

REQUEST TO DfE FROM THE ECONOMY COMMITTEE

At its meeting on 22 September Members received an oral briefing from the NI Human Rights Commission on the Parental Bereavement (Leave and Pay) Bill.

The Committee agreed to forward the written submission from NIHRC to the Department asking for an urgent response on whether a Human Rights Impact Assessment was carried out on the Bill and, if not, to outline the reasons why.

RESPONSE

In response to the Committee query, an Equality Screening of the Bill was carried out in line with section 75 of the Northern Ireland Act. A Regulatory Impact Assessment and Rural Needs Impact Assessment were also carried out. The screening exercises did not identify any indicators that the policy would disproportionately impact on any of the Section 75 categories.

In addition and as per normal procedure, in order to ensure that the Bill was within the legislative competence of the Northern Ireland Assembly, the Department did assess the Bill on whether it was in line with Section 6(1) of the Northern Ireland Act 1998. Each clause of the Bill was scrutinised within the framework of this section: this includes an assessment of whether or not a provision within the Bill is *ultra vires* in terms of compatibility with the European Convention on Human Rights. The Bill was found to be within the legislative competence of the Northern Ireland Assembly.

It is for the above reasons that the Department did not deem it necessary to complete a separate Human Rights Impact Assessment on the Bill. This conforms to the joint NICS and NIHRC guidance that a Human Rights Impact Assessment is only required *if this initial screening exercise indicates that the policy could engage any of the rights in the Human Rights Act*.

The Department has noted the Northern Ireland Human Rights Commission's suggestion that the Department should conduct a human rights impact assessment to consider any interference with Article 8 and Article 14 of the ECHR. Subject to Assembly approval of the Bill, the Department will consider this suggestion when advancing to the next stage of operationalising the policy, if required.

Reply prepared by: Colin Jack
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