

# Scottish Borders Council

## Stage 3 Equality Impact Assessment - Sign Off

3.1	<b>Title of Proposal:</b>	Guidelines on the Use of Agency Workers
3.2	<b>Service Area:</b> <b>Department:</b>	Human Resources
3.3	<b>Description:</b>	<p>Scottish Borders Council (SBC) recognises that from time to time, managers may need to source workers from an agency to fill short-term requirements. Temporary agency workers can provide additional resources and allow for flexibility on a short term basis, and can assist in relation to occasional work, seasonal peaks, sudden increase in demand or to cover in the event of employee absence.</p> <p>The Guidelines highlight the status of the agency worker as an employee of the agency as opposed to SBC. Information is provided about the rights of the agency workers with reference to the Agency Workers Regulations 2010, which include the right to access collective facilities, the right to be informed of vacancies and the right to the same basic terms and conditions as a directly recruited employee (after an agency worker has been engaged for a period of 12 weeks).</p>

3.4	<b>Impact Assessment</b>				
<b>Equality Characteristic</b>	<b>Impact</b>			<b>Description</b>	<b>Mitigation &amp; Recommendations</b>
	<b>No Impact</b>	<b>Positive Impact</b>	<b>Negative Impact</b>		
<b>Age</b> (Older or younger people or a specific age grouping)	✓			The evidence shows that there are comparatively more younger people who are agency workers. Younger people may gain work experience or use agency work as a stepping stone to permanent work, so there may ultimately be a positive impact for younger people – however in the circumstances the impact is fairly remote, and has been marked as “No impact”	No impact so no mitigation or recommendation for change suggested.
<b>Disability</b> e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring			✓	It is anticipated that reasonable adjustments for an agency worker with a disability would be made on request. For example, assistive technology on the desktop PCs at SBC can be used to change font size, background contrast etc. However given that agency staff are not employed by SBC there is a risk of a negative impact in the event that SBC are not aware of an agency worker’s particular needs. For example, SBC may not know if an agency worker has a condition such as carpal tunnel syndrome and may require adjustments.	Review the Service Level Agreement with agencies who provide workers to ensure that the agencies inform SBC of any requirements for reasonable adjustments.
<b>Gender</b> (Males, Females, Transgender or Transsexual people)	✓			It is submitted that these Guidelines will not impact people differentially as a result of their gender. It is known that transgender people can suffer from harassment and bullying at work. SBC have policies in place which demonstrate a zero tolerance approach, and the agency worker’s contracts of employment with their employers also should prevent harassment from happening.	Mitigatory policies in place.

<p><b>Race Groups:</b> including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)</p>	✓			<p>It is submitted that these Guidelines will not impact people differentially as a result of their race, and there are policies in place to assist in the prevention of discrimination.</p>	<p>Mitigatory policies in place.</p>
<p><b>People with Religious or other Beliefs:</b> different beliefs, customs (including atheists and those with no aligned belief)</p>	✓			<p>An agency worker who wants time off for religious belief would request this from their employer as opposed to SBC.</p>	<p>No impact so no mitigation or recommendation for change suggested.</p>
<p><b>Sexual Orientation,</b> e.g. Lesbian, Gay, Bisexual, Heterosexual</p>	✓			<p>It is submitted that these Guidelines will not impact people differentially as a result of their sexual orientation and there are policies in place to assist in the prevention of discrimination.</p>	<p>Mitigatory policies in place.</p>
<p><b>Carers</b> (those who have caring responsibilities for someone with an equality Characteristic)</p>	✓			<p>Agency work can be particularly suitable for carers as there can be flexibility and a greater element of choice regarding location and duration of contracts. However this impact is comparatively remote to the Guidelines which are being assessed and has therefore been marked as having No Impact.</p>	<p>No impact so no mitigation or recommendation for change suggested.</p>
<p><b>Poverty</b> (people who are on a low income including benefits claimants, people experiencing fuel poverty, isolated rural communities etc)</p>	✓			<p>After 12 weeks service, agency workers are entitled to the same rates of pay as permanent staff.</p>	<p>No impact so no mitigation or recommendation for change suggested.</p>

	<b>Employees</b> (those employed by the Council including full time, part time and temporary)	✓			While the contribution of agency workers is acknowledged, the equality impact on SBS employees is remote.	No impact so no mitigation or recommendation for change suggested.
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3.5	<b>Relevance to the Equality Duty in Summary:</b>	
	<b>What impact will your proposal have on the following :</b>	
	<b>Equality Duty</b>	<b>Reasoning:</b>
	<b>Elimination of discrimination (both direct &amp; indirect), victimisation and harassment.</b>	Provided that SBC request information from agencies regarding reasonable adjustments for agency workers, there is no evidence that these Guidelines will discriminate against people who share protected characteristics.
	<b>Promotion of equality of opportunity?</b>	These Guidelines may assist in the promotion of equality of opportunity depending on the diversity of agency workers, and may help people gain permanent employment.
	<b>Foster good relations?</b>	These Guidelines have a relatively remote impact on protected groups and the aspect of the Equality Duty which is concerned with fostering good relations is not particularly relevant in this instance.

3.6	<b>Recommendations &amp; Mitigation</b>		
	<b>Characteristic</b>	<b>Mitigation/Recommendation</b>	<b>Approved Yes/No</b>
	<b>Disability</b>	Review the Service Level Agreement with agencies who provide workers to ensure that the agencies inform SBC of any requirements for reasonable adjustments.	<b>Yes</b>

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

<b>EIA Completed By</b>			
Name	Clare Fraser Lorna Aitken Ian Angus Iain Davidson Erick Ullrich Simone Doyle	Service Area.	<ul style="list-style-type: none"> <li>- External Equality &amp; Diversity Consultant</li> <li>- HR Advisory Team Leader</li> <li>- Human Resources Shared Services Manager</li> <li>- Employee Relations Manager</li> <li>- Organisational Development Manager</li> <li>- Equality &amp; Diversity Officer (Human Resources)</li> </ul>
		Dates:	Initiated: 23rd February 2016 Interim: 11 <sup>th</sup> March 2016 & 19 <sup>th</sup> May 2016 Finalised: 30 <sup>th</sup> November 2016