price* (Exhibit ARA/17A).

³¹ Close the Gap (2021) *One Year On: How COVID-19 is impacting women's employment in Scotland*, (Exhibit ARA/7). This is based on analysis of Coronavirus Job Retention Scheme statistics published by the UK Government.

- responsibilities, providing vital support for women trying to manage work with additional caring responsibilities.
30. The initial lack of provision for part-time furlough through March, April, May and June 2020 was particularly problematic for women, as this would have provided a solution for many who wanted to continue to work during lockdown, while also having to do childcare at home. There is also evidence that some women had an involuntary reduction in hours which adversely affected their pay and put them and their families at higher risk of in-work poverty. The delay in providing for part-time furloughing will have forced some women to leave their job, creating longer-term impacts to their income, career, and the wider economy as employers lose women's skills.³²

Suspension of gender pay gap reporting and its wider implications:

31. During the pandemic, there was visible deprioritising of women's equality by both Scottish and UK Governments and employers, which is likely to have long-term implications for efforts to close the gender pay gap and advance women's equality in the labour market.
32. For example, UK Government suspended gender pay gap reporting. While Close the Gap acknowledges the heightened pressure on employers during COVID-19, this decision was unnecessary and had wider ramifications. Suspension was unlikely to have had a significant impact on large employers' ability to operate, given much of the work to report was likely to have been in progress, as evidenced by the fact that over 5,000 employers had reported on their gender pay gap in April 2020.³³ However, suspension of reporting sent a strong message to employers that gender equality is not important during periods of national or economic crisis. Deprioritising women's equality at this time ignored the gendered impact of the crisis and exacerbated the existing inequalities that women face.
33. At the outset of the pandemic, Scottish Government took the decision to pause its work to reform the Scottish specific duties of the public sector equality duty (PSED), the principal regulatory framework for equality in the Scotland's public sector.³⁴ This clear deprioritisation happened at a time when a focus on this was needed most. While compliance with the existing duties was not suspended during the pandemic, the

³² Close the Gap and Engender (2020) *Women, Caring Responsibilities and Furloughing during COVID-19* (Exhibit ARA/18).

³³ FE News (2020) *Half of businesses choose not to report 2019-2020 gender pay gap* (Exhibit ARA/19).

³⁴ Scottish Government (2021) *Review of the Operation of the Public Sector Equality Duty in Scotland: Learning from Mainstreaming Equality during the Covid-19 Pandemic* (Exhibit ARA/20).

pausing of the reform process sent a message to public bodies that the duties were not a priority. It is likely that this had an impact on public bodies' failure to make meet their legal requirement to centre equality in their pandemic response.

Women's occupational health and safety:

34. Failure to recognise the workplace hazards women face is a systemic problem. There is a traditional emphasis in health and safety on risks associated with male-dominated sectors, and less attention has been given to the health and safety needs of women.³⁵ This has led to most of the research and developments relating to health and safety regulations, policy and risk management being based on male-dominated sectors. At the same time, occupational injuries and illnesses associated with female-dominated work such as musculoskeletal disorders, dermatitis and work-related stress have been ignored, under-diagnosed, under-researched.
35. The majority of workplace equipment, tools and Personal Protective Equipment (PPE) have been traditionally designed to fit the standard sizes and shapes of the male body, which often renders it unsuitable and unsafe for women to use.³⁶ Survey data gathered by the TUC pre-COVID highlights that more than half (57%) of women felt their PPE sometimes or significantly hampered their work.³⁷ Furthermore, less than a third (29%) of women said the PPE they used was specifically designed for women, and many pregnant women did not have access to suitable PPE during their pregnancy.³⁸ Not having the appropriate PPE presents a significant health and safety issue, as it increases the risk from injury or diseases when conducting work tasks.³⁹
36. The lack of appropriate PPE was further exposed during COVID-19. Over the course of the pandemic, specific concerns were raised by the Royal College of Nursing around access to PPE outside of hospitals for care home staff and district nurses.⁴⁰ For social care workers, in particular, there was a significant lack of focus on the provision of PPE, with 80% of social care providers finding they did not have enough PPE to support older

³⁵ Trade Union Congress (2017) *Gender in occupational safety and health: A TUC guide for trade union activists (with gender checklist)* (Exhibit ARA/21).

³⁶ Messing, K. (2021) *Bent Out of Shape: Shame, solidarity, and women's bodies at work*, Toronto: btlbooks

³⁷ Trade Union Congress (2017) *Personal protective equipment and women. Guidance for workplace representatives on ensuring it is a safe fit* (Exhibit ARA/22).

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Royal College of Nursing (2020) *Nurse leader calls on First Minister to intervene on protective equipment supply* (Exhibit ARA/23).

and vulnerable people using their services.⁴¹ Given the vast majority (around 85%) of social care workers are women, this lack of PPE provision placed them at significant risk of being exposed to, and contracting, COVID-19.

37. This is particularly important for women, as they accounted for the majority (79%) of key workers which placed them at greater risk of being exposed to the virus while at work. Data from the Health and Safety Executive highlights that in 2021/22, instances of COVID-19 were highest amongst those working in human health/social care.⁴² As starkly female-dominated sectors, women have faced disproportionate risk in contracting COVID-19 at work. Indeed, data from the early days of the pandemic shows that between April and September 2020, women accounted for the majority of worker COVID-19 disease reports made by Scottish employers.⁴³ During this time, three-quarters of employer disease reports related to female employees, with 489 of the reports being for female workers, compared to 161 for male workers.⁴⁴ Data for the period April 2020 – March 2022 shows that 60% of Scottish employer disease reports related to female employees, rising to 70% at a UK level.⁴⁵ COVID-19 disease reports were overwhelmingly concentrated in the ‘human health and social work activities’ sector (56%), and female employees constitute 80% of reports in this sector.⁴⁶ This highlights the impact of women’s concentration in health and social care work, and in the most high-risk occupations in that sector.

Risks to pregnant workers:

38. Research by the TUC⁴⁷ found that pregnant women, women on maternity leave, and women returning to work after maternity leave, were acutely affected by the crisis, facing increasing discrimination in the workplace. One in four pregnant women and women on maternity leave reported experiencing discrimination or less favourable treatment at work including being singled out for redundancy or furlough. The research also found that pregnant women’s health and safety rights were routinely breached, leaving women feeling unsafe at work or without pay when they are unable to attend their workplaces.

⁴¹ Holt, A. (2020) *Coronavirus: Nearly 400 care groups “face protection shortages”*, BBC News (Exhibit ARA/24).

⁴² Health and Safety Executive, *Coronavirus pandemic and work-related ill-health in Great Britain, 2021/22* (Exhibit ARA/25).

⁴³ Health and Safety Executive, *RIDDOR Coronavirus (COVID-19) disease reports made by employers to HSE and Local Authorities* (Exhibit ARA/26)

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ TUC (2020) *Pregnant and precarious: new and expectant mums’ experiences of work during COVID-19* (Exhibit ARA/27).

Low-paid pregnant women were twice as likely as women on median to high incomes to have lost pay and or been forced to stop work (either by being required to take sick leave when they were not sick or to take unpaid leave, start their maternity leave early or leave the workplace altogether) because of unaddressed health and safety concerns. These findings are supported by survey data⁴⁸ which found that 11.2% of pregnant women responding reported being made redundant, or expecting to be made redundant, over the course of the crisis. More than half (53%) of pregnant women reported believing their pregnancy was a factor in the decision to make them redundant, with this figure rising to more than two-thirds (68%) for racially minoritised pregnant women.⁴⁹

39. In 2021, the Court of Appeal found that the calculation of payments under the Self-Employed Income Support Scheme (SEISS) indirectly discriminated against young mothers. As SEISS payments were calculated on average income over the three years prior to the scheme's inception, women who took maternity leave during this period had lower average earnings which reduced the average payment for women who had taken time out to care. It is estimated that this affected around 75,000 women in the UK.⁵⁰

Long COVID:

40. It is clear from the data that women have been disproportionately impacted by COVID-19 and long COVID in part because of gendered patterns of employment. Women aged 38-67 are over-represented among those with long COVID⁵¹, which impacts their ability to work and earn.⁵² In addition, research from the UK Women's Budget Group found women account for the majority (98%) of key workers who earn poverty wages. This means that women key workers were both at greater risk of exposure to, and of contracting, COVID-19 and are also less likely to have savings to fall back on as a financial safety net.⁵³ Racially minoritised women, migrant women, and women in low-

⁴⁸ Campaign Group Pregnant then Screwed conducted an online survey of 19,950 mothers and pregnant women from the 16-18th July 2020.

⁴⁹ Pregnant then Screwed (2020) *Written evidence to the UK Lords Economic Affairs Committee inquiry into employment and COVID-19* (Exhibit ARA/28).

⁵⁰ Women's Budget Group (2021) *Women and employment in the recovery from COVID-19* (Exhibit ARA/29).

⁵¹ Jeffrey, K; Woolford, L; Maini, R; Daines, L; et al (2023) *Identifying Long COVID Using Electronic Health Records: A National Observational Cohort Study in Scotland*, University of Edinburgh, Exhibit ARA/30).

⁵² Close the Gap (2021) *Women are more likely to experience long Covid but, once again, the system of support doesn't meet their needs*, (Exhibit ARA/31).

⁵³ Women's Budget Group (2020) *It is women, especially low-paid, BAME and migrant women putting their lives on the line to deliver vital care*, (Exhibit ARA/16).

paid roles were at particular risk of being exposed to the virus as key workers. This has major long-term implications for the financial security of women who are already at increased risk of poverty. In its inquiry into long COVID, the Scottish Parliament COVID-19 Recovery Committee highlighted the detrimental impact long COVID is having on personal finances and ability to access benefits.⁵⁴ A further problem for workers with long COVID is access to sick pay. An investigation by BBC's Panorama revealed that between 5,000 and 10,000 NHS staff who are off sick with long COVID are facing pay cuts because of a change in sickness policy which means that they will no longer receive full pay.⁵⁵ As the vast majority of NHS staff are women, and women are over-represented among those with long COVID, they will be particularly affected by changes to the level of sick pay, thereby worsening their financial security and longer-term wellbeing.

41. Close the Gap supports calls by trade unions for COVID-19 to be recognised as an occupational disease.⁵⁶ Labour market data shows that there is a correlation between certain occupations, for instance in health and social care, and COVID-19 exposure and fatality. More than 50 states, including most European countries have already classified COVID-19 as an occupational disease.⁵⁷ If COVID-19 was added to the list of prescribed diseases for which Industrial Injuries Disablement Benefit can be paid, this would provide some financial compensation to women who have contracted COVID-19 while working.⁵⁸

Health and social care

Underinvestment in health and social care and public spending cuts created a conducive context for the disproportionate effects of COVID-19 on women:

42. The then UK Coalition Government's policy response to the 2008 financial crash was austerity. This turned a recession that began with contraction in male-dominated sectors like construction into a shredding of the social safety net. Of the cumulative social security cuts driven by austerity between 2010 and 2022, 59% will have come from women's incomes. Women bear around 61% of the total annual 'fiscal consolidation'

⁵⁴ Scottish Parliament COVID-19 Recovery Committee (2023) *Long COVID*, (Exhibit ARA/32).

⁵⁵ *Thousands of NHS staff with Long Covid risk losing their pay*, BBC News, 30 January 2023, (Exhibit ARA/33).

⁵⁶ TUC (2022) *Covid-19: An occupational disease*, (Exhibit ARA/34).

⁵⁷ *Ibid.*

⁵⁸ Close the Gap (2023) *Response to the Social Justice and Social Security Committee on the Scottish Employment Injuries Advisory Council Bill*, (Exhibit ARA/35).

burden as a result of UK tax and benefit changes, with racially minoritised women hit the hardest.⁵⁹ Austerity is the backdrop to the COVID-19 crisis. Its depletion of public services goes some way to explaining the response of the UK Government to manage the pandemic itself, as well as the lack of capacity within care infrastructure, and the poor employment conditions in the social care sector.

Social care:

43. Early in the pandemic, social care workers were designated key workers by Scottish Government, reflecting their essential role in the economy, in society, and in a successful response to COVID-19. The pandemic rendered social care work more visible and there was greater recognition of the low pay and poor terms and conditions associated with this work. While this was welcome, it was insufficient to secure action from Scottish Government and employers to protect social care workers from the disproportionate hazards facing them in the workplace.
44. Working conditions in the social care sector were already poor before the pandemic. The average hourly pay in the wider social care sector was just £9.79⁶⁰, with 43% of the Scottish social care workforce being paid less than the Real Living Wage.⁶¹ Evidence gathered by trade unions shows that social care workers frequently do not have enough time to deliver high quality care to service users.⁶² This has a detrimental impact on service users, but also on workers' mental health and wellbeing because they cannot deliver the standard of dignified and compassionate care they would wish to. This is a significant issue in homecare settings but is also evident in care homes due to understaffing.⁶³ This was only exacerbated during the pandemic.
45. COVID-19 further highlighted existing challenges and inequalities in social care provision, including the undervaluation of the predominantly female social care workforce. However, from the outset, and prior to the pandemic, government responses failed to adequately recognise or respond to the clear risks in the sector and effectively did not prioritise the safety of social care staff. Survey data gathered during the pandemic by the Royal College of Nursing found that nursing staff in care homes were less likely to have access to appropriate PPE and were more likely to feel pressured

⁵⁹ Women's Budget Group (2019) *Social security and women*, (Exhibit ARA/36).

⁶⁰ Fair Work Convention (2019) *Fair Work in Scotland's Social Care Sector 2019* (Exhibit ARA/37).

⁶¹ Williams, Martin (2010) 'Half of Scotland's care workers paid less than Real Living Wage', *The Herald*, 2 May 2020, (Exhibit ARA/38).

⁶² GMB Scotland (2020) *Show You Care: Voices from the Frontline of Scotland's Broken Social Care Sector* (Exhibit ARA/39).

⁶³ *Ibid*

into caring for people with COVID-19 without adequate protection compared with health care workers in other settings.⁶⁴

Health and safety risks and failures:

46. Over the course of the crisis, there were widely reported concerns around PPE for social care workers. The Royal College of Nursing raised particular concerns around access to PPE for staff working outside of a hospital environment, including care home staff,⁶⁵ and analysis by National Records of Scotland identified that social care workers were more than twice as likely to die from COVID-19 as colleagues on the NHS frontline.⁶⁶ UK-level data revealed that more than three-quarters (76%) of all worker COVID-19 reports made by employers to the Health and Safety Executive and local authorities were in the Human Health and Social Work activities sector, with just over a third (34%) of all reports located in Residential Care Activities.⁶⁷ Sectoral data is not available for Scotland. Taken alongside the fact that women were 77% of all worker COVID-19 reports in the UK and 75% of reports in Scotland⁶⁸, and women are the vast majority of the social care workforce (more than 80%), it is highly likely that women's concentration in social care work placed them at greater risk of contracting the virus.
47. Exercise Cygnus, the 2016 cross-government exercise to test the UK's response to a serious influenza pandemic, highlighted the potential for a devastating impact on social care. The report made recommendations including an audit of care home capacity, ring-fenced funds, provision of PPE, and active engagement with providers on the vital issue of 'surge capacity'.⁶⁹ Despite this, no action was taken in response to the recommendations, with the report noting that "*there was little attention paid to this sector during [Cygnus] Cobra meetings*".⁷⁰ Social care providers have stated that they were not contacted about pandemic planning.⁷¹ The sector was therefore unprepared and its service users and workforce under-protected. For some time following the outbreak of COVID-19, hundreds of patients were moved from hospitals into care homes, including

⁶⁴ Royal College of Nursing (2024) 'Care services were chronically under-resourced to deal with pandemic pressures and lessons must be learned, we told the inquiry' 20 March 2024 (Exhibit ARA/40).

⁶⁵ Royal College of Nursing (2020) 'Nurse leader calls on First Minister to intervene on protective equipment supply' (Exhibit ARA/41).

⁶⁶ McArdle, Helen (2020) 'Social care workers twice as likely to die from Covid as colleagues on NHS frontline', *The Herald*, 18th June 2020 (Exhibit ARA/42)

⁶⁷ HSE Management Information: Coronavirus disease reports (Exhibit ARA/26).

⁶⁸ Ibid

⁶⁹ Public Health England (2017) *Exercise Cygnus Report: Tier one command post exercise pandemic influenza 18 to 20 October 2016* (Exhibit ARA/43).

⁷⁰ Ibid.

⁷¹ Ibid.

patients who had not been tested and those who had tested positive prior to transfer.⁷² This ultimately resulted in the rapid spread of the virus in the social care sector and many residents dying from COVID-19, along with social care staff. Data from National Record of Scotland shows that between 1 March 2020 and 31 July 2021, 101 social care workers died from COVID-19.⁷³

Changes during the pandemic

48. The impact of COVID-19 on labour market inequality was more nuanced and complex than anticipated. Some of the initial impacts on specific groups were reversed as the crisis unravelled. For example, while young people's employment was particularly affected at the start of the crisis, it was older workers' employment which experienced a slower recovery. Labour market data has been in flux, changing in a number of ways as a result of the jobs disruption. The Office for National Statistics also has faced challenges in the collection and production of statistics, which required measuring new concepts such as furlough, seeking to reconcile contradictory data, and managing lower response rates.⁷⁴ What is clear though is that women's employment was disproportionately disrupted. Furthermore, women who already face intersecting oppressions, such as racially minoritised women, disabled women, older women, women from lower socio-economic backgrounds, and women who are single parents, experienced exacerbated inequalities which has pushed many into further and deeper poverty.

How women's employment was affected:

49. At the start of the crisis, a key impact on women's employment was the huge increase in unpaid childcare and home learning caused by the unprecedented closure of schools and nurseries. Similarly, reductions in social care packages created a significant increase in unpaid care. These policy responses represented a transferral of unpaid care and childcare from the state to individuals, predominantly women.

⁷² Public Health Scotland (2021) *Discharges from NHS Scotland hospitals to care homes between 1 March and 31 May 2020* (Exhibit ARA/44).

⁷³ Data from National Records of Scotland cited in Craig Williams (2021) 'Covid Scotland: 101 care workers deaths linked to pandemic' (Exhibit ARA/45).

⁷⁴ Office for National Statistics (2020) "A COVID-10 Conundrum: Why are nearly half a million 'employees' not being paid?" (Exhibit ARA/46).

50. Analysis by Close the Gap found that women's unemployment rose twice as fast as men's in Scotland between March to May 2020⁷⁵ as many women struggled to retain employment with the increase in unpaid work. However, women's concentration among key workers delivering frontline services effectively 'protected' the overall female employment rates as the pandemic delivered an increased demand for labour in these female-dominated essential sectors. Labour market data from the Office for National Statistics showed that there was a sharp increase in women working full-time hours. For example, between August and October 2020, 53,000 more women in Scotland were working full-time compared with the same period in 2019. This was coupled with 14,000 fewer women working part-time.⁷⁶ This is likely driven not only by the demand for labour in female-dominated sectors such as health and social care, but by the fact that many women were working additional hours to protect household earnings where their partner had lost hours, lost their job or had been placed on furlough.⁷⁷

How women's employment was affected by their caring role:

51. Labour market data from March to May 2020⁷⁸ showed an initial spike in female unemployment at the start of the pandemic, as the first lockdown happened. During this period, women's unemployment rose twice as fast as men's. It increased on the last quarter by 0.7% and on the previous year by 1.5%. While male unemployment also increased, it was at a significantly slower rate 0.4% on the last quarter, and 0.7% on the previous year. This is likely to be influenced by the closure of schools and nurseries and the reduction in social care packages, the extreme pressures this created for many women in managing paid work with the increase in childcare and care. The number of unpaid carers in Scotland rose to 1.1 million, 61% of whom were women, representing an increase of 392,00 since the start of the pandemic, with 78% having to provide more care than before COVID-19.⁷⁹ Data from Carers Scotland's annual survey of unpaid carers found that in 2023, the vast majority (71%) of unpaid carers caring for more than

⁷⁵ Close the Gap (2021) *One Year On: How COVID-19 is impacting women's employment in Scotland* (Exhibit ARA/7).

⁷⁶ Ibid.

⁷⁷ Close the Gap (2020) *Disproportionate Disruption: The impact of COVID-19 on women's labour market equality* (Exhibit ARA/3).

⁷⁸ Close the Gap (2021) *One Year On: How COVID-19 is impacting women's employment in Scotland* (Exhibit ARA/7).

⁷⁹ Engender (2020) *Gender and Unpaid Work: The impact of COVID-19 on women's caring roles* (Exhibit ARA/4).

35 hours a week are women, and that a third of female unpaid carers have given up employment to care.⁸⁰

Young people's employment was initially more impacted, but this trend was then reversed:

52. Significant attention was given to young people's employment at the start of the pandemic with a number of interventions being developed to address the anticipated high levels of youth unemployment, primarily Scottish Government's Young Person's Guarantee initiative. At the start of the pandemic, there were more substantial declines in employment rates among younger workers and young people were significantly more likely to be furloughed.⁸¹ The impact on young women was again shaped by occupational segregation, as their concentration in hospitality and retail sectors meant that they were more affected by sector shutdowns and public health restrictions.
53. The initial data release from the Coronavirus Job Retention Scheme shows that younger workers were significantly more likely to be furloughed at the start of the crisis, and young women were more likely to be furloughed than their male counterparts.⁸² 64% of female employees aged 16 were furloughed, compared to 60% of their male counterparts; 65% of female employees aged 17 were furloughed compared to 62% of male employees; and 59% of females aged 18 were furloughed compared to 56% of their male counterparts. By contrast, furlough take-up for those aged 26 to 70 was between 24% and 31% during this period.
54. However, this trend subsequently reversed, with older workers' employment being more impacted by the pandemic in the subsequent periods of the crisis. The bounce back for younger workers was much more pronounced than expected with employment rates returning to almost pre-pandemic levels by January 2021.⁸³ By contrast, those aged 50-65 saw a much weaker and slower recovery in employment and working hours when compared with other age groups.⁸⁴

⁸⁰ The 2023 survey of unpaid carers by Carers Scotland had 1,771 respondents, with 981 being women. See Carers Scotland (2024) *Women and Unpaid Care in Scotland* (Exhibit ARA/47).

⁸¹ Paul Johnson (2021) 'COVID has shown that inequality is about more than jobs or earnings', 8 November 2021, Institute for Fiscal Studies (Exhibit ARA/48).

⁸² Office for National Statistics (2020) *Coronavirus Job Retention Scheme Statistics: August 2020* (Exhibit ARA/49).

⁸³ IFS (2021) *A Year of COVID: the evolution of the labour market and financial inequalities through the crisis* (Exhibit ARA/5).

⁸⁴ Ibid

Older women

Older women are more likely to leave the labour market into economic inactivity

55. Labour market data from 2022 showed a significant increase in the number of older workers in the UK leaving the labour market before they reach state pension age. The number of people aged 50-65 who were economically inactive and not actively looking for work increased by over 200,000 between the third quarters of 2019 and 2021.⁸⁵ Three-fifths (58%) of the total gap in participation compared with pre-crisis trends can be explained by fewer over 50s in the workforce, and particularly due to fewer older women.⁸⁶
56. While falls in the number of people out of the labour market due to caring responsibilities was particularly likely to have affected inactivity rates for women, the proportion of women in the 50-65 age group who left the labour market for caring responsibilities (17%) was more than double that of men (7%).⁸⁷
57. Men (7%) are more likely than women (3%) to state that they left the labour market because they no longer needed the money from their job. Moreover, women were almost three times as likely to leave their job to look after the home or for caring responsibilities (8%) than men (3%).⁸⁸
58. This has significant implications for older women's poverty, particularly given the increase in state pension age for women in this age group, which has caused increased financial insecurity for many older women.⁸⁹

The sectors where older women are concentrated put them at greater risk of leaving the labour market due to ill health

59. Research from the TUC highlighted the sharp class inequalities that affect which workers are forced out of the labour market early, with those in lower paid occupational groups being hit the hardest. People whose last job was in caring, leisure and other service occupations (which were 83% female), sales occupations (63% female)⁹⁰ and customer service occupations (54% female) were disproportionately likely to be inactive because of health problems. In total, these low-paid occupation groups account for

⁸⁵ TUC (2022) *Older workers after the pandemic: creating an inclusive labour market* (Exhibit ARA/50).

⁸⁶ IES March labour market statistics (Exhibit/51).

⁸⁷ Ibid.

⁸⁸ ONS (2022) *Reasons for workers aged over 50 years leaving employment since the start of the coronavirus pandemic* (Exhibit ARA/52).

⁸⁹ Parliamentary and Health Service Ombudsman (21 March 2024) *DWP failed to adequately communicate changes to women's state pension age* [Press release] (Exhibit ARA/53).

⁹⁰ Annual population survey - regional - employment by occupation – October to September 2021

almost six in ten ill-health early exits (57%), despite employing just three in ten workers (30%).⁹¹ As these sectors are female-dominated, this placed women at greater risk of leaving the labour market due to ill health.

60. Women's greater likelihood to contract long COVID and, as the majority of key workers, their higher exposure to the virus in the workplace may have contributed to rising female economic inactivity due to ill health. Data from the Health and Safety Executive⁹² also shows that around 20% of all those suffering from a work-related illness caused or made worse by the effects of the coronavirus pandemic were in human health and social work activities (76% female).⁹³ This may be particularly acute for racially minoritised women, who are more likely to work in social care and service sectors. Indeed, data analysed by the TUC found that racially minoritised workers leaving the labour market are more likely to be leaving work because of ill health or caring responsibilities and are less likely to be retiring than their white counterparts.⁹⁴

Part 3: Decision making

Overarching comments

61. Effective decision making in government must prioritise under-served populations and explicitly seek to improve the lives of groups who are most likely to experience inequality and have their human rights breached. This is particularly important at times where resources are scarce, and in crisis management scenarios and planning.
62. In response to the COVID-19 pandemic, the Scottish Government had to make urgent decisions and reallocate large amounts of financial and human resources to deal with the public health emergency. Despite overwhelming evidence of the starkly gendered impact of COVID-19 on the labour market, gender and women's needs have been largely invisible in the Scottish Government labour market policy responses.
63. From Close the Gap's extensive work on the impact of the pandemic and our gendered analysis of public policy responses⁹⁵, it is evident that aspects of that decision-making have contributed to a rollback on women's equality and rights in areas not only in

⁹¹ TUC (2022) *Older workers after the pandemic: creating an inclusive labour market* (Exhibit ARA/50).

⁹² Health and Safety Executive, *Coronavirus pandemic and work-related ill health in Great Britain, 2021/22* (Exhibit ARA/25).

⁹³ NOMIS – Workforce Jobs by Industry – December 2021

⁹⁴ TUC (2022) *Older workers after the pandemic: creating an inclusive labour market* (Exhibit ARA/50).

⁹⁵ Reports, consultation responses and parliamentary briefings can be found at: <https://www.closesthegap.org.uk/content/covid-19/>.

employment and financial security but also care, health, housing and women's experiences of men's violence.

Failure to mainstream gender in policy responses

Public sector equality duty compliance:

64. Gender mainstreaming⁹⁶ is a requirement of public bodies under the Scottish specific duties of the PSED⁹⁷, as is undertaking equality impact assessment (EQIA). These legal requirements have been in place in Scotland for over a decade.
65. Despite this, existing systems and processes within Scottish Government failed to mainstream gender considerations into policy and spending decisions, programme development, and service design. This entrenched the unequal impacts that were affecting women and their engagement with the labour market. Key drivers of these failings include:
- A lack of intersectional gender competence within Scottish Government;
 - A lack of prioritisation around women's equality by senior leaders;
 - Inadequate data gathering and use, especially intersectional data;
 - A lack of attention given to gendered impacts in guidance and advice developed for employers; and
 - Insufficient prioritisation given to meeting the requirements of the Scottish specific duties, a problem which has worsened over time since the duties were introduced over 10 years ago.
66. In Close the Gap's experience, post-hoc or 'partial' EQIA has become increasingly common for Scottish Government, along with a divergence from the stated methodology.⁹⁸ EQIAs are routinely produced after policy decisions have been made by the Scottish Government, when only tweaks are possible, or not at all. In our

⁹⁶ Gender mainstreaming is an internationally recognised strategic approach that aims to make gender equality a routine objective in policymaking. It means bringing a gendered perspective to all activities of an organisation in order to ensure women's rights, and equality between women and men. It uses a range of tools, infrastructure, regulations, processes and activities that should work together to create equality for women.

⁹⁷ The public sector equality duty is contained within section 149 of the Equality Act 2010. Section 3 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 sets out the duty to report progress on mainstreaming the equality duty.

⁹⁸ Close the Gap (2021) *Response to the consultation on the child poverty delivery plan 2022-2026* (Exhibit ARA/54).

experience, it is rare to see an EQIA which results in changes to a policy. Where EQIAs have been done they are routinely of poor quality. This is due to a long-standing failure by government and other public bodies to gather, analyse, and use intersectional gender-sensitive data, and the lack of gender competence and analytical capability to identify gendered impacts.

67. The following paragraphs set out specific examples of decision-making that ignored women's needs, and therefore exacerbated gender inequality.

Fair work:

68. Fair work is a flagship policy for the Scottish Government. In response to COVID-19, it developed a joint statement⁹⁹ on fair work with the Scottish Trades Union Congress, with a focus on expectations during the transition out of lockdown. Close the Gap was consulted when the statement was being updated, and provided recommendations on how the statement and the fair work principles could take better account of women's experiences. Our evidence and recommendations were largely ignored, and the result was a statement that was not well-gendered, with one marginal reference to women. The refreshed fair work principles within the statement do not acknowledge the gendered nature of care, make no reference to pregnancy and maternity rights, and provide insufficient detail on support for women with caring roles.
69. The Scottish Government also produced a suite of industry-specific guidance for employers on creating safer workplaces,¹⁰⁰ and a guidance framework for use by officials to develop sector-specific documents. Close the Gap was consulted on the draft framework, which did not mention women at all. In addition to comments on the framework, Close the Gap provided a list of actions that could be taken by employers to support women, and recommended that these were included in the guidance. Scottish Government largely ignored our recommendations. Of the 26 guidance documents produced, there are a small number of examples where women are explicitly mentioned, and some of the barriers they face, such as their caring roles, referenced. But largely, employer guidance produced by Scottish Government does not meaningful engage with gender. As the vast majority of employers do not have sufficient competence to apply a gender lens to generic guidance, it is difficult to see how they could be expected to operationalise fair work for women in their response to COVID-

⁹⁹ Scottish Government and STUC (2020) *Joint Statement on Fair Work* (Exhibit ARA/55).

¹⁰⁰ Scottish Government guidance about coronavirus (COVID-19), including business, health, education and housing is available at: <https://www.gov.scot/collections/coronavirus-covid-19-guidance/>.

19. The approach adopted by the Scottish Government has undoubtedly sustained gender-blind employment practice throughout Scotland.
70. The lack of gender mainstreaming in COVID-19 policy responses is a barrier to realising fair work for women. It has shown that the Scottish Government ambitions on gender equality were deprioritised and were considered secondary to other factors when it came to decision-making. This deprioritisation continues and prioritisation is given to what is perceived to be the more urgent work of business recovery and planning, rather than seeing gender equality and economic recovery as inherently inter-related.

The closure of schools and nurseries, and reduction in social care packages:

71. Many women were under immense pressure throughout the pandemic as a result of the closure of schools and nurseries, and the reduction in social care packages. This was particularly the case for women with caring responsibilities and who were required to work from home by their employer. The pandemic created a considerable increase in caring responsibilities that forced many women to leave their jobs, affecting their income and career prospects, and placed women and their children at greater risk of poverty. Research conducted early in the pandemic showed that among those working in February 2020, mothers were 9 percentage points less likely to be in paid work than fathers by May 2020.¹⁰¹
72. The increase in unpaid care resulted in long-term implications, particularly when coupled with the announcement that the Scottish Government revoked the legal requirement for local authorities to deliver 1,140 hours of funded childcare from August 2020. This created stark challenges for women in accessing childcare, and in turn their ability to work. This underscored the importance of employer support in enabling women with caring responsibilities to work.

Social care:

73. The need for social care reform is a longstanding challenge.¹⁰² The COVID-19 crisis further highlighted critical problems in social care provision, including the undervaluation of the predominantly female workforce which drives recruitment and retention problems. However, the Scottish Government decision-making, both pre-pandemic and in response to COVID-19, failed to adequately pay attention to the gendered nature of the social care crisis.

¹⁰¹ Institute for Fiscal Studies (2020) *How are Mothers and fathers balancing work and family life under lockdown?* (Exhibit ARA/9).

¹⁰² Scottish Government, *Reforming Adult Social Care Support* (Exhibit ARA/56).

74. The Scottish Government established an Independent Review of Adult Social Care (IRASC), the aim of which was to recommend improvements to adult social care in Scotland. The report of the IRASC, published in February 2021, explicitly recognised that the crisis in the social care workforce is driven by the gendered undervaluation of social care work, and in its recommendations, it called for a national job evaluation exercise to adequately revalue social care work.¹⁰³
75. The Scottish Government accepted all of the IRASC's recommendations.¹⁰⁴ Despite this, discussion of tackling the gendered inequalities in social care has become increasingly invisible in the discourse on social care reform, including in the development of the National Care Service Bill.
76. There have been no substantive efforts to embed a gender analysis in the development of the National Care Service. The consultation on a National Care Service made only marginal reference to equality and did not mention that gender drives the undervaluation of the workforce.¹⁰⁵ The proposed Bill contained no substantive provisions on the social care workforce.¹⁰⁶ The EQIA missed several key equality considerations and is silent on the gendered nature of the workforce challenges in social care.¹⁰⁷
77. This demonstrates an unwillingness within the Scottish Government to engage with the reality of the gendered undervaluation of care work, despite the overwhelming evidence that this is a core driver of the challenges in the social care system, and the recommendations of the IRASC. A full job evaluation exercise has been set aside in favour of superficial action on workforce issues, which will only sustain gender inequality and result in wider failings in sector.

Part 4: Close the Gap response to the pandemic

What we did

78. The COVID-19 pandemic resulted in a wholesale reprioritisation of Close the Gap's work. We were faced with an unprecedented level of demand in some aspects of policy

¹⁰³ Scottish Government (2021) *Independent Review of Adult Social Care* (Exhibit ARA/57).

¹⁰⁴ Scottish Government (2021) *A National Care Service for Scotland: Consultation* (Exhibit ARA/58).

¹⁰⁵ Ibid

¹⁰⁶ Scottish Parliament (2022) *National Care Service (Scotland) Bill*, available at: <https://www.parliament.scot/bills-and-laws/bills/national-care-service-scotland-bill/overview>

¹⁰⁷ Scottish Parliament (2022) *National Care Service (Scotland) Bill Equality Impact Assessment* (Exhibit ARA/59).

advocacy work, while at the same time working to address complete disengagement from employers which in turn considerably hindered our work to influence employment practice. Large pieces of Close the Gap's work were paused, and project work planned with Scottish Government on building capacity in businesses was suspended as Scottish Government staff were redeployed to work on the COVID-19 response. Organisational resources were diverted to new areas.

79. Close the Gap staff team of five moved to home working, which required the establishment of different ways of working, increased spend for infrastructure, increased delivery of support to staff, and created new challenges for team communication and cohesion. Some staff also had to manage the supervision of home learning and increased childcare as schools and nurseries closed in March 2020 which required alterations to work patterns and created additional pressures on capacity.

Research, evidence and analysis

80. Close the Gap immediately identified where there were emerging differential impacts on women, and we worked to influence policy development and employment practice in these spaces. We delivered a wide range of policy advocacy on COVID-19 between January 2020 and December 2022, which broadly focused on influencing the Scottish Government and its delivery agencies to take account of women's experiences in developing policy and programmes.
81. We used evidence on women's labour market participation, labour market data, and produced gender analyses of Scottish and UK Government policy responses to COVID-19 and the anticipated economic impacts to develop insight into how the pandemic was affecting women's employment. The initial analysis, *Disproportionate Disruption*¹⁰⁸, was published in May 2020 and included recommendations for Scottish Government to mitigate the gendered impacts of the pandemic on women's employment. In March 2021, Close the Gap published a second impact report, *One Year On*¹⁰⁹, setting out how the ongoing effects of COVID-19 were shaping women's employment. Again, a set of recommendations was made to the Scottish Government, along with suggested actions for Skills Development Scotland to take. We also produced briefings on the impact of initial furlough provisions on women with caring responsibilities¹¹⁰, and the lack of

¹⁰⁸ Close the Gap (2020) *Disproportionate Disruption: The impact of COVID-19 on women's labour market equality* (Exhibit ARA/3).

¹⁰⁹ Close the Gap (2021) *One Year On: How COVID-19 is impacting women's employment in Scotland* (Exhibit ARA/7).

¹¹⁰ Close the Gap and Engender (2020) *Women, Caring Responsibilities and Furloughing During COVID-19* (Exhibit ARA/18).

financial protections for women working in the gig economy¹¹¹. Both briefings included recommendations for the Scottish Government, and the latter also included actions for the UK Government to take. None of the recommendations were implemented by either the Scottish or the UK Government.

82. Close the Gap worked to build a picture of emerging employment practice, and its impact on women workers. A range of sources were used including UK Government data on key COVID-19 initiatives, including the Coronavirus Job Retention Scheme and the Self-employment Income Scheme; research and analysis produced by trade unions, academics, equality organisations, and third sector organisations; intelligence from employers that Close the Gap works with, and other partner organisations; and media outlets.
83. There were however, and continue to be, significant data gaps in relation to women's experiences of the labour market, particularly intersectional data that tells us about racially minoritised women, disabled women, LGBTI women, and women who are single parents. This is driven by a lack of disaggregated administration and survey data at Scottish and UK levels; a lack of prioritisation by the Scottish and UK Governments to address these data gaps; and a lack of capability to do intersectional analysis within the Scottish Government. Data gaps around women's experiences and the urgent need to address these, along with better use of the available data, is a central thread in Close the Gap's policy advocacy work.

Guidance for employers:

84. Close the Gap produced a range of guidance to enable employers to support women workers during COVID-19 and mitigate the gendered impacts of the pandemic. This included:
 - Two guidance documents specifically for local government employers engaged with Close the Gap's Equally Safe at Work employer accreditation programme.
 - Guidance for large organisations on developing gender-sensitive employment practice and return to work plans.
 - A briefing for large employers on managing furloughed employees within gender pay gap reporting.

¹¹¹ Close the Gap (20202) *Falling Through the Cracks: Women, COVID-19 and the Gig Economy* (ARA/60).

- Guidance for SME employers on supporting women in the workforce during COVID-19, and specific guidance and advice on support workers who are victim-survivors of domestic abuse during COVID-19.

85. We also continued to engage with employers in a number of pre-existing structures. This included through public body external equality advisory groups, and as part of Close the Gap's employer accreditation programme, Equally Safe at Work¹¹² (discussed further at paragraph 98 below). We were able to gather intelligence from our employer contacts about how employment practice was evolving during the pandemic, and we tested our guidance with our employer networks. The insight and intelligence gathered from employers was used not only to inform the development of guidance, but also in our policy advocacy work with Scottish Government.

How we engaged

Engagement with Scottish Government:

86. Close the Gap used a variety of strategic engagement structures and mechanisms that were in place prior to COVID-19, as well as others which were established in response to the pandemic. The main channel for influencing early in the pandemic, was a regular meeting of women's organisations with officials in the Equality, Inclusion and Human Rights Directorate.
87. In early April 2020, Close the Gap, along with other national women's organisations, participated in a call with the then Cabinet Secretary for Social Security and Older People and the then Minister for Older People and Equalities. Women's organisations were asked to share key concerns that had emerged, and to highlight where action needed to be taken by Scottish Government to avoid a disproportionately detrimental impact on women. The Cabinet Secretary and Minister also provided an update on action the Scottish Government was taking in this area.
88. This group evolved into a fortnightly meeting, chaired by the Deputy Director of Equality and Human Rights, with women's organisations sharing intelligence, highlighting where gender-blind policy and programmes were being developed, and with Scottish Government providing updates on COVID-19 related action. Close the Gap welcomed

¹¹² Equally Safe at Work is Close the Gap's accreditation programme which enables employers to deliver improved employment practice that is sensitive to both gender and violence against women (VAW). After a successful pilot in local government between 2019 and 2020, it was expanded to a new cohort of councils, with pilots also delivered in the NHS and third sector. There are currently 18 Equally Safe at Work accredited employers in Scotland. See www.equallysafeatwork.scot.

the establishment of this group, which was staffed by Scottish Government officials in the then Equality Unit. Officials involved in the group made genuine efforts to follow up on concerns raised by Close the Gap and other women's organisations across Government, facilitating meetings for us with officials in different policy areas, and collating updates on specific Government commitments and action taken. Actions from the group were tracked in an action log, which was reviewed at each meeting. The group continued to meet until April 2021. This group created a range of opportunities to expand Close the Gap's reach; however, despite this, the success of our influencing efforts was limited.

89. Close the Gap also engaged with the Scottish Government through short-life working groups for specific pieces of work, for example, an advisory group was set up to oversee the development of guidance on homeworking. Some existing memberships of strategic groups continued, such as the Ministerial group on the gender pay gap, which provided an opportunity to share evidence of the impact of the pandemic on women's employment and to influence the annual report by including new actions in response to COVID-19.¹¹³
90. Close the Gap also participated in strategic groups and working groups established in response to COVID-19 specifically, for example, the Young Person's Guarantee implementation group (a strategic advisory group designed to oversee the implementation of the Scottish Government's initiative to reduce young unemployment caused by COVID-19), and the Social Renewal Advisory Board subgroup on low pay.
91. We provided evidence and analysis in response to requests for support with equality impact assessments. These covered a broad range of areas including Scotland's route map, individual training accounts, the reopening of schools, COVID-19 schools and early learning and childcare guidance, homeworking guidance, reducing risks in school guidance, manufacturing sector guidance, vaccine passports, and border controls. Despite the significant amount of resource that we invested in this engagement, our recommendations were largely ignored, and there is little evidence of policy changing as a result of EQIA processes.

Parliamentary engagement:

92. Close the Gap worked to engage with parliamentary structures by submitting evidence to parliamentary inquiries held by the Economy, Energy and Fair Work Committee, the Equalities and Human Rights Committee, and the COVID-19 Recovery Committee. This

¹¹³ Scottish Government (2021) *Gender Pay gap Action Plan: Annual report* (Exhibit ARA/61).

involved sharing evidence and analysis of how COVID-19 has affected women's labour market equality, highlighting where the Scottish Government decision making failed to take account of women's experiences, presenting evidence on the gendered impact of employment practice during the pandemic, and advocating for action to mitigate the impact of COVID-19 on women.

93. We worked with MSPs following the publication of our Disproportionate Disruption report by lodging a motion and developing parliamentary questions on the issues raised. We also produced a range of briefings for MSPs for parliamentary debates. This focused on COVID-19-specific debates, but our analysis of how COVID-19 has shaped women's experiences is prominent in all briefings during this period.

Policy advocacy on economic recovery:

94. Working with Engender, Close the Gap developed a range of policy advocacy work on the need to gender the economic recovery. This work was centred on a set of principles, endorsed by national women's and single parent organisations, to ensure that women's inequality is not exacerbated by the COVID-19 economic recovery.¹¹⁴ The development of the principles was informed by a literature review commissioned by Close the Gap and Engender on gender and inclusive growth by feminist economist Emily Thomson.¹¹⁵ We used the principles in our influencing work with the Scottish Government as it developed policy on economic recovery. This included in strategic working groups of the Scottish Government and its delivery agencies; in parliamentary engagement work; and in the Scottish Government consultation exercises.
95. This work also formed the basis of our engagement with the Advisory Group on Economy Recovery¹¹⁶ that was established in April 2020 by Scottish Government to give independent and expert advice on Scotland's economic recovery. Close the Gap developed a response¹¹⁷ to the consultation exercise conducted by the Advisory Group on Economic Recovery advocating that, given the starkly gendered impacts of COVID-19, women must be central to the economic recovery or their inequality will be entrenched. Close the Gap then worked with Engender to produce a joint response¹¹⁸ to the Advisory Group's report in July 2020, which was critical of the lack of gender analysis in its findings, and the absence of targeted action to improve women's equality.

¹¹⁴ Close the Gap and Engender (2020) *Gender and Economic Recovery* (Exhibit ARA/62).

¹¹⁵ Close the Gap and Engender (202) *Gender and Inclusive Growth* (Exhibit ARA/63).

¹¹⁶ See <https://www.gov.scot/groups/advisory-group-on-economic-recovery/>

¹¹⁷ Close the Gap (2020) *Response to the Advisory Group on Economic Recovery* (Exhibit ARA/64).

¹¹⁸ Close the Gap and Engender (2020) *Response to the Advisory Group on Economic Recovery* (Exhibit ARA/65).

96. The Scottish Government committed to deliver a 10-year national strategy for economic transformation within the first six months of the current parliamentary term. Close the Gap engaged in various Government consultation meetings during the development of the strategy, from September 2021 until its publication in March 2022. Advocacy around the strategy was a priority for Close the Gap given the relevance of the economy to our focus of work. Despite rhetorical commitments to embed equality and human rights, the national strategy for economic transformation is largely gender-blind in its approach and is very weak on mainstreaming gender equality outcomes in the central pillars of the strategy.
97. In particular, there is no recognition of unpaid work, how unpaid work supports the formal economy, or how the burden of unpaid work disproportionately falls on women, which perpetuates women's inequality and their higher level of poverty. This speaks to the Scottish Government's failure to prioritise women's economic equality at a time when COVID-19 has exposed the economy-wide undervaluation of women's work; resulted in a disproportionate impact on women's employment; and created increased financial insecurity and higher levels of poverty for women, especially disabled women, racially minoritised women, and women who are single parents. The conceptual disconnect between the structures of the labour market, including occupational segregation, and economic strategy and its actions is stark. Consequently, it entrenches and sustains women's economic inequality.

Close the Gap's employer engagement work:

98. As the severity of the pandemic became apparent, employers immediately disengaged with Close the Gap, some entirely. We had been working closely with a group of early adopter local councils who had been participating in a pilot of our employer accreditation programme, Equally Safe at Work.¹¹⁹ Each council had a staff member who was leading work on the accreditation programme, and all of these were either partly or entirely redeployed to work on the COVID-19 response. As a result, councils largely disengaged from accreditation work. This deprioritisation of women's equality at work came at a time when women's employment in local government was being disproportionately impacted by the pandemic. This was particularly relevant to local government and the wider public sector where women comprise the majority of the workforce, and to Scotland's key workers critical to the COVID-19 response.

¹¹⁹ See: <https://www.equallysafeatwork.scot/>

99. The disengagement by employers meant that Close the Gap was required to extend the timescale for completing accreditation work from March 2020 to November 2020. During this time most councils gradually re-engaged, although two dropped out of the programme entirely.
100. We saw the same disengagement in our wider employer engagement work. This exposed a stark deprioritisation of women's equality during this time of national crisis. As set out in paragraphs 31 to 33 above, UK Government and the Equality and Human Rights Commission decided to suspend the enforcement of gender pay gap reporting by large employers in April 2020.¹²⁰ This signalled to employers that in times of economic crisis gender equality is not important, even when women are disproportionately impacted. It is highly likely that this decision contributed to employer inaction on women's equality and rights during the pandemic.

Part 5: Lessons

There needs to be leadership in Scottish Government and the wider public sector to prioritise work to address the structural inequalities women experience.

101. Women were disproportionately affected by COVID-19 because of the structural inequalities that shape their lives, leaving them with less access to power, wealth and safety. If these structural inequalities had been addressed before the outbreak of COVID-19, the impact on women would have been very different. If occupational segregation had been reduced, the effect on women's employment would be less severe. Women would not have been the vast majority of our key workers, and what had been seen as 'women's work' would be revalued and redistributed in Scotland's economy. Our key workers would have been more valued, appropriately paid for their skills, and protected against COVID-19 while at work. The effects of sector shutdowns and public health restrictions would not disproportionately have impacted women, women's incomes and women's poverty, because there would be more equal representation in retail and hospitality. If gender norms around caring had been dismantled, and the burden of unpaid care had been revalued and redistributed, then the closure of schools and nurseries and the reduction in social care packages would not have had such an acute effect on women's lives.
102. The necessary work to address the structural inequalities women face in the labour market has not been meaningfully engaged with by the Scottish Government or the

¹²⁰ UK Government (2020) *Employers do not have to report their gender pay gaps* (Exhibit ARA/66).

wider public sector. This is especially true in relation to the intersecting inequalities experienced by disabled women, racially minoritised women, women who are single parents, and LGBTI women. The inertia on women's inequality needs to change.

103. Public sector leaders still see action on inequality as a 'competing priority', rather than as a core part of their purpose and operations.¹²¹ At the outset of the pandemic, the Scottish specific duties of the public sector equality duty had been in force for eight years, with the predecessor single equality duties on race (2001), disability (2006), and gender (2007) in place for almost 20 years. While these duties created a regulatory framework for action on inequality including women's inequality in employment, public bodies, including Scottish Government, have consistently failed to take effective action or deliver change. It is reasonable to expect that public body competence and performance of the duties would improve over time, however assessments consistently show a decline in performance.¹²²
104. As a result of this inaction, there was a lack of necessary infrastructure in place to enable the Scottish Government and public bodies to mainstream gender in crisis responses. Having this infrastructure in place would have provided a more conducive context for mitigating the disproportionate negative effects of the pandemic on women. This failure of leadership and prioritisation needs to be rectified if Scotland is to avoid a repeat of COVID-19.

There needs to be a widescale programme of activity to build intersectional gender competence in public sector decision makers.

105. As set out at paragraph 64 above, the Scottish specific duties require public bodies to do gender mainstreaming. However, performance of the duties over the past decade has demonstrated that we are light years away from this being realised. There is no evidence of gender mainstreaming being implemented in Scotland's public sector. A lack of leadership and prioritisation is central to this. Equally important is the lack of intersectional gender competence in all aspects of the public sector decision making

¹²¹ Scottish Government (2021) *Review of the Operation of the Public Sector Equality Duty in Scotland: Learning from Mainstreaming Equality during the Covid-19 Pandemic* (Exhibit ARA/20).

¹²² Close the Gap (2014) *Monitoring Scottish Public Bodies' Compliance with the Public Sector Equality Duty* (Exhibit ARA/67); Close the Gap (2015) *Making Progress? An assessment of public sector employers' compliance with the public sector equality duty* (Exhibit ARA/68); and Coalition for Racial Equality and Rights (2018) *Effectiveness of the PSED Specific Duties in Scotland*, Equality and Human Rights Commission (Exhibit ARA/69).

- including policymaking, service design, data gathering and analysis, and spending decisions.
106. There needs to be a strategic plan to build intersectional gender competence in public sector decision makers. The National Advisory Council for Women and Girls has made recommendations to Scottish Government around this issue¹²³, which were all accepted by government; however, progress has been minimal.¹²⁴
107. There is overwhelming evidence that equality and diversity can drive excellence in service design.¹²⁵ Where public policy is developed without taking account of women's equality, public resources are directed inefficiently, as they are not responding to women's diverse needs. Public sector leaders responsible for ensuring value for money, within the context of increasing pressure on budgets, need to recognise the value and longer-term gains of building gender competence, and implementing infrastructure to enable gender mainstreaming.

Scottish Government and other public bodies must improve intersectional gender-sensitive sex-disaggregated data gathering and use so that women's lives are central to policy and service design.

108. Inadequate data on women's diverse experiences is a contributing factor in the disproportionate impact of COVID-19 on women, especially those experiencing intersecting inequalities such as disabled women and racially minoritised women. In order to develop policy and legislation that advances equality and realises women's rights, there needs to be better quality intersectional gender-sensitive, sex-disaggregated data. Gathering and using equality data is a requirement of the Scottish specific duties, however, there remain considerable data gaps, and use of equality data in the design of policy and services is often absent.¹²⁶ Equality data has tended to be seen as something that is optional, or 'optimal but not essential', that is relevant only when policy making is specifically directed at a protected group.
109. If the Scottish Government and wider public bodies were routinely gathering and using gender-sensitive sex-disaggregated data in policy development, women's lives would

¹²³ NACWG (2023) *Leadership: Our recommendations*. First Minister's National Advisory Council on Women and Girls (Exhibit ARA/70).

¹²⁴ NACWG (2023) *First Focus of Scrutiny* (Exhibit ARA/71).

¹²⁵ Close the Gap (2016) *Gender Equality Pays: The economic case for addressing women's labour market inequality* (Exhibit ARA/72).

¹²⁶ Close the Gap (2022) *Close the Gap response to the Scottish Government's consultation on the Equality Evidence Strategy 2023 to 2025* (Exhibit ARA/73).

look different. Data gathering methods and lived experience engagement would centre women by both recognising the gendered barriers they face and would also be used to address data gaps. Policymakers would have the skills and analytical capability to take account of women's experiences and integrate a gender analysis into their work. Public services would be designed to meet the needs of women, including disabled women, racially minoritised women and women who are single parents. Evaluation of policy would explicitly examine whether policies and programmes were effective for women. If COVID-19 had happened within such a context, the impact would have looked different for women.

110. The use of equality data and evidence needs to be understood as foundational to developing high-quality, effective policy and services. It is a necessary step in minimising bias and discrimination and in realising women's equality and rights. The Scottish Government has set out a range of commitments to strengthen the equality evidence base¹²⁷, and has accepted recommendations made by National Advisory Council on Women and Girls on improving intersectional data. Progress on the latter in particular needs to be accelerated.
111. Data gathering cannot be viewed in isolation from data use. Absence of data is often used as a justification for a lack of action. While it is undoubtedly important to address data gaps, there is still a broad evidence base on women's experiences, and this data should be used to develop actions that will advance women's equality. The link between data gathering and use is often missed, particularly in performance of the PSED.¹²⁸ To avoid the mistakes and resulting harms to women of COVID-19, the Scottish Government and other public bodies must integrate gender-sensitive data analysis with gender mainstreaming approaches to policymaking and programme and service design.

COVID-19 responses demonstrated an urgent need for substantive reform of the public sector equality duty and resourcing to support implementation.

112. In 2018, the Scottish Government committed to reforming the Scottish specific duties; however, at the outset of COVID-19, it paused this work. The review was recommenced in 2021. During the active period of the review Close the Gap and other equality organisations allocated considerable resources to engaging with the Scottish

¹²⁷ Scottish Government (2023) *Scotland's Equality Evidence Strategy 2023-2025* (Exhibit ARA/74).

¹²⁸ Close the Gap (2022) *Submission to the Scottish Government consultation on the review of the operation of the Public Sector Equality Duty in Scotland* (Exhibit ARA/75).

- Government, sharing significant expertise on the effectiveness of public bodies' implantation of the duties.¹²⁹
113. Despite the overwhelming evidence of the need for extensive reform to the duties, including the widespread disregard to meet these legal duties during the pandemic, the Scottish Government has decided to take forward minor changes only at this time.¹³⁰ This is in stark contrast to the range of proposals put forward in its own consultation, and those called for by civic society organisations.¹³¹ In its consultation, the Scottish Government set out seven proposals to improve the duties, and asked questions on four other potential change areas including improving the range of intersectional data gathering and its use, and placing intersectional gender budget analysis on a statutory footing.¹³² In announcing its approach to reforming the duties, the Scottish Government confirmed it would be taking forward just three of the proposals, one revising the existing duty on pay gap reporting, a new duty on inclusive communication, and making better use of an existing duty related to Scottish Ministers highlighting issues to public bodies.¹³³ This is deeply concerning, particularly in the context of extensive evidence of the Scottish Government's failure to mitigate the disproportionate, damaging impact of the pandemic on women, through the use of gender mainstreaming.
114. It is critical that the Scottish Government continues with reforming the duties and commits to the significant reform that is needed. This must include wider action to address the failure of public bodies to embed gender mainstreaming, and the mainstreaming of equality more broadly, into their functions. Central to this must be a duty to ensure the Scottish Government and public sector executive accountability. Alongside this, the Scottish Government should resource a comprehensive programme of capacity building. Public bodies must develop the knowledge and skills necessary to make equality central to how they carry out their work in order to meet their obligations to their employees and service users. If gender equality is not mainstreamed in policymaking, public bodies are not developing effective policy or services and not

¹²⁹ Close the Gap (2022) *Response to the Scottish Government call for views on the review into the effectiveness of the public sector equality duty in Scotland* (Exhibit ARA/76) and Equality Stakeholders (2022) *Submission on Common Concerns to Scottish Government PSED Review* (Exhibit ARA/77).

¹³⁰ Scottish Government, *Public Sector Equality Duty: Stakeholder Letter from Minister for Equalities, Migration and Refugees*, 19 December 2023 (Exhibit ARA/78) and Exhibit ARA/75.

¹³¹ Scottish Government (2024) *Public Sector Equality Duty review: feedback* (Exhibit ARA/79).

¹³² Scottish Government (2021) *Review of the operation of the Public Sector equality Duty in Scotland: Consultation paper* (Exhibit ARA/80).

¹³³ Scottish Government (2023) *Letter from Emma Roddick MSP, Minister for Equalities, Migration and Older People to Public Sector Equality Stakeholders* (Exhibit ARA/78).

delivering value for money. This is particularly important in the current context of increasingly scarce resources and considerable pressures on public sector spending.

Signature:

Personal Data

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Date: 27 September 2024