

## Introduction

1. The COVID-19 pandemic has led to unprecedented calls on the health system as well as policy and financial decisions that have made fundamental changes to everyday life for people in Scotland. While it has been necessary to take these extraordinary measures to respond to the pandemic, the protection of equalities for Scotland's population, and the proportionality of the measures taken, have also been at the forefront of consideration of these actions during this emergency situation.
2. The [Coronavirus \(COVID-19\): Framework for Decision-Making](#) and *Scotland's route map through and out of the crisis* ("the Route Map") make clear that COVID-19 is first and foremost a public health crisis, and the measures to combat it have been necessary to save lives. The *Framework for Decision-Making* identified four main categories of harm: direct health impacts, non-COVID-19 health harms, societal impacts and economic impacts. These harms are deeply inter-related: health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing. The Route Map sets out the range and phasing of measures proposed for Scotland as it moves out of lockdown. Like the initial response to the crisis, navigating the right course out of lockdown involves taking difficult decisions that seek to balance these inter-related harms and risks.
3. The Framework and the Route Map documents also note that the pandemic, and the measures to respond to it, can have the most negative impacts on people least able to withstand them.
4. Some harms will be felt over different time horizons: short, medium and long-term. Some harm may not be fully understood for many months or even years, such as the long term impacts on mental health and school attainment. However, even in these initial stages, it is clear that impacts have not been equally felt across the population. Consideration of the continued but differential impacts as lockdown is lifted in careful phases is therefore critical to the decision making process.

## Legislative background

5. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 ("the Principal Regulations"), to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. The Principal Regulations came into force on Thursday 26 March.
6. Recognising the extraordinary impact of the measures, Scottish Ministers have put in place a statutory requirement to review the restrictions every three weeks to ensure they remain proportionate and necessary.
7. As soon as the Scottish Ministers consider that any restriction or requirement is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Scotland with coronavirus, the Scottish Ministers must revoke that restriction or requirement. Following on the review required by 18 June 2020, Scottish Ministers decided to make the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 4) Regulations 2020.
8. The Framework for Decision Making makes clear that the reviews will be informed by assessments of options for relaxation under their impact on the 'four harms', their

viability, and broader considerations including equality impacts and consideration of measures, for example, for specific geographies and sectors.

9. The Scottish Government considered from the outset whether the lockdown provisions were consistent with the Equality Act and also considered whether the provisions could constitute indirect discrimination. In many cases, the provisions have applied to all persons irrespective of protected characteristic. Equality Impact Assessments (EQIAs) have been carried out to consider the impact of the measures contained in the Coronavirus (Scotland) Act 2020 and for the respective legislation thereafter. Where some possible impacts have been identified, the Scottish Government has considered these to be justified and a proportionate means of achieving the aim of protecting the general public from the threats posed by the outbreak of the Coronavirus pandemic and, therefore, the threat to human life in Scotland. However, from the beginning measures were put in place to support people as they complied with lockdown guidance, such as the £350 million of community funding announced on the 18 March.
10. As Scotland emerges from the lockdown, following the Route Map, some changes are delivered through regulations, such as the opportunity to take part in outdoor recreation. Other measures are delivered through changes to guidance, such as the opportunity to take part in some non-contact sporting activities. However, all measures are given thorough consideration on the basis of their impact, including on equality and human rights.

## **Policy Objectives**

11. On 21 May 2020 the Scottish Government published a route map setting out a phased approach to easing lockdown restrictions while still suppressing coronavirus (COVID-19). The route map recognises that the restrictions and requirements in place have a negative impact on some aspects of people's lives, such as increasing loneliness and social isolation and have potential to deepen inequalities and damage our economy. The route map also stated that, subject to the available data and evidence in support of such proposals, some of the restrictions and requirements may be eased at this time.
12. Some changes to the lockdown measures are made by this instrument and are described below. The Scottish Government's guidance has been updated to reflect these changes and to make other changes for the purpose of implementing proposals in the route map. The revised guidance is available at [www.gov.scot/collections/coronavirus-covid-19-guidance](http://www.gov.scot/collections/coronavirus-covid-19-guidance).

### Individual prayer or contemplation

13. These Regulations provide that, in addition to the uses previously permitted within a place of worship, individuals may now enter a place of worship (on their own or with members of their household) to take part in individual prayer or contemplation. They may not take part in a communal act or service or form part of a wider congregation.
14. Those persons responsible for a place of worship must ensure that physical distancing measures are followed within the place of worship. This includes ensuring that the place of worship only admits people in sufficiently small numbers to make it possible to maintain a distance of two metres between all individuals/households within the premises. Physical distancing requirements do not extend to members of the same household, or to a carer and the person assisted by the carer.

### People from three households meeting outdoors

15. The principal regulations were amended on 29 May to provide that it is a reasonable excuse for a person to take part in outdoor recreation in certain circumstances with members of their own household and with members of one other household. These Regulations increase the total number of households that may meet from two to three. This means people may now use outdoor public spaces or private gardens for recreational purposes, for example to sit, relax or have a picnic - alone or with members of their household and with members of up to two other household at a time. The Scottish Government's guidance advises that, when taking part in outdoor recreation, individuals should take all reasonable measures to ensure that they keep at least two metres apart from people not in their household and that a maximum of 8 people should meet.

### Face covering on public transport

16. These Regulations introduce a new offence making it unlawful for anyone, without reasonable excuse, to use a passenger transport service or passenger transport service premises without wearing a face covering. The Regulations provide police constables with the power to issue a Fixed Penalty Notice to anyone 18 or over, if an offence has been committed. They also provide a non-exhaustive list of reasonable excuses for not wearing a face covering, for example if it were to cause the person severe distress due to a mental or physical disability, or if a person removes the face mask temporarily in order to take medication. There are also specific exemptions from the requirement to wear a face covering including on a school transport service or where there is a partition between the person providing transport services and the public. The requirement on people to wear face coverings on public transport is deemed necessary by the Scottish Ministers to help prevent the onward transmission of Coronavirus in that setting.

### Extended Households

17. These Regulations amend the principal regulations to provide that it is a reasonable excuse for a member of an extended household to visit, provide assistance to or stay with the household which forms the other part of the extended household. The term "extended household" means two households which have chosen to be treated as a single household, where one of those households is a qualifying household. A "qualifying household" means a person who lives alone or a single parent household where the children are under 18 years of age.

### Accommodation for workers

18. These Regulations amend the principal regulations to expand the list of reasons that accommodation providers may continue to offer their services. They may now offer accommodation to a person that is travelling for the purposes of work or to provide voluntary or charitable services, where it is not reasonably possible for the person to work, or to provide services, from the place where they are living. This recognises that, as we move between the phases of the route map, workers in certain industries which routinely require travelling long distances will need access to accommodation.

### **Assessing the impacts and identifying opportunities to promote equality**

19. It is necessary to make and lay this instrument urgently to make necessary adjustments to the current arrangements which facilitate self-isolation and minimise

the risks to public health arising from Covid-19. On that basis, there has been a welcome opportunity to gather evidence on the possible impacts of the Regulations. Evidence was also gathered as part of the development of the Scottish Government's COVID route map and the review of the Principal Regulations.

20. Given the importance of assessing the impact of policy change on each of the protected characteristics, the following table sets out an assessment of the impact of the changes made in the Regulations on each of the protected characteristics.

• **Individual prayer or contemplation.**

<b>Impact</b>	<p>According to 2011 census data, over 2.9 million people in Scotland affiliate themselves with a religious group. Opening places of worship for individual prayer will allow more people to attend a place of worship for this purpose, and exercise their Article 9 ECHR right.</p> <p>As gatherings at places of worship are still prohibited at this phase, this will still significantly limit the number of people who can attend a place of worship to exercise their religious rights.</p>
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<b>Differential impacts</b>	<b>Age: Children and Young People</b>	No impact identified.
	<b>Age: Older People</b>	<p>Whilst the age of those who stated a religion on the 2011 census was relatively evenly spread across all ages, a large number of practising followers of most (but not all) religious groups are likely to be within this age group.</p> <p>Those aged 70 and over are advised to stay at home and minimise contact, and people who may be shielding are strongly advised not to attend public places. This may impact on ability to attend a place of worship for individual prayer.</p>
	<b>Sex</b>	No impact identified.
	<b>Race</b>	No impact identified.
	<b>Religion &amp; Faith</b>	<p>Members of faith communities will be able to attend places of worship for private prayer for the first time since lockdown.</p> <p>Care needs to be taken to ensure that relaxation of restrictions does not adversely affect individuals of a particular religion or belief.</p> <p>Faith and belief communities are unable to access wider services at POW as restrictions will remain in place until later phases.</p> <p>Persons with faith who are shielding are unable to attend POW, including for individual prayer.</p>
	<b>Disability</b>	No impact identified.
	<b>Socio-economic/ disadvantaged</b>	No impact identified.

**Mitigating actions:**

Removing the restriction on opening places of worship for individual prayer should mitigate some of the interference on Article 9 ECHR rights to manifest a religion or belief in worship, teaching, practice and observance. We will publish guidance in consultation with faith and belief groups to support places of worship to reopen for individual prayer at phase 2. This will include references to guidance on physical distancing, cleaning and hygiene.

Careful research and consultation with stakeholder groups has been undertaken, including around religious requirements for events and attendance at places of worship for individual prayer. Restrictions are justified on health protection grounds.

<ul style="list-style-type: none"> <li>• <b>People from three households meeting outdoors.</b></li> <li>• <b>Extended households.</b></li> </ul>	
<b>Impacts</b>	<p>Reduced impact of maximum limit on numbers meeting outdoors.</p> <p>Connect and be close with family and friends outside your immediate household to reduce isolation.</p> <p>Would particularly benefit those who live alone – who may be at risk of loneliness or isolation, and single parents who may also be in need of support.</p> <p>Supports mental health and wellbeing.</p> <p>Potential discrimination against those who are not living alone but are able to provide additional caring duties.</p> <p>May involve difficult choices, with households needing to decide who to form an extended household with, and by definition who not to form an extended household with.</p>
<b>Differential impacts</b>	<p><b>Age: Children and Young People</b></p> <p>Enables them to maintain links with groups of friends.</p> <p>Anxiety about peer pressure to not comply with distancing rules.<sup>1</sup></p> <p>Would improve a child’s wellbeing by giving them access to a relative or family friend from another household.</p> <p>Younger people living at home with parents wanting to form an extended household may feel discriminated against.</p> <p>Confusion/discrimination of 18+ year olds.</p>
	<p><b>Age: Older People</b></p> <p>People who are over 70 would be allowed to form an extended household.</p> <p>More likely to be housebound or feel comfortable in home surroundings.<sup>2</sup></p> <p>Relaxing of restrictions around meeting up with others could increase the chances of older people contracting COVID-19. Figures show that older people are more likely to be adversely affected by the virus.<sup>3</sup></p>

<sup>1</sup> Both men and women were more likely to report 2 or more symptoms of anxiety at age 16-24 in 2017-18 (among those aged 16) than in older age groups (Scottish Health Survey 2018). 18% of 13 and 15-year-old pupils (combined) had an abnormal emotional problems score in 2015. The individual statements included in the emotional problems scale were: I worry a lot; I am nervous in new situations. I easily lose confidence; I get a lot of headaches, stomach-aches or sickness; I have many fears, I am easily scared; I am often unhappy, down-hearted or tearful. Girls were considerably more likely than boys to have a borderline or abnormal emotional problems score. (Scottish Schools Adolescent Lifestyle and Substance Use Survey 2015: mental wellbeing report).

<sup>2</sup> Adults in the oldest age group (75) were far more likely than those in younger age groups to say that they had made no visits to the outdoors in the past 12 months, in 2018 ([Scottish Household Survey 2018](#))

<sup>3</sup> Nine in ten (90%) of deaths involving COVID-19 in Scotland have been among those aged 65 ([Deaths involving coronavirus \(COVID-19\) in Scotland](#)).

	Potentially those with health conditions (also applies to disability, women more than men and socio-economically disadvantaged) might feel anxious about allowing people into their homes as increased risk of infection – but either feel pressure to do so or not given the option if visitors or other household members make the decision.
<b>Sex: Women</b>	As main carers receive help with tasks. <sup>4</sup>  Single parents will be able to access support that could otherwise be unavailable.  Single people will feel less isolated at home, improving mental wellbeing.
<b>Race</b>	Reduced restrictions on size of household able to meet.  Relaxing of restrictions around meeting up with others could increase the chances of people of some minority ethnicities contracting COVID-19. Figures from England show that Black people in particular, but also those of Bangladeshi and Pakistani, Indian, and Mixed ethnicities had <u>statistically significant</u> raised risk of death involving COVID-19 compared with those of White ethnicity. <sup>5</sup>
<b>Religion &amp; Faith</b>	No impact identified.
<b>Disability</b>	More likely to be housebound or feel more comfortable inside.  This could provide a source of additional support, to the carers already permitted.  Positive impact on mental wellbeing from reduced isolation.  Limited access to public facilities outdoors.
<b>Sexual Orientation</b>	Inviting people into the home to form an extended household may not be an option if a homophobic environment but outside option remains.
<b>Socio-economic/ disadvantaged</b>	No longer restricted by lack of private outdoor space. Reduced restrictions on size of household able to meet.
<b>Mitigating actions:</b>  Survey data around anxiety is being collected to see if measures strike the right balance. Public messaging remains to stay home as much as possible which should reassure those who are less keen to meet up.	

<sup>4</sup> Women spent far more time than men caring for children on average in 2014-15 ([Centre for Time Use Research: Time Use Survey 2014-15 Results for Scotland](#)) and were far more likely to be looking after the home or family in 2018 ([Scottish Household Survey 2018](#)). The vast majority of single parents are also women ([Household composition for specific groups of people in Scotland](#)). Women also account for the majority of those who provide unpaid care for someone because of a long-term physical condition, mental ill-health or disability, or problems related to old age ([Scottish Health Survey 2018](#)).

<sup>5</sup> ONS, Coronavirus (COVID-19) related deaths by ethnic group, England and Wales: 2 March 2020 to 10 April 2020

Consideration will be given in Phase 3 to relaxing the rules further to allow a broader range of caring arrangements including informal childcare arrangements.

- **Face covering on public transport.**

**Impact**

<b>Differential impacts</b>	<b>Age: Children and Young People</b>	It is recognised that face coverings should not be used in children under the age of five. This group will be exempt from the requirement under the Regulations. For all other children or young people who are able to wear a face covering (see relevant exemptions/reasonable excuses below), there is no evidence to suggest that there will be any negative impact for them in following the Regulations.
	<b>Age: Older People</b>	<p>The number of confirmed coronavirus cases is higher in older age. As at 8 June 2020, around a third of confirmed cases were for people aged over 75, compared to 24% for those aged 15-44 and 31% for those aged 45-64 . There is a higher ratio of women to men in older age groups, reflecting women’s longer life expectancy. For example, women make up 65% of people aged 85+ in Scotland . Measures that may help lower instances of coronavirus in the population are designed to positively affect the entire population, but will particularly benefit older individuals.</p> <p>According to the 2017 Scottish Health Survey, 56% of people aged 75 and over had a limiting long-term condition , and therefore older people may be more likely to have conditions which affect their breathing or require medication. The Regulation exempts the wearing of face covering to cover both of these circumstances.</p> <p>The need to eliminate discrimination on the basis of age does not apply.</p> <p>Communications around the policy will be considered to ensure that the Regulation meets the tests of advancing equality and fostering good relations with respect to age. There will be an extensive media campaign and stakeholder engagement with transport users groups, including those who represent equalities groups. This will help to ensure comprehension of the Regulation. Alternative formats of Transport Scotland documents will be available on request. This will help to mitigate miscomprehension or anxiety of transport staff and users in instances where people of are exempt from the Regulation, or have a reasonable excuse not to wear a face covering, on the basis of age i.e. for those under 5 or for older people with a health condition.</p>
	<b>Sex</b>	<p>As of 08 June 2020, 62% of confirmed coronavirus cases were women, while 38% of confirmed cases were men. Among those aged 15-44 years, more than twice as many women than men have been confirmed as having Covid-19. There are likely to be a number of reasons behind this difference, including the testing of NHS and care home staff, who are predominately female<sup>6</sup>.</p> <p>However, men appear to be more seriously affected by coronavirus once it has been contracted. 53% of hospital admissions were men and 47% were women, and more men than women have been admitted to ICU<sup>7</sup>. Of all deaths to date involving Covid-19, 50% were men (2,005) and 50% were women (1,995). Age-standardised death rates (adjusting for the age-</p>

		<p>structure of the population) were almost 50% higher for men than for women (716 vs 479 per 100,000 population for deaths occurring in April)<sup>8</sup>.</p> <p>Measures that may help reduce the spread of coronavirus are designed to positively affect the entire population regardless of sex by reducing the risk of infection, but will particularly benefit men, in respect of reducing instances of hospital and ICU admissions, for example.</p> <p>The use of Scotland's public transport system is highly gendered<sup>9</sup>. Women are less likely to drive and be more reliant on bus than men<sup>10</sup> and also tend to make more complex and frequent journeys due to caring responsibilities and working patterns. They are also more likely to need a range of orbital transport routes which cross towns and cities, as opposed to commuter routes, and timetables which fit with unpaid care work, part-time employment and shift work. Lack of accessibility on public transport also affects the mobility and isolation of women who care for young children and disabled people. Fears about safety also influence women's decisions around travel.</p> <p>As more frequent users of public transport, women may therefore face a greater requirement to comply with the Regulation on face coverings than men. However, there is no further evidence available at this time to suggest that the Regulation will have a disproportionate impact on the basis of sex.</p> <p>The need to eliminate discrimination, advance equality and foster good relation on the basis of sex does not apply.</p>
	<p><b>Gender Reassignment</b></p>	<p>Overall, there is limited evidence on the experiences of transgender people in relation to transport in Scotland. Many surveys and data sources do not include questions on a person's trans status or provide a non-binary response to the sex/gender question.</p> <p>Exemptions to the Regulation and reasonable excuses not to follow the requirement in the Regulation already discussed in relation to age, disability, health condition and for other justifiable reasons will apply to transgender people in these circumstances but there is no further evidence available at this time to suggest that the Regulation will have a disproportionate impact on the basis of gender reassignment.</p> <p>The need to eliminate discrimination, advance equality and foster good relation on the basis of gender reassignment does not apply.</p>
	<p><b>Sexual Orientation</b></p>	<p>Around 2% of the Scottish population identify as Lesbian, Gay, Bisexual or Other (LGBO).</p> <p>Exemptions to the Regulation and reasonable excuses for not following the requirement in the Regulation already discussed in relation to age,</p>

<sup>6</sup> Public Health Scotland (2020) [COVID-19 Statistical Report](#) (This data is from the report published on 03 June 2020)

<sup>7</sup> *Ibid*

<sup>8</sup> National Records of Scotland (2020) <https://www.nrscotland.gov.uk/files/statistics/covid19/covid-deaths-report-week-23.pdf> 1st - 7th June 2020

<sup>9</sup> Engender <https://gendermatters.engender.org.uk/content/public-space/>

<sup>10</sup> Scottish Household Survey 2018 <https://www.transport.gov.scot/media/45852/sct09199889061.pdf>

		<p>disability, health condition and for other justifiable reasons will apply to LGBT people in these circumstances but there is no further evidence available at this time to suggest that the Regulation will have a disproportionate impact on the basis of sexual orientation.</p> <p>The need to eliminate discrimination, advance equality and foster good relation on the basis of sexual orientation does not apply.</p>
	<p><b>Race</b></p>	<p>While, based on a report by Public Health England, there appears to be evidence that minority ethnic people are at a higher risk from coronavirus , in their publication on 20 May 2020, Public Health Scotland stated that based on the data currently available, the proportion of ethnic minority patients among those seriously ill with Covid-19 did not appear to be higher compared to the Scottish population generally. However, Public Health Scotland stated that further work is required to improve this analysis , and this may therefore reveal whether any measures aimed at reducing the spread of coronavirus could particularly benefit – or negatively impact on - minority ethnic people.</p> <p>Exemptions and reasonable excuses to the Regulation already discussed in relation to age, disability, health condition will apply to people of all race in these circumstances.</p> <p>There is no further evidence available at this time to suggest that the Regulation will have a disproportionate impact on the basis of race.</p> <p>The need to eliminate discrimination on the basis of race does not apply.</p> <p>Consideration of the communications around the policy will be considered to ensure that the Regulation meets the tests of advancing equality and fostering good relations with respect to race.</p>
	<p><b>Pregnancy &amp; Maternity</b></p>	<p>The NHS Inform website states that people who are pregnant do not appear to be more susceptible to coronavirus than the general population, although are generally more susceptible to infection generally. If a pregnant woman contracts coronavirus during their pregnancy it is likely that they will not be more seriously unwell than other healthy adults, and that they will experience only mild or moderate cold/flu-like symptoms <sup>11</sup>. However, pregnant women are listed in the group of people who are at higher risk of developing severe illness with coronavirus<sup>12</sup>.</p> <p>Reasonable excuses for not wearing a face covering already discussed includes health conditions when wearing of the covering would be inappropriate. These would be applied to pregnancy and maternity groups with health conditions.</p> <p>There is no further evidence available at this time to suggest that the Regulation will have a disproportionate impact on the basis of pregnancy and maternity.</p>

<sup>11</sup> <https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/parents-and-families/coronavirus-covid-19-pregnancy-and-newborn-babies>

<sup>12</sup> <https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/coronavirus-covid-19-general-advice>

	<p>The need to eliminate discrimination, advance equality and foster good relation on the basis of pregnancy and maternity does not apply.</p>
<b>Religion &amp; Faith</b>	<p>Overall, there is limited evidence on the use of or experiences of transport by religion or belief of people .</p> <p>Exemptions and reasonable excuses to the Regulation already discussed in relation to age, disability, and health condition will apply to people of all religions and beliefs in these circumstances.</p> <p>There is no further evidence available at this time to suggest that the Regulation will have a disproportionate impact on the basis of religion or belief.</p> <p>The need to eliminate discrimination, advance equality and foster good relations on the basis of religion or belief does not apply.</p>
<b>Disability</b>	<p>Around a third of adults reported a limiting longstanding health condition or illness. According to the 2017 Scottish Health survey, 29% of men and 34% of women in Scotland reported living with a limiting long-term condition. For people aged 75 and over, 56% had a limiting long-term condition<sup>13</sup>. 1 in 5 Scots identify as disabled and more than a quarter of working age people acquire an impairment<sup>14</sup>.</p> <p>According to the Scottish Commission for Learning Disability (SCLD), in 2019 there were 23,584 adults with learning disabilities known to local authorities across Scotland. This equates to 5.2 people with learning disabilities per 1000 people in the general population<sup>15</sup>.</p> <p>Coronavirus particularly affects those with a pre-existing medical condition<sup>16</sup>. Some disabled people are more likely to experience severe ill-health from contracting Covid-19 than the general population, due to a higher incidence of pre-existing health conditions and poorer overall health within the disabled community than out with.</p> <p>Recent analysis highlights that a higher proportion of disabled people than non-disabled people were worried about the effect of the coronavirus pandemic on their well-being. Concerns about well-being tended to be most frequent among those with mental health and socio-behavioural-related impairments, whereas concerns about access to essentials tended to be most frequent among those with hearing- or dexterity-related impairments<sup>17</sup>.</p> <p>Therefore, measures which reduce instances of coronavirus would be positive for individuals. It is important to note, however, that many disabled</p>

<sup>13</sup> Scottish Government (2018) [Scottish health survey 2017: volume one - main report](#)

<sup>14</sup> Scottish Government (2018) [A Fairer Scotland for Disabled People: employment action plan](#)

<sup>15</sup> SCLD (2019) [Learning Disability Statistics Scotland 2019](#)

<sup>16</sup> <https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/coronavirus-covid-19-general-advice>

<sup>17</sup> ONS Coronavirus Social Impacts Study

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/coronavirusandthesocialimpactsondisabledpeopleingreatbritain/may2020?hootPostID=b78ba3a6a211a045c00d5971c4d6a38a>

		<p>people do not have underlying health conditions that put them at a higher risk<sup>18</sup>. Many of those people who are at very a high risk will not be disabled people, and a reduction in the spread of coronavirus would also benefit these people.</p> <p>It is recognised that the wearing of face coverings may not be appropriate for disabled people with particular impairments and/or health conditions. The Regulation therefore provides a reasonable excuse for the wearing of face coverings for disabled people for whom it is not appropriate or where there are justifiable reasons e.g. where individuals may have a hearing impairment or lip read.</p> <p>The Scottish Government’s Covid-19 guidance for those who are vulnerable or need additional support provides additional information. Ready Scotland’s additional support page also provides links to information for disabled people, linking people to Disability Information Scotland.</p> <p>Communications around the policy will be considered to ensure that the Regulation meets the tests of the need to eliminate discrimination; advancing equality; and fostering good relations with respect to disability.</p> <p>For some disabled people with learning impairments, understanding of and actions required to comply with the Regulation, may provide additional challenges. Provision of information and advice will be made as accessible as possible and with relevant stakeholder organisations to mitigate this.</p> <p>There will be an extensive media campaign and stakeholder engagement with transport users groups, including those who represent equalities groups. This will help to ensure comprehension of the Regulation. Alternative formats of Transport Scotland documents will be available on request. This will help to mitigate miscomprehension and anxiety of transport staff and users in instances where people of are exempt from the Regulation on the basis of disability. There is evidence of disabled people reporting heightened levels of discrimination by transport staff and other public transport users when using and attempting to board public transport due to misunderstanding and misinterpretation of current guidance on physical distancing and essential travel<sup>19</sup>. Clarity of communications around exemptions will therefore help mitigate any instances of this occurring in respect of this Regulation.</p>
	<b>Socio-economic/ disadvantaged</b>	No impact identified.
<p><b>Mitigating actions:</b>          Whilst the view of The Scottish Government is that this Regulation is justified and a proportionate means of reducing the public health risks posed by coronavirus, there is also a need to mitigate those negative effects identified.</p> <p>Where specific potential negative impacts have been identified, we have sought to mitigate them by making exemptions to the Regulation. The Regulation will also be reviewed every 21 days, in relation to the need for restrictions and requirements imposed under the Regulation.</p>		

<sup>18</sup> When seeking the views of stakeholders, Inclusion Scotland referenced this point

<sup>19</sup> Disability Equality Scotland <https://disabilityequality.scot/news/disability-equality-scotland-poll-indicates-99-had-concerns-over-physical-distancing/>

Any negative impacts will be kept under close scrutiny, as will measures designed to mitigate them. We will also continue to consider any newly identified evidence in relation to the impacts of this Regulation and its operation, as it relates to each of the protected characteristics, and make further adjustments, as appropriate.

• **Accommodation for workers.**

<b>Impact</b>	Particular impacts re working away from home for parents, particularly women who are often primary carers. Older people and disabled who are at higher risk from the virus may also be less able to work away from home. However, the primary sectors who have requested this amendment to the regulations are construction and forestry which have a largely male workforce (90% of the construction workforce is male). In forestry the workforce is predominantly young (<50) and male (75%) so though there are some risks identified to other protected groups these are unlikely to manifest in practice.	
<b>Differential impacts</b>	<b>Age: Children and Young People</b>	No impact identified.
	<b>Age: Older People</b>	<p>Older workers who are more at risk from covid may be placed at higher risk traveling to and staying in locations beyond their home area.</p> <p>However, within forestry approximately 90% of the workforce are under 50. Similarly, the physical nature of the workforce within construction suggests that a high proportion will fall into the younger age categories (although the figures are not readily available).</p> <p>Older workers may be less able to travel and stay in accommodation due to health concerns / risks and miss out on work opportunities.</p>
	<b>Sex</b>	<p>Certain groups of workers may not practically be able to work away from home or to stay in accommodation due to caring responsibilities / and /or concerns around the health risks. This is particularly the case if they would need to travel via public transport. The vast majority of the workforce in construction is male (90%).</p> <p>In terms of the forestry sector, the following figures set out the profile of workers by broad proportion:</p> <ul style="list-style-type: none"> <li>• 75/25 men/women</li> <li>• 90/10 under 50/over 50</li> <li>• 60/40 EU &amp; Canadian/British</li> </ul> <p>Data unavailable for the environmental management sector but our experience is that the majority of outdoor project staff are under 50.</p> <p>Those less able to travel may miss out on opportunities to conduct vital work.</p>
	<b>Race</b>	No impact identified.
	<b>Religion &amp; Faith</b>	No impact identified.
	<b>Disability</b>	Those with disabilities which place them at higher risk from the virus may be less able to travel and stay beyond their home area.

		Disabled people may be placed at higher risk from the virus and so be less able to travel and stay beyond their home area.
	<b>Socio-economic/ disadvantaged</b>	No impact identified.
<b>Mitigating actions:</b>		
Employers should be cognisant of the personal circumstances and needs of employees when arranging work to be done which requires travel and overnight stays.		