

# **Welsh Language Impact Assessment**

## **The use of agency workers during strike action: Consultation**

**September 2016**

## Welsh Language Impact Assessment

<b>Title:</b> Hiring agency workers during strike action: promoting Social Partnership in the delivery of public services	<b>WLIA Reference No</b> 16/09/01 <i>(completed by WLU):</i>			
<b>Name of person completing form:</b>	<b>Brendan Murtagh</b>			
<b>Date:</b>	<b>September 2016</b>			
<b>Policy lead:</b>	Chris Hartwell			
<b>Contact details:</b>	<a href="mailto:wpc.mailbox@wales.gsi.gov.uk">wpc.mailbox@wales.gsi.gov.uk</a>			
<b>Programme/Project Type</b>				
<input type="checkbox"/> Policy	<input type="checkbox"/> Project or programme			
<input checked="" type="checkbox"/> Legislation	<input type="checkbox"/> Research, evaluation			
<input type="checkbox"/> Grant	<input type="checkbox"/> Services			
<input type="checkbox"/> Business change	<input type="checkbox"/> Contracts, tenders			
<input type="checkbox"/> Infrastructure				
<input type="checkbox"/> Construction, Capital				
<input type="checkbox"/> ICT				
<input checked="" type="checkbox"/> Other (Please specify below)				
<p>Consultation, with responses to inform the ongoing development of Welsh Government legislation.</p> <p>The UK Government has consulted on a proposal to rescind this regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 that prohibits employment businesses from providing agency workers to cover the duties normally performed by an employee of an organisation who is taking part in a strike or other industrial action, or to cover the work of an employee covering the duties of an employee taking part in a strike or other industrial action.</p> <p>This consultation will seek views from a wide range of stakeholders, including recruitment businesses, public sector employers, trade unions and the public who are affected by industrial action.</p> <p>The responses will inform the ongoing development of Welsh Government legislation. We will publish a summary of the responses to the consultation and the next steps to be taken.</p>				
<b>Costs: How much is the projected whole life cost for the programme/project?</b> If below £25k, then a full WLIA is not always required (see guidance).				
<b>Under £25k</b>	<b>£25k - £49k</b>	<b>£50 - £249K</b>	<b>£250K - £1m</b>	<b>Over £1m</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

At this stage there are no costs associated with the Welsh Language

**How long is the programme/project expected to run?**

Up to 1 yr	Up to 2yrs	Up to 5yrs	Up to 10yrs	More than 10 yrs	Unknown
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Key milestone dates for the programme/ project:**

The public consultation will run from week beginning 12 September 2016 to week beginning 5 December 2016.

The responses will inform the ongoing development of Welsh Government legislation. We will publish a summary of the responses to the consultation and the next steps to be taken.

This Welsh Language Impact Assessments relates to the consultation only. Any action taken in response to the consultation will be subject to a separate Welsh Language Impact Assessment.

**STAGE 1: PLANNING**

**What are the aims and objectives of the policy?**

**What are the desired outcomes/ what constitutes 'success'?**

This document seeks views relating to the principle of disallowing the use of temporary agency staff to cover for employees undertaking official industrial action in Welsh public services.

The Welsh Government believes that the use of agency workers, in this fashion, would undermine the right to strike by reducing the impact of industrial action, and affect the balance between employer and employee, which underlies our Social Partnership approach.

The responses will inform the ongoing development of Welsh Government legislation.

**What policy options have been considered?**

and

**What impacts will there be if the policy is *not* implemented?**

The UK Government has consulted on a proposal to rescind the regulation relating to the use of temporary agency staff to cover for employees undertaking official industrial action. The UK Government has not taken any action to date as a result of their consultation.

The UK Government's approach should not override our ability to pursue our Welsh way of delivering relevant public services. With this in mind, the Welsh Government

proposes to protect Social Partnership by ensuring that the current position will continue to apply to Welsh public services should the UK Government act to rescind Regulation 7.

This means not allowing public service employers in Wales to use agency workers, in these circumstances, and this would continue to be the case in the event that the UK Government acts to allow recruitment businesses to offer them.

If no action is taken by Welsh Government following the consultation, the situation in Wales in relation to hiring temporary agency staff during industrial action will be determined by the UK Government.

**Does the programme demonstrate a clear link with the Welsh Government's strategy for the Welsh language - laith fyw: laith byw?**

There are no direct links between the consultation and the Welsh Government's strategy for the Welsh language – laith fyw: laith byw

**What are the impacts/ effects (both positive and/or adverse) on the Welsh language you have identified at the initial planning stage** i.e. Welsh speakers, Welsh language communities, Welsh medium education, Welsh learners, services available in Welsh?

The Welsh Government's proposal would maintain the status quo in relation to Welsh public services. This would result in no impact / effect from the current situation.

However, if no action is taken by Welsh Government following the consultation, the situation in Wales in relation to hiring temporary agency staff during industrial action will be determined at a UK level by the UK Government.

It is possible action taken by the UK Government could be detrimental to the objective of improving Welsh language services for citizens: if hiring of temporary agency staff to cover for employees undertaking official industrial action proceeds, services regularly provided in the Welsh language may not be available when provided by temporary agency staff.

**Who are the stakeholders? Are the needs of Welsh speakers and learners addressed? To what extent are Welsh language interest groups likely to respond positively to the proposals?**

The key stakeholders are Welsh public authority employers, trade unions and employment agencies. The issues covered by the consultation will not directly affect the needs of Welsh speakers and learners.

**Where an assessment was not completed, or no impacts were identified, please provide a full account for record keeping purposes?**  
(This could be used in the Welsh Language Tribunal in future)

At this stage no negative impacts have been identified in relation to the Welsh Language Standards.

This Welsh Language Impact Assessments relates to the consultation only. Any action taken in response to the consultation will be subject to a separate Welsh Language Impact Assessment.

**What actions/ further work has been identified at the initial planning stage?**

The results of the consultation will inform ongoing development of the Welsh Government’s legislative programme. Any proposals for future legislation on the consultation issue will be accompanied by a separate Welsh Language impact assessment.

**STAGE 2: IDENTIFYING AND ASSESSING IMPACTS**

**Impact Assessment Summary**

Summarise the detailed impact assessment carried out together with the scores assigned.

**Positive effects/ impacts:**

n/a

**Adverse effects/ impacts:**

n/a

**Opportunities to promote the Welsh language e.g. status, use of Welsh language services, use of Welsh in everyday life, Welsh at work increased?**

n/a

**Evidence/ data used including demographic profile when considering the effects/ impacts:**

n/a

**What is the overall anticipated likely impact on the Welsh language if this policy is taken forward based on the impact assessment/ risk assessment?**

Positive:   
 Adverse:   
 Neutral:   
 Unknown:

**Decision following IA**

- |   |                          |
|---|--------------------------|
| 1. No major change                              | <input type="checkbox"/> |
| 2. Adjust the policy to improve impacts         | <input type="checkbox"/> |
| 3. Continue the policy with mitigation measures | <input type="checkbox"/> |
| 4. Stop and remove the policy                   | <input type="checkbox"/> |

***If answered 2,3, or 4 above – then answer the following:***

**How will you address these impacts in order to improve the outcomes for the Welsh language? Details of mitigation measures/ action points/ alternative options to reduce adverse impacts and increase positive outcomes:**

<b>If engaging or consulting, what are your plans? What questions do you wish to ask stakeholders about the Welsh Language Impact Assessment and Welsh language related issues?</b>
<b>STAGE 3: POST CONSULTATION AND PREPARING FOR PUBLICATION, MONITORING AND EVALUATION</b>
<b>Following consultation, what changes have you made to address any Welsh language issues that were raised?</b>
n/a
<b>How will you monitor the ongoing effects during the implementation of the policy?</b>
n/a
<b>Please outline how you will continue to capture effects/ impacts in future monitoring and evaluation?</b>
n/a
<b>Any other comments – ongoing results of evaluations, emerging impacts</b>

#### 4. Declaration

**Policy lead:**

*\*Please delete as appropriate:*

**The policy does not have an impact upon the Welsh language. Where there were identified adverse impacts or missed opportunities, the appropriate amendments and**

<b>actions have been put in place.</b>
Name: Chris Hartwell
Department: EPS Group
Date (s): 09/09/2016
Signature: Chris Hartwell
Planned Review Dates: 03/01/2017

<b>SRO ENDORSEMENT and REVIEW</b>	
I am satisfied that the WLIA is an accurate reflection of the programme/project at this stage of development. By signing, I am able to confirm that the Welsh Language Standards have been given the appropriate attention. I will re-assess the programme/project at key stages throughout the life of the programme/ project, including policy reviews.	
Signed: Paul Webb (Senior Responsible Owner)	Date 09/09/2016
Signed: Paul Webb (Senior Responsible Owner)	Review Date 03/01/2017