



Northern Ireland  
Assembly

Committee for Employment and Learning

# OFFICIAL REPORT (Hansard)

Work and Families Bill: Clause-by-Clause  
Consideration

1 October 2014

# NORTHERN IRELAND ASSEMBLY

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### Work and Families Bill: Clause-by-Clause Consideration

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**Members present for all or part of the proceedings:**

Mr Robin Swann (Chairperson)  
Mr Sammy Douglas  
Ms Anna Lo  
Ms Bronwyn McGahan  
Mr Pat Ramsey  
Mr Alastair Ross

**The Chairperson:** I advise the Committee that this is the Committee's formal consideration of the clauses of the Bill. I also remind members that the Committee deliberated on the clauses at last week's meeting and was content. Again, I remind members that formal clause-by-clause consideration is the last opportunity to discuss the clauses, and any decisions will be final. On completion of the formal clause-by-clause consideration, I will go through the issues that are outside the strict remit of the Bill. On that basis, I will go through the Work and Families Bill and group the clauses about which the Committee has previously indicated that it is content.

Starting with clause 1, I will invite members to indicate whether they are content with the clause as drafted, whether there are any issues they wish to highlight and/or any amendments they wish to propose or whether they wish to reject the clause in its entirety. DEL officials are present to answer any questions that members may have.

**Clause 1 (Defined expressions in this Act)**

**The Chairperson:** Clause 1 provides definitions of terms and expressions used throughout the Bill.

*Question, That the Committee is content with clause 1 put and agreed to.*

**The Chairperson:** Part 2, comprising clauses 2 to 14, deals with shared rights to leave and pay. I seek members' views on part 2, which consists of 13 clauses considering three broad areas: shared parental leave, statutory shared parental pay and other statutory rights. Members, are you content with those three areas and the clauses?

*Question, That the Committee is content with clauses 2 to 14 put and agreed to.*

**The Chairperson:** Part 3, comprising clauses 15 to 18, deals with time off work for antenatal care and adoption appointments. I seek members' views on part 3, which consists of four clauses, including rights to attend antenatal appointments and the right for agency workers not to be subjected to detriment. Are members content?

*Question, That the Committee is content with clauses 15 to 18 put and agreed to.*

**The Chairperson:** Part 4, comprising clauses 19 and 20, deals with other miscellaneous employment rights. This is two clauses on flexible working and the procedure for regulations as to a prescribed amount of annual leave. I seek Committee members' views on that.

*Question, That the Committee is content with clauses 19 and 20, put and agreed to.*

**The Chairperson:** Part 5, comprising clauses 21 to 24, is the general provisions. I seek members' views on part 5, which contains four clauses, including repeals and commencement dates. Are members content?

*Question, That the Committee is content with clauses 21 to 24 put and agreed to.*

*Schedules 1 and 2 agreed to.*

*Long title agreed to.*

**The Chairperson:** Thank you, members. That was painless.

We will now go through the issues raised by respondents and considered at last week's meeting. The Clerk's paper, which is at page 245, summarises the issues raised and provides recommendations to the Department for inclusion in the Committee report.

The first issue — these are mostly in regard to regulations rather than the Bill itself — is that the two-week negotiation period may not be long enough. From last week's Committee meeting, the Committee feels that the Department's response is adequate but seeks the Department's assurance that the associated guidance has been reviewed by key stakeholders. Are members content with that recommendation?

*Members indicated assent.*

**The Chairperson:** Members, a further issue is that of employees making and then withdrawing a request for shared leave. Last week, the Committee accepted the Department's position on the issue. Are members content?

*Members indicated assent.*

**The Chairperson:** Members, next is the process for requesting leave. The Committee felt that the Department's response was adequate but sought the Department's assurance that the associated guidance has been reviewed by key stakeholders. Are members content?

*Members indicated assent.*

**The Chairperson:** The cut-off point for parents taking shared parental leave should be 52 weeks from the start of maternity leave, rather than from the birth of the child. Members, at last week's meeting, the Committee accepted the Department's position on this issue. The detail is listed there. Are members content?

*Members indicated assent.*

**The Chairperson:** Members, next is the right to return to the same or a similar job when returning from periods of leave totalling up to 26 weeks. Members, at last week's meeting, the Committee accepted the Department's position on the issue. Are members content?

*Members indicated assent.*

**The Chairperson:** Members, next is the day-one right to shared parental leave and pay. At last week's meeting, the Committee accepted the Department's position on this issue. Are members content?

*Members indicated assent.*

**The Chairperson:** Members, on the keeping-in-touch days, the Committee accepted the Department's position on the issue last week as well. Are members content?

*Members indicated assent.*

**The Chairperson:** Arranging cover for employees on shared parental leave — again, last week, the Committee accepted the Department's position. Are members content?

*Members indicated assent.*

**The Chairperson:** On allowing parents to take leave in one-week blocks, the Committee felt that the Department's response was adequate but did seek DEL's assurance that the associated guidance has been reviewed by key stakeholders. Are members content?

*Members indicated assent.*

**The Chairperson:** Members, the amount of statutory pay available — again, the Committee accepted the Department's position on the issue but wished to receive further information on how and when the Department will review uptake of shared parental leave, including the terms of reference. Are members content with that?

*Members indicated assent.*

**The Chairperson:** Flexible working — again, the Committee accepted the Department's position on this issue last week.

New right to begin for parents of children expected to be born or adopted in April 2015. This was in regard mostly to the time frame of the Bill. The Committee felt that the Department's response was adequate but will seek DEL's assurance that the associated guidance has been reviewed by key stakeholders. Are members content with that?

*Members indicated assent.*

**The Chairperson:** The issue of user-friendly processes came through from a number of stakeholder submissions that we received. Last week, the Committee felt that the Department's response was adequate, but, again, it seeks DEL's assurance that the associated guidance has been reviewed by key stakeholders. Are members content?

*Members indicated assent.*

**The Chairperson:** Members, arrangements will be in place for recouping overpayments and allowing employers to communicate to verify information. The Committee accepted the Department's position on the issue. Are members content?

*Members indicated assent.*

**The Chairperson:** On fear of being open to sex discrimination, the Committee accepted the Department's position on the issue. Are members content?

*Members indicated assent.*

**The Chairperson:** Members, in regard to guidance, the Committee felt that the Department's response was adequate but sought the Department's assurance that the associated guidance will be reviewed by key stakeholders. Are members content?

*Members indicated assent.*

**The Chairperson:** Members, on alignment with legislation in GB, the Committee again accepted the Department's position on the issue. Are members content?

*Members indicated assent.*

**The Chairperson:** Another individual as a person with whom parental leave could be shared — again, members of the Committee accepted the Department's position.

*Members indicated assent.*

**The Chairperson:** On the issue of paid leave for partners to attend antenatal appointments, again, the Committee accepted the Department's position on the issue. Are members content?

*Members indicated assent.*

**The Chairperson:** Members, one of the issues that Pat raised was kinship carers. Again, there was quite a lengthy response on that. Last week, the Committee accepted the Department's position on the issue.

**Mr P Ramsey:** Separate to that, is it possible to get some research paper on kinship care and how it is acknowledged or recognised in other places? It is a hugely relevant subject here for future reference.

**The Chairperson:** We can do that, Pat, separate from this. Are members content with the recommendation that we accepted last week?

*Members indicated assent.*

**The Chairperson:** OK, members, those are all the queries and concerns that were raised at last week's meeting. Are members content with the recommended actions?

*Members indicated assent.*

**The Chairperson:** That is us, members. Thank you. There is nothing else on the Work and Families Bill. Members, there will be a draft report to formalise and agree at next week's meeting. Are members content with that time frame?

*Members indicated assent.*