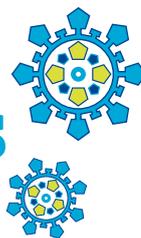




Women in Work – childcare during Covid-19



Coronavirus crisis
Workplace checklist



This guidance sets out the steps members can take to ensure that parents and carers are not disadvantaged during the Covid-19 crisis by their childcare responsibilities. It is in the interests of the whole school and college community that teachers and support staff are not forced out of their jobs because they have children, and that their childcare needs do not put them at a disadvantage at work.

Challenge sexist stereotypes

Workplace reps, school and college groups, leaders, teachers and support staff should all challenge sexist stereotypes that presume that women will undertake all childcare responsibilities.

If your partner's employer is pressing them to return to work on the expectation that you as a female partner will undertake all the childcare, press your partner to explain to their employer that you share the childcare and that arrangements will need to be made to accommodate your shared responsibility for the care of your children. Your partner's employer has a responsibility to consider the childcare needs of their workers, just as yours does.

If your employer is pressing you to return to work on the expectation that your female partner will do all the childcare, explain your childcare and negotiate arrangements that will enable you both to work and look after your children.

If you are a single parent or carer and your employer is insisting that you return to work on the presumption that you have a partner at home, you are encouraged to explain your situation and to seek an arrangement that allows you to balance your responsibilities. Seek support from your workplace rep or your local branch secretary. Some members have set up virtual support networks for single parent families to share tips and strategies for managing work and childcare during the crisis.

It is important to bear in mind that where a woman is placed at a disadvantage as a result of childcare needs and she is not able to resolve the matter individually or collectively with her colleagues, she may have a claim for indirect sex discrimination against her employer.

Protecting staff and family members at higher risk

Some members' childcare needs are intensified by additional health and safety concerns for themselves, a child, or another member of the household. Many key workers will not have utilised their child's school place because of their concerns for the health or well-being of their family.

Members are encouraged to read the NEU's guidance on [Ensuring Safety for Staff at Higher Risk](#)

Every employer must conduct risk assessments as part of planning for wider opening of schools. The NEU expects employers to carry out a risk assessment relating to every individual member of staff to help ensure safety for staff and their families. This risk assessment must consider personal health circumstances, including whether the staff member is in an officially recognised clinically vulnerable group.

Given the known greater risks of Covid-19 to other specific groups, especially older workers and Black and disabled workers, the risk assessment must also consider whether the staff member is in one or more such higher risk groups. For specific resources for Black educators, see [Coronavirus FAQs for Black educators](#) and [Coronavirus Risk & Safety Advice for Black Educators](#)

The NEU is firm in its advice that staff who are in clinically vulnerable groups, or who live with or care for household members in clinically vulnerable groups, should not be required to return to the workplace and should instead be allowed to work at home.

This should be determined by the individual risk assessment. In cases of disagreement about whether individuals should be required to return to the workplace, the NEU advises that medical advice from the GP should be sought and considered.

When employees are working at home, they should in all cases receive full pay and this time should not be treated as a period of paid or unpaid leave.

You can download and use our [template letter](#) to write to your employer, which you can adapt to inform your employer of your health and other personal circumstances. If you are aware of other members who are in a similar position to you, you

may wish to liaise with them and your workplace rep to coordinate sending your letter so that all issues are considered by your employer.

New mothers and breast-feeding

Where the staff include women of child-bearing age, employers are required under regulation 16 of the [Management of Health and Safety at Work Regulations 1999](#) to do the following to remove any risks identified to the health and safety of a new or expectant mother, or to that of her baby:

- Take reasonable action to remove the risks by altering working conditions or hours of work,
- Provide suitable alternative work, without loss of pay, or
- Provide suspension on full pay for as long as the risk remains.

All education settings must comply with this. A new mother is an employee who is pregnant, who has given birth within the previous six months, or who is breastfeeding.

Pregnant women will include all employees who are pregnant at any stage of their pregnancy.

The category of new mother also extends to all women who are breastfeeding. Bearing in mind that some women continue to breastfeed their children until 2 or beyond, this could capture a large majority of our members who have returned from maternity leave with the same employer over the past few years, or those have started employment with a new employer – where they continue to breastfeed their child/ren.

Workplace reps and school groups can rely on this provision to seek:

- Adjustments to working arrangements e.g. arrangements to work from home in accordance with the Government guidance on social distancing.
- Suitable alternative work that our member can do from home
- If neither are possible, suspension full pay for as long as the risk remains/until the adjustments/home-working have been put in place.

The NEU advises that breastfeeding mothers should not be in school as there is not sufficient evidence to indicate that it is safe for the mother and baby to do so. There is currently no evidence that Covid-19 is transmitted in breastmilk; but there has not been sufficient research to show conclusively that for example an asymptomatic mother who has contracted Covid-19 in the workplace (or on public transport to the workplace) will not pass the virus onto her baby through breastmilk or contact.

The [Breastfeeding Network advice](#) on breast-feeding and expressing milk for public-facing women workers during the pandemic:

- Covid-19 is new and will take a while before the evidence becomes more settled.
- Covid-19 is not known to be transmitted in breastmilk.
- However, Covid-19 has the potential to contaminate surfaces which could include the outside of bottles and breast pump.
- [Expressing and storing information](#)

Employers should undertake a health and safety risk assessment and breast-feeding mothers should ask to work from home until it is safe for her and her baby for her to work on site.

Flexible Working

School and college leaders will have made immediate adjustments to flexible working arrangements when sites were closed to all but the children of key workers and vulnerable students on 23 March. NEU leadership members have embraced flexible working, including working from home, reduced hours, staggered hours, compressed hours and other creative working patterns to jointly accommodate the needs of students and the childcare needs of staff.

Members can build on these positive steps by working with their leadership team to retain flexibility as schools and colleges open more widely. You are urged to review your existing flexible working policies and procedures, to examine the arrangements that have been put in place during the crisis and to press for the additional flexibility to be maintained for as long as the crisis continues and once it has passed. You may wish to contact your branch or

district secretary for examples of good practice elsewhere if your employer or your head has not assisted with flexible working. Have a look at the NEU [Flexible Working](#) resources.

Good employers will recognise the benefits of retaining experienced and committed staff and can be urged to take into account the childcare needs of all staff when planning for the wider opening of sites up to the autumn term and beyond.

If women are disadvantaged because their employer does not agree to reasonable flexible working arrangements to allow them to balance work and childcare, they may be able to claim indirect sex discrimination if attempts to resolve the matter individually or collectively do not resolve the issue.

Childcare provision – it's your prerogative

Many childcare settings have still not opened and many members are still not able to call upon grandparents to care for their children due to the risks to older people.

Some schools have offered to accommodate member's children; parents and carers will need to consider whether this is safe and appropriate.

One employer tried to direct parents and carers to send their children to a specific private setting. The NEU advises that it is your prerogative as a parent or carer to decide on whether a setting is appropriate for your child. You might decline a setting because it requires a journey by public transport, or you might not be satisfied with the health and safety measures at the site. You cannot be forced to accept a setting recommended by an employer.

If you cannot secure childcare, you should negotiate, either collectively with your colleagues, or individually, arrangements to allow you to work from home. If this is not possible, for example because you don't think you can work from home safely and effectively with a child to look after, you should consider asking for a period of leave, preferably paid leave.

Be aware of your rights to time off

All parents and carers of children, whether in same sex, opposite sex, or single parent households, are entitled to take advantage of time off for emergencies if they need it. Employees with a year's service are entitled to apply for parental leave. These are statutory rights to unpaid leave but many employers offer some paid time off and some offer the rights to parents and carers with shorter service.

Time off for emergencies, also known as time off for dependants, can be taken without notice to deal with, for example, a sudden loss of childcare. It is usually unpaid and usually short term, for a period of several hours or a few days. It is useful to help manage an immediate problem for example if your child's school or nursery is closed suddenly.

Parental leave is usually longer, is sometimes paid and requires the parent or carer to give notice. Working parents and carers can take up to 18 weeks' unpaid parental leave for each child in their care. This leave can be taken at any point before each child turns 18. Usually, it must be taken in blocks of a week, and you can use up to four weeks of it per child each year. If your child is disabled, you can also take the leave in shorter blocks if you need to. Most employers will require that you give at least 21 days' notice before you take parental leave. If you have a partner who qualifies for parental leave, they can use their entitlement too, to reduce the burden on you.

Consider what other adjustments could assist

Some NEU members have been reluctant to take their children to school because they can only use public transport and it's not possible to ensure that their child follows the social distance requirements. Members have negotiated an agreement with their head that only staff who can travel to work without using public transport will be included on the site rota.

Take care of yourself if you are working from home

When negotiating your working arrangement with your line manager, consider how many hours, and what working patterns will fit around your childcare needs. Discuss with your partner, if you have one, how and when each of you will work at home. Be conscious that you are more likely to be interrupted by your children while working and are more likely to take on the lion share of other household responsibilities. Factor in some time for yourself to take care of your own physical and mental health needs. Click here for NEU guidance on [Mental Health](#).

Contacting your employer

Do download and use our [template letter](#) to write to your employer if you need to.

Contacting the union

Please ensure that you tell your workplace rep that you have sent a letter to the head – they will need this information to best represent the members with the head. If there is no rep in your school, please [volunteer](#).

Details on how to contact the NEU can be [found here](#) if you require further support.