

Appendix 1: Equality Impact Assessment Screening:

Working Time Policy and Procedure

1. Context:

This EIA screening is undertaken because the paper requires a decision in relation to a workforce policy review.

2. Relevance to the Public Sector Equality Duty:

The policy and procedure has significant potential to impact positively or negatively on different groups of employees or it could have a neutral impact, depending on how it is implemented and how many employees are affected. Implemented effectively, it will help employees and their managers to manage the pressure many feel to work beyond their contracted hours, with potentially negative impacts on the health and safety of the work environment and of individual employees.

The policy is relevant to the following aspects of the Public Sector Equality Duty:

1) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010

The draft policy states the Bristol CCG does not encourage long hours working. To minimise any negative impact on the public sector Equality Duty, the policy and procedure will need to be widely promoted, so that all current and new staff understand the definition of “working time”, minimum rest breaks, the operation of lieu time provisions and the Working Time Regulation opting out provision. For example, if all new employees are to be given the option to opt out (s17), they should be given a copy of the whole policy, rather than a sheet explaining only the opt-out clause.

In order to assess whether the policy and procedure, will, in practice, result in or reinforce unlawful discrimination, Bristol CCG will need to carry out some analysis of how the Working Time Regulations are working: for example, how many employees are currently exceeding the working time maximum or failing to take the minimum daily and weekly breaks or not being compensated for working beyond their contracted hours?

An analysis of such information by payband (eg bands1-4, 5-6, etc) and by a selection of protected characteristics, such as race, sex and disability would highlight any issues to be concerned about. Some information might already be emerging from the questions on long hours being asked in the annual staff survey (s10). Consulting staff or staffside representatives on the draft policy and procedure is recommended.

2) Advance equality of opportunity between people who share a

protected characteristic and those who do not

For employees who work beyond contracted hours, a key issue is equity in whether and how they are compensated for this. It is essential that all protected groups feel equally empowered to assert their rights to such compensation.

3) Foster good relations between people who share a protected characteristic and those who do not

Having a clear and transparent policy, which is effectively implemented, has the potential to foster good relations between staff who share a protected characteristic and those who do not.

2. Impact on Protected Groups:

Depending on how it is implemented, the policy and procedure could impact positively or negatively in relation to the following protected characteristics:

| | | | | | |
|----------------------|-----|------------------------|-----|--------------------------------------|-----|
| Age. | Yes | Disability. | Yes | Sexual Orientation. | Yes |
| Race. | Yes | Sex. | Yes | Religion or Belief. | Yes |
| Gender Reassignment. | Yes | Pregnancy & Maternity. | Yes | Marriage or Civil Partnership Status | Yes |

3. Health Inequalities:

Does it relate to an area with known Health Inequalities? Yes

Working long hours can have an adverse impact on individual health and wellbeing. As such, it is likely to impact most adversely on those groups with the poorest health outcomes.

4. Where it is considered that the policy has no relevance to the General Duty or Protected Groups, this should be recorded here with reasons, along with any advice received:

5. Conclusion:

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| Proceed to full EIA: Yes |
| Quality Assured by: David Harris, Senior Equality Advisor, South West CSU |
| Date: 4 June 2014 |