

Scottish Borders Council

Stage 3 Equality Impact Assessment - Sign Off

3.1	Title of Proposal:	Guide to Working Time Regulations
3.2	Service Area: Department:	Human Resources
3.3	Description:	<p>This Guide provides information about Scottish Border’s Council provision for the implementation of the Working Time Regulations 1998 (the Regulations). The Guide details average weekly working time limits, minimum rest periods, rest breaks during working hours, paid annual leave and limits on night working. The Guide includes a template agreement to opt out of the 48 hour working week limit, which is a voluntary arrangement which can be brought to an end by giving four weeks’ notice.</p> <p>The overall aim is to comply with the provisions of the Regulations with a view to reducing the health and safety risks associated with excessive and/or night work.</p> <p>As a preliminary point, it should be noted that SBC’s implementation of these Regulations should benefit all staff. However an equality impact assessment has been carried out as there are particular general issues about length of working hours which are highly relevant for certain members of staff who share protected characteristics. Additionally, the Regulations set a minimum rest period, and rest periods at SBC are longer than the statutory minimum.</p>

3.4	Impact Assessment					
Equality Characteristic	Impact			Description	Mitigation & Recommendations	
	No Impact	Positive Impact	Negative Impact			
Age (Older or younger people or a specific age grouping)		✓	✓	<p>This Guide should have a positive impact on older people as there is evidence which shows that older people may have health conditions which could be exacerbated by working excessive hours. All night workers will be offered health assessments which should mitigate the risk that night working detrimentally affects the health of older staff.</p> <p>The Guide provides information about arrangements for young workers aged 16-18. It is noted that the Guide does not mention the fact that there is a lower limit for the average working time for younger people (40 hours instead of 48 hours for those aged 18+) and does not state that night working for younger people should only be permitted in limited circumstances. It is advisable to include this information in the Guide to mitigate any negative impact on people age 16-18.</p>	<p>Health assessments should act as mitigation.</p> <p>Review Guide to ensure comprehensive information is included for young workers.</p>	
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring		✓	✓	<p>Mandatory rest breaks, limits on working hours and annual leave should benefit people who have a disability. Health assessments for night workers should benefit staff who have a disability and ensure that reasonable adjustments are made. However as these assessments are voluntary, and there is a stigma about declaration of disability, there is a risk (albeit low, and one which cannot be directly controlled by SBC), that staff with a disability are declining the offer for referral to Occupation Health.</p>	<p>Health assessments should act as mitigation.</p> <p>When asking staff to complete health questionnaires, raise awareness of issues for staff with a disability, and encourage all staff to complete the questionnaires.</p>	

				<p>The European Court of Justice has confirmed that where a worker becomes sick during annual leave, the worker should be entitled to take the annual leave at a later date. SBC's Annual Leave Policy states: "Employees who are sick during the course of their annual leave and who wish to claim back their annual leave will only be regarded as being on sick leave from the date of a valid doctor's medical certificate, normally only required after 7 days sickness absence." This means that people who are sick and have a disability may be negatively impacted as they are missing out on claiming back the first 7 days sickness.</p>	Review Annual Leave Policy.
	<p>Gender (Males, Females, Transgender or Transsexual people)</p>	✓		<p>Rest periods, annual leave etc should benefit each gender equally.</p> <p>Women who are on maternity leave can nominate periods during maternity leave as annual leave and receive payment for this as opposed to maternity pay.</p>	None.
	<p>Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)</p>	✓		<p>It is submitted that this Guide will not impact people differentially as a result of their race.</p>	None.
	<p>People with Religious or other Beliefs: different beliefs, customs (including atheists and those with no aligned belief)</p>	✓		<p>It is submitted that this Guide will not impact people differentially as a result of their religion or belief.</p>	None.

Sexual Orientation , e.g. Lesbian, Gay, Bisexual, Heterosexual	✓			It is submitted that this Guide will not impact people differentially as a result of their sexual orientation.	None.
Carers (those who have caring responsibilities for someone with an equality Characteristic)		✓		Implementation of the Regulations should increase work life balance. [Night working is not compulsory and therefore should not detrimentally affect carers]	None.
Poverty (people who are on a low income including benefits claimants, people experiencing fuel poverty, isolated rural communities etc)	✓			This category is not relevant in the context of this assessment.	
Employees (those employed by the Council including full time, part time and temporary)		✓		All employees should benefit from rest breaks, annual leave and the other arrangements detailed within this Guide.	None.

3.5	Relevance to the Equality Duty in Summary:	
	What impact will your proposal have on the following :	
	Equality Duty	Reasoning:
	Elimination of discrimination (both direct & indirect), victimisation and harassment.	Provided that the recommended revisions are put in place, this Guide should assist SBC in the elimination of discrimination.
	Promotion of equality of opportunity?	The impact of this Guide will have limited effect on SBC's aims to promote equality of opportunity as it is not directly relevant to this part of the Equality Duty.
Foster good relations?	The impact of this Guide will have limited effect on SBC's aims to foster good relations as it is not directly relevant to this part of the Equality Duty.	

3.6	Recommendations & Mitigation		
	Characteristic	Mitigation/Recommendation	Approved Yes/No
	Age	Review Guide to ensure comprehensive information is included for young workers.	Yes
	Disability	When asking staff to complete health questionnaires, raise awareness of issues for staff with a disability, and encourage all staff to complete the questionnaires. Review Annual Leave Policy.	Yes Yes

Signed Off (Sign off <u>must</u> be completed by Service Manager or Director)			
Name:	Clair Hepburn	Directorate:	Chief Executive
Post:	Chief Officer HR	Date:	30 th November 2016

EIA Completed By			
Name	Clare Fraser Lorna Aitken Ian Angus Iain Davidson Erick Ullrich Simone Doyle	Service Area.	<ul style="list-style-type: none"> - External Equality & Diversity Consultant - HR Advisory Team Leader - Human Resources Shared Services Manager - Employee Relations Manager - Organisational Development Manager - Equality & Diversity Officer (Human Resources)
		Dates:	Initiated: 5 th April 2016 Interim: 27 th July 2016 & 24 th August 2016 Finalised: 30 th November 2016