

## Annex B – Equalities Impact Assessment

<b><u>Title of Proposal</u></b>	<b><u>New Year’s Day Trading for Large Retailers: Consultation</u></b>
<p><b>Introduction:</b></p> <p>The Scottish Government has agreed to hold a consultation on New Year’s Day trading. The consultation will seek the views of retail organisations, trade unions, retailers and employees to ensure their opinions on this issue are captured.</p> <p><b>Policy Objectives:</b></p> <p>The purpose of this consultation is to understand the general appetite amongst businesses, employers and customers for legislating to close large retail stores on New Year’s Day.</p> <p><b>Key data:</b></p> <p>The retail sector has some particular features summarised below:</p> <ul style="list-style-type: none"><li>○ Women are more likely than men to work in the retail sector in Scotland. Women made up 60.5% of the workforce in 2019. (Source: Annual Population Survey 2019)</li><li>○ A comparatively high proportion of the retail workforce in Scotland are young people: 26.0% of the retail sector workforce is aged 16-24 compared to 12.3% of the workforce as a whole. (Source: Annual Population Survey 2019)<ul style="list-style-type: none"><li>○ 6.4% of the retail workforce in Scotland are minority ethnic. (Source: Annual Population Survey 2019)</li></ul></li><li>○ 63.1% of employees within retail work part time in Scotland compared to 34.0% of the total employee population. (Source: Business Register Employment Survey 2019)</li></ul> <p>The following figures are for the broader SIC Section G - Wholesale, Retail, Repair of Vehicles Sector</p> <ul style="list-style-type: none"><li>○ 7.6% of the wholesale, retail, repair of vehicles sector workforce were <b>self-employed</b> compared to with 12.4% for Scotland as a whole in 2019. (Source: Annual Population Survey Jan-Dec 2019)</li><li>○ 27.6% in the Wholesale, retail, repair of vehicle industry were <b>over 50 years old</b> compared with 33.0% for Scotland as a whole. (Source: Annual Population Survey Jan-Dec 2019)</li><li>○ 27.9% in the Wholesale, retail, repair of vehicle industry were <b>parents of children aged 16 or younger</b>, compared with 30.6% for Scotland as a whole (Source: Annual Population Survey Household dataset, Jan-Dec 2018, ONS).</li></ul>	

- 14.3% in employment in the Wholesale, retail, repair of vehicle industry were **women with dependent children** (aged 0-16), compared with 15.4% for Scotland as a whole in 2018.  
(Source: Annual Population Survey Household dataset, Jan-Dec 2018, ONS).
- 2.2% in the Wholesale, retail, repair of vehicle industry **worked at home** or in the same grounds as their home (for at least one day per week), compared with 4.8% for Scotland as a whole.  
(Source: Annual Population Survey Jan-Dec 2019)
- 27.8% of the Wholesale, retail, repair of vehicle workforce had a **condition/illness lasting 12 months or more**, compared with 27.5% of workers in Scotland overall in 2019.  
(Source: Annual Population Survey Jan-Dec 2019)
- 11.6% of Wholesale, retail, repair of vehicle workers had a **condition/illness lasting 12 months or more which was a respiratory, cardiovascular, progressive long term illness or diabetes related illness**, this compares with 12.2% of workers in Scotland overall.  
(Source: Annual Population Survey Jan-Dec 2019)
- 12.1% of employment in the Wholesale, retail, repair of vehicle industry was **classed as low skilled**, compared with 10.8% of employment in Scotland overall. 12.5% were considered **highly skilled**, compared with 27.6% for Scotland as a whole.  
(Source: Annual Population Survey Jan-Dec 2019)
- In 2019, 42.5% of employees aged 18+ in the Wholesale, retail, repair of vehicle industry earned less than the **real living wage (£9.00)**, compared with 16.9% of all employees in Scotland.  
(Source: Annual Survey of Hours and Earnings, April 2019, ONS)

**Impact:**

The Scottish Government is mindful of the requirement to have due regard to the three needs of the Public Sector Equality Duty (PSED) - eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not.

It recognises while new policy measures may positively impact on one or more of the protected characteristics, the introduction of such measures may also have a disproportionate negative impact on one or more of the protected characteristics. The consultation will seek to understand any negative impacts that may be identified, and consider what measures may be taken to mitigate/eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality, which we will consider further on conclusion of the consultation.

**Do you think that any policy change will impact on people because of their age?**

**Do you think that the policy impacts disabled people?**

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		Given the large percentage of young people who work in retail any change to the current policy may have an impact on them.
Advancing equality of opportunity	X	X		Evidence shows that a large number of retail employees are young people. (26%)
Promoting good relations among and between different age groups			X	No evidence yet to determine whether young people would prefer to work on New Year's Day or not.

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations among and between disabled and non-disabled people			X	No evidence of a differential impact identified at this time.

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X	X		Given the large percentage of women who work in retail, any change to the current policy is likely to have an impact on them.
Advancing equality of opportunity	X	X		Changes to working on New Year's Day may have a bigger negative impact on women as a large percentage in employment in the Wholesale, retail, repair of vehicle industry are women (60.5%).

Promoting good relations between men and women		X		There may be a differential impact if legislation prohibits some customer facing activities but other work activities continue in areas that are more male-dominated, for example in loading/unloading and distribution
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**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used, although it may include a wide range of people not covered by the Act).**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.

Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good race relations			X	No evidence of a differential impact identified at this time.

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.