



Northern Ireland  
Assembly

**Committee for the Economy**

# Report on the Domestic Abuse (Safe Leave) Bill

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2022

Report: NIA 168/17-22 Committee for the Economy

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# Powers and Membership

## Powers

The Committee for the Economy is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of Strand One, of the Belfast Agreement, and under Assembly Standing Order No 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department for the Economy, and has a role in the initiation of legislation. The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five.

The Committee has power to:

- consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee Stage of relevant primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on matters brought to the Committee by the Minister for the Economy.

## Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows

- Dr Caoímhe Archibald MLA (Chairperson)
- Mr Matthew O'Toole (Deputy Chairperson)
- Mr Keith Buchanan MLA
- Mr Stewart Dickson MLA
- Mr Stephen Dunne MLA
- Mr Michael Nesbitt MLA
- Mr John O'Dowd MLA
- Ms Claire Sugden MLA
- Mr Peter Weir MLA

<sup>1</sup> With effect from 10 February 2020 Mr John Stewart replaced Mr Alan Chambers

<sup>2</sup> With effect from 8 February 2021 Mr Paul Givan replaced Mr Gary Middleton

<sup>3</sup> With effect from 19 March 2021 Mr Gary Middleton replaced Mr Paul Givan

<sup>4</sup> With effect from 12 April 2021 Mr Mervyn Storey replaced Mr Gordon Dunne

<sup>5</sup> With effect from 1 June 2021 Mr Mike Nesbitt replaced Mr John Stewart

<sup>6</sup> With effect from 21 June 2021 Mr Peter Weir replaced Mr Christopher Stalford

<sup>7</sup> With effect from 21 June 2021 Mr Keith Buchanan replaced Mr Mervyn Storey

<sup>8</sup> With effect from 5th July 2021 Mr Stephen Dunne replaced Mr Gary Middleton

<sup>9</sup> With effect from 18th October 2021 Mr Matthew O'Toole replaced Ms Sinead McLaughlin

## List of Abbreviations and Acronyms used in this Report

Abbreviation/Acronym	Full explanation of Abbreviation/Acronym
DfE	Department for the Economy
MAP (NI)	Men’s Advisory Project (Northern Ireland)
NIWEP	Northern Ireland Women’s European Platform
VSNI	Victim Support Northern Ireland
WRC	Women’s Regional Consortium
WPG (NI)	Women’s Policy Group (Northern Ireland)
LRA	Labour Relations Agency
NIPSA	Northern Ireland Public Service Alliance

## Executive Summary

1. This report sets out the Committee for the Economy's consideration of the Domestic Abuse (Safe Leave) Bill. The Bill consists of 5 clauses which insert a number of provisions into the Employment Rights (Northern Ireland) Order 1996 and the consequential amendment of that Order and other statutory provisions.
2. The Bill has one main part and creates a statutory entitlement to leave and pay for workers or employees that are victims or survivors of domestic abuse. The Bill creates statutory "minimum" leave (of 10 days) and pay entitlements for domestic abuse survivors or victims in the workplace. In particular, it entitles "employees" and "workers" to both Statutory Safe Leave and Pay.
3. The Bill leaves individual employers free to go beyond the specified "minimum" entitlements and offer enhanced leave and pay benefits in this area. The Bill contains powers that allow for the introduction of regulations. Such regulations are to specify at least 10 days paid leave for workers/employees that are victims/survivors of domestic abuse in each leave year.
4. The Committee requested evidence from a range of interested organisations and carried out a detailed online survey to which it received 66 responses from organisations and representative bodies as well as a significant number from individuals with personal experience of domestic abuse.
5. Throughout its consideration of the Bill, the Committee was particularly mindful of the invaluable testimony it received from individuals who had personal experience of domestic abuse and strived to ensure that the legislation was fit for purpose and would offer appropriate protections for people in the most difficult of circumstances.
6. The Committee held oral evidence sessions with representative organisations, including the Women's Aid Federation NI and Men's Advisory Project NI. The Committee also took briefings from the Assembly's Research and Information Service (RaISe)

7. The Committee sought advice from the Examiner of Statutory Rules in relation to the range of powers within the Bill to make subordinate legislation. The Examiner considered the Bill and Explanatory and Financial Memorandum and was satisfied with the rule making powers provided for in the Bill.
8. The Committee heard oral evidence from the Bill Sponsor and engaged with her on a number of issues during Committee Stage including around the commencement date for the Bill and its financial implications. The Committee considered and deliberated on the provisions of the Bill at 8 meetings, concluding with its formal clause by clause consideration on 26<sup>th</sup> January 2021.
9. The Department for the Economy (DfE) recognises that the primary powers in the Bill are intended to be deliberately broad so as to allow the Department to develop the detail in regulations, after conducting consultation with a wide range of stakeholders. However, the limited time within the remaining mandate does curtail the time available to fully scrutinise this legislation and to ensure that the primary powers are sufficient for the Department to make any necessary regulations in future.
10. There was overwhelming support for the introduction of the Bill from the written and oral evidence received. All 66 survey responses were positive about the introduction of a legal entitlement safe leave and pay with the expectation that this would be a minimum provision in ensuring that victims and survivors are supported. There was a general recognition that, whilst most employers are compassionate in such circumstances, these protections could not be left to individual discretion and should be guaranteed statutory rights.

# Introduction

## Background to the Bill

11. **The Domestic Abuse (Safe Leave) Bill** was introduced to the NI Assembly by Rachel Woods MLA on 19 October 2021 and was referred to the Committee for the Economy for consideration in accordance with Standing Order 33 (1) on completion of the Second Stage of the Bill on 29 November 2021.
12. At introduction, the Proposer made the following statement under section 9 of the Northern Ireland Act 1998: 'In my view the Domestic Abuse (Safe Leave) Bill would be within the legislative competence of the NI Assembly'.
13. The Bill as introduced creates a statutory entitlement to leave and pay for domestic abuse survivors and victims.
14. The Bill creates statutory provision of at least 10 days paid leave in each leave year for victims and survivors of domestic abuse. In particular, it entitles employees and workers to both Statutory Safe Leave and Pay.
15. It also leaves individual employers free to go beyond the specified minimum entitlements and offer enhanced leave and pay benefits in this area. Moreover, the Bill contains powers that allow for the introduction of regulations. The regulations will make supplementary provision and require approval of the Assembly.
16. The Bill contains 5 clauses. The Bill has three main parts as follows:
  - Domestic Abuse Safe Leave – the Department will be under a duty to provide, by regulations, a right for domestic abuse victims and survivors to be absent from work for a prescribed period (with at least 10 days leave to be set as the minimum entitlement) during each leave year. All employed domestic abuse victims and survivors who meet the eligibility conditions, regardless of how long they have worked for their employer, will be entitled to this leave. The employee or worker will receive a fixed or earnings related



weekly rate of pay (which rate is to be prescribed by regulations). In line with other entitlements to paid statutory leave, the Bill allows provision to be made for employers to reclaim payments from the Government.

- Employment protections – parents taking safe leave will have the same employment protections as those associated with other forms of family related leave (i.e. Maternity, Paternity, Adoption, Parental and Shared Parental Leave). This includes protection from dismissal or detriment as a result of having taken leave.
- Annual Report – the Department for the Economy will be required to publish an annual report about the operation of the regulations introducing safe leave

## Committee approach

17. The Committee took oral evidence from the Bill Proposer on 24<sup>th</sup> November 2021 prior to the Second Stage debate on 29<sup>th</sup> November 2021.
18. The Committee published a media sign posting notice in the Belfast Telegraph, Irish News and Newsletter seeking responses to its Bill survey. The Committee carried out a five-week consultation on the Domestic Abuse (Safe Leave) Bill from 6<sup>th</sup> December 2021 to 7<sup>th</sup> January 2022. The Committee received 66 responses to its survey along with a number of separate written submissions from organisations and representative bodies. A number of the responses were from individuals with personal experience of domestic abuse. The Committee would like to place on record its thanks to all who responded. Copies of the written submissions are included at **Appendix 3**.

The Committee also agreed a social media strategy to raise awareness of and engage with the public via social media to encourage participation in the Committee Stage of the Bill. Four social media platforms (NI Assembly Blog, Facebook, Twitter and Instagram) were used to disseminate information on the Bill.

19. During the period covered by this report the Committee considered the Bill and related issues at 8 meetings. The Minutes of Proceedings are included at **Appendix 1**.
20. The Committee had before it the Domestic Abuse (Safe Leave) Bill (NIA 41/17-22) and the Explanatory and Financial Memorandum that accompanied the Bill.
21. At its meeting on 8 December 2021, the Committee agreed a motion to extend the Committee Stage of the Bill to 11 February 2022. The extension requested the Committee reflected need to progress the legislation in a timely manner but also to ensure robust and detailed scrutiny by the Committee. The motion to extend was supported by the Assembly on 19 January 2022.
22. The Committee held oral evidence sessions with the Women's Aid Federation NI and Men's Advisory Project NI. The Committee received invaluable

testimony from individuals impacted by domestic abuse as part of its call for written evidence but took the decision that it was not appropriate to place an unnecessary burden on individuals to give oral evidence. The Minutes of Evidence are included at **Appendix 2**.

23. The written and oral evidence provided to the Committee indicated strong support for the introduction of a Domestic Abuse (Safe Leave) Bill with many respondents highlighting that the legislation is long overdue given that, up until now, there has been no statutory entitlement to safe leave and pay in what must be the most difficult circumstances. The Written Submissions are included at **Appendix 3**.
24. The Committee requested documentation and guidance from South Ayrshire Council and Neath Port Talbot Council. These council areas have already introduced Domestic Abuse Safe Leave in their Council areas. A copy of this documentation is included at **Appendix 5**.
25. The Committee sought advice from the Examiner of Statutory Rules in relation to the range of powers within the Bill to make subordinate legislation. The Examiner considered the Bill and Explanatory and Financial Memorandum and was satisfied with the rule making powers provided for in the Bill
26. To assist consideration of specific issues highlighted in the evidence, the Committee commissioned a research paper from the NI Assembly Research and Information Service on the provisions of the Bill and international comparisons. A copy of this paper is at **Appendix 6**.
27. The Committee carried out informal deliberations on the Clauses of the Bill at its meetings on 19<sup>th</sup> January 2022 and undertook its formal clause by clause scrutiny of the Bill on 26<sup>th</sup> January 2022.
28. At its meeting on 2<sup>nd</sup> February 2022 the Committee agreed its report on the Domestic Abuse (Safe Leave) Bill and ordered that it should be published.

## Consideration of the Bill

29. The Domestic Abuse (Safe Leave) Bill is a Private Member's Bill sponsored by Rachel Woods MLA. The Bill seeks to provide statutory entitlements to entitle a domestic abuse survivor or victim at least ten days of safe leave and pay.
30. The Bill contains five clauses and has three main objectives which are as follows;
- Domestic Abuse Safe Leave – the Department will be under a duty to provide, by regulations, a right for domestic abuse victims and survivors to be absent from work for a prescribed period (with at least 10 days leave to be set as the minimum entitlement) during each leave year. All employed domestic abuse victims and survivors who meet the eligibility conditions, regardless of how long they have worked for their employer, will be entitled to this leave. The employee or worker will receive a fixed or earnings related weekly rate of pay (which rate is to be prescribed by regulations). In line with other entitlements to paid statutory leave, the Bill allows provision to be made for employers to reclaim payments from the Government.
  - Employment protections – parents taking safe leave will have the same employment protections as those associated with other forms of family related leave (i.e. Maternity, Paternity, Adoption, Parental and Shared Parental Leave). This includes protection from dismissal or detriment as a result of having taken leave.
  - Annual Report – the Department for the Economy will be required to publish an annual report about the operation of the regulations introducing safe leave
31. The Committee's consideration of the clauses of the Bill was informed by the written and oral evidence it received. The Committee received 10 written submissions in response to its call for evidence and heard oral evidence from two of those stakeholders. The Committee also received 66 responses to a public survey on the Bill via Citizen Space.

32. A summary of the evidence received in relation to each Clause of the Bill and the Committee's consideration of the issues raised in written and oral evidence is set out below. The Committee's consideration of the clauses of the Bill was informed by its online survey and the written and oral evidence it received throughout the Committee Stage of the Bill. A copy of the results of the Committee's online survey can be found at **Appendix 5**.

## General Remarks

33. In response to the call for evidence, the Committee received 66 responses to its online survey which ran from 6<sup>th</sup> December 2021 to 7<sup>th</sup> January 2022. A significant proportion, 61 responses were from individuals, including those who had suffered domestic abuse. The Committee received a further ten written submissions from representative organisations encompassing trade unions, domestic abuse charities, workers' rights, and employer bodies. The Committee appreciates the time, effort and care that was taken to submit the evidence, especially from those who shared very personal experiences. The written submissions can be found at **Appendix 3**. The Department also gave a written submission on the bill which can be found at **Appendix 5**.
34. There were widely expressed views on the critical importance of this legislation, that it was a long overdue and that it should be introduced as soon as possible.
35. There was overwhelming support for the introduction of the Bill from those responding to the survey. All 66 survey responses answered yes to the question of whether there should be a legal entitlement to Safe Leave in NI. It was recognised that many employers will be compassionate and understanding of people in such circumstances with one respondent stating Employers should do all they can to assist the male or female employee who is suffering from domestic abuse.
36. Respondents stressed that the roll-out of this legislation should be straightforward and be completed as quickly as possible in this Assembly mandate. This extended to consideration of employers, with a respondent citing that there should be requirements on employers to put in place workplace

policies on domestic abuse, provide training to all staff on domestic abuse awareness including more in-depth training for line managers and HR staff.

37. Some survey respondents shared that they had personally experienced domestic abuse, they indicated that safe leave would have allowed them space to regroup and process the trauma that victims and survivors endure. One respondent stated that safe leave would allow victims to get to court, schools, solicitors, support services, benefits agencies and utilise GP services. This can be overwhelming and needs to be done in daytime, therefore, paid safe leave will save lives.
38. The Committee also engaged extensively with the Human Rights Commission through written evidence on the Bill.

## **Clauses of the Bill**

39. **Clause 1** forms the main element of the Bill and requires the Department to make regulations entitling an employee who is a victim of domestic abuse to be able to be absent from work on safe leave. Safe leave is paid leave designed to be used by the employee to deal with issues related to domestic abuse. Employees will be entitled to at least 10 days of safe leave in each leave year. The clause also makes provision to protect the rights of employees and workers, entitling them to the same rights while on leave as they would be entitled to while at work whilst also protecting them from redundancy and dismissal during their period of safe leave. Clause also allows the Department for the Economy to make supplementary provisions to the regulations.
40. The remaining clauses of the Bill are as follows;
  - **Clause 2** sets out the requirement for DfE to publish an annual report about the operation of the regulations
  - **Clause 3** allows DfE to give guidance about the implementation or application of the regulations
  - **Clause 4** provides for the commencement of the Bill with provision to be made by DfE

- **Clause 5** refers to the Short Title of the Bill and is a standard clause.

41. The majority of views expressed were in relation to Clause 1 and the establishment of safe leave for workers and employees. There were a number of remarks regarding clause 3 regarding guidance surrounding the implementations of the regulations and especially how employers should respond. A summary of the views is outlined below.

## Survey Responses

42. The Committee carried out a five-week consultation on the Domestic Abuse (Safe Leave) Bill from 6<sup>th</sup> December 2021 to 7<sup>th</sup> January 2022. The Committee received 66 responses to its survey, 61 of which came from individuals. A number of the responses were from individuals with personal experience of domestic abuse.
43. 100% of respondents felt that there should be a legal entitlement to safe leave if eligible and all also felt that this would allow domestic abuse victims and survivors to seek appropriate help and support.
44. Over 80% of respondents felt that the introduction of safe leave would lead to reduced sickness absence, with over 90% believing that costs to employers would either remain the same or be reduced.
45. Regarding the leave entitlement being a minimum of 10 days, 80% of people felt this was the correct amount with 98% stating that this should be allowed to be taken at anytime during the leave year.
46. 90% of those surveyed feel there should be no limit on the number of times a victim/survivor can avail or safe leave throughout their employment. 90% of respondents also believe there should be no minimum period of employment be applied before safe leave becomes available to an employee.
47. 77% feel that an employee should not have to provide evidence to their employer before safe leave can be taken, with 80% believing that no notice to the employer should be required to take safe leave.

48. Over 90% of respondents stated that an employee should be entitled to their full pay whilst on safe leave, with over 84% believing that there should be no time limited threshold as to when the domestic abuse occurred for when safe leave can be taken.

## **Clause 1 - Establishment of Safe Leave**

49. Women's Aid welcomed the Bill, stating this Bill would represent a clear message of support and understanding for victims and survivors and could potentially reduce stigma, shame, and demonstrate that we stand with victims and support them in breaking the silence about abuse.
50. In their oral evidence session with the Committee, the Men's Advisory Project (NI) stated that the Bill is not just something that could support people to safety and enable them to lead their lives free from domestic abuse, it is also a way in which we can build a community response to domestic abuse.
51. The Northern Ireland Women's European Platform (NIWEP) state that enshrining these provisions in law is important to ensure equitable provision for all, and to set clear standards and procedures that employers are expected to meet and follow. Voluntary provision will not go far enough and will result in uneven provision across workplaces and sectors, which will create new inequalities between those who can access support and those who cannot.
52. Victim Support NI say that this Bill is an opportunity to introduce a life-saving and life-enhancing measure to Northern Irish workplaces. The model has been shown to work well elsewhere so they strongly recommend that these successes should be learned from and emulated here.
53. The Women's Regional Consortium (WRC) also state that paid safe leave is working successfully in a number of other countries and organisations. Learning should be taken from their experiences in developing this legislation for Northern Ireland.



54. Women's Policy Group (NI) say the introduction of paid safe leave for victims and survivors of domestic abuse would send a clear message of support and understanding for victims and survivors.
55. Migrant Centre (NI) state that Safe Leave for victims of domestic abuse is particularly crucial for victims from migrant backgrounds. Migrant victims of domestic abuse may face additional obstacles to accessing crucial support including safe accommodation, benefits advice, and immigration advice to secure their immigration status in their own right if it is otherwise irregular or tied to their relationship with the perpetrator.
56. NIPSA states that they fully support that all victims/survivors of domestic abuse should be entitled to safe leave. Domestic abuse paid leave should be a statutory entitlement available to all categories of workers and employees and that it should not be restricted to permanent employees.
57. UNISON concur saying that they strongly believe that all employees should have a legal entitlement to safe leave and pay as a day one right if they are victims of domestic abuse. They also feel that this entitlement should be inclusive of all workers, whether they are under an employment contract or other type of contract including zero-hour contracts.
58. DfE recognises the level of interest in this emotive and distressing issue and the desire to take prompt legislative action to address it. It is essential that any proposed interventions achieve the desired goal of supporting victims and survivors in the workplace. The Minister for the Economy is generally supportive of the broad principles within the Bill, provided it is workable and operable.

## **Clause 2 – Annual Report**

59. The Human Rights Commission welcomes the requirement on DfE to produce an annual report on the operation of regulations. The report must include, in particular, information about compliance with the regulations by employers and

evidence of the effectiveness of the regulations and their impact on victims of domestic violence and abuse.

60. The Labour Relations Agency say that the mechanics and processes involved in annual monitoring/reporting and compliance requirements imposed on DfE and employers is one of the key issues that will need to be addressed in the accompanying rules and guidance.
61. DfE states that it may be difficult to assess the impact of the effectiveness of the regulations on an annual basis. It is suggested that a more suitable arrangement may be for the Department to conduct a statutory review of the regulations at a set period after the regulations are operable: perhaps two or three years. This is an approach which has been adopted in other legislation and could be preferable here.

### **Clause 3 - Implementation and Application of the Regulations**

62. The NIWEP, stated that the legislation must be accompanied by detailed guidance and also training for employers. As domestic abuse victims can be reluctant to disclose abuse, employers must be prepared to hear disclosure, and have the capacity and skills to deal with this sensitively.
63. WRC remark that there should be requirements on employers to put in place workplace policies on domestic abuse, provide training to all staff on domestic abuse awareness including more in-depth training for line managers and HR staff.
64. Women's Policy Group (NI) say the law should be accompanied by a requirement for employers to have a Domestic Violence policy negotiated with trade unions.
65. Women's Aid believe the introduction of safe leave should be accompanied by a requirement for employers to have a Domestic Abuse Workplace Policy. Employers should be required to provide training to their staff, developed with

specialist violence against women and girls services and trade union representatives, to ensure their first response to survivor employees is safe and appropriate.

66. The Labour Relations Agency concur stating that they are aware of public and private sector organisations that have proactively designed and implemented tailored policies regarding domestic violence. This is often in partnership and co-design with recognised trade unions and specialist stakeholder groups, which the LRA would encourage.
67. NIPSA believe the introduction of safe leave should be accompanied by a duty for employers to have a Domestic Abuse policy negotiated with trade unions. This policy should require employers to provide training to their staff, developed with specialist domestic abuse services and trade union representatives.
68. UNISON state that employers should be provided with guidelines on recognising the signs of abusive behaviour and for domestic abuse to be treated as a form of discrimination affecting works' employment conditions and income.
69. The Equality Commission notes that in relation to the regulations which are to be introduced if the Bill passes, and with specific regards to any conditions attached to obtaining and accessing paid leave, they suggest that consideration is given to the level of proof required, and how or from whom this can be provided. This is to ensure that it does not have the effect of re-traumatising victims.
70. The Human Rights Commission welcomes the Bill's intention to avoid restricting provision based on a victim's length of service with that employer. However, the Commission is concerned that victims may be excluded from eligibility for safe leave due to their employment status. The provision should therefore extend to those in less formal or casual employment arrangements.
71. DfE states that there is no detail in the Bill on how the sensitive matter of seeking supporting information from victims and survivors will be addressed. DfE understands that there is a desire that no, or minimal, evidence of abuse

should be required before a worker could exercise their right to avail of the leave. However, there will be a requirement on DfE to fully assess the operational ramifications of whether or not to permit employers to seek evidence when drafting any associated regulations. Alongside the issue of evidence, another matter which will require sensitivity and clarity when drafting supporting regulations is the requirements for record keeping associated with requests. There will inevitably be a need for employers to keep certain records.

## **Clause 4 – Commencement**

72. At its meeting on 19<sup>th</sup> January 2022, the Committee raised the issue of the commencement date of the Bill being open ended. As currently drafted, the Bill leaves it to the Department to provide for the commencement of the Bill with no deadline as to when this would have to occur.
73. Correspondence on this issue was received from the Bill Proposer, saying that she is content with the wording as drafted and highlighting that Clause 4(2) states that the other provisions of this Act come into operation on Royal Assent, which includes an annual report being published and guidance about the Bill's implementation.
74. There was further discussion on this issue at the Committee meeting of 26<sup>th</sup> January 2022. However, formal clause by clause was agreed by the Committee. Mr Nesbitt indicated that he would communicate with the Bill Proposer prior to Consideration Stage regarding Commencement, Clause 4.
75. DfE highlights that the Bill, as drafted, places a statutory obligation on the Department to make regulations. As this is a Private Members Bill, the Department has not conducted the normal policy development work nor any assessments of regulatory and other impacts that are usually carried out in advance of any new legislation being introduced to the Assembly. The Bill, as drafted, is intentionally wide in order to permit the Department to undertake that detailed scrutiny work. However, there remains the risk that, in the course of the Department's consultation and policy development work, unforeseen

operational issues with the Bill could arise, or that aspects of the primary powers are not sufficient to fully implement the provision for Safe Leave.

76. Additionally, DfE states that this result in a need to make further technical or operational fixes to the primary provisions within the Bill after this policy work has been conducted, it would be for the Assembly to decide upon the appropriate course of action, including new primary legislation, if appropriate. Imposing a timeframe in the Bill could, therefore, limit the Assembly's discretion to make those fixes, if necessary.

## **Other issues raised in the consideration of the Bill**

### **Parity**

77. During the RaISe briefing to the Committee on 15<sup>th</sup> December 2021, they advised that there is currently no statutory leave payment to the victims of domestic abuse in Great Britain. If the Bill as introduced, is enacted, a statutory payment would be available for victims only in NI. This may mean that; by offering enhanced entitlements to employees and workers, not otherwise available in England, Scotland or Wales; NI could be in breach of HM Treasury's "parity principle".

### **Cost of the Bill**

78. The Bill Proposer wrote to the Committee in relation to the cost implications of the Bill. The Bill Sponsor stated that costs were originally based on the assumption that "in line with other entitlements to paid statutory leave...the new legislation...would allow provision to be made for employers to reclaim payments from HMRC". However, she clarifies that the Bill was ultimately drafted so that the costs of Safe Leave will be incurred by the employer. This is the same model that has been implemented in other jurisdictions, such as New Zealand.
79. DfE states that this proposed leave entitlement is more akin to annual leave than to other family-related leave entitlements which entail statutory payments and interaction with the tax and benefits systems. It will be necessary to carry out a full assessment of the cost of any such provision on employers, with a particular assessment as to the potential for any disproportionate impact this may have on micro, small and medium sized employers.

## **Clause by Clause Scrutiny of the Bill**

80. Having considered the written and oral evidence received on the Bill, the Committee undertook its formal Clause-by-Clause consideration at its meeting on 26<sup>th</sup> January 2022 - see Minutes of Proceedings in **Appendix 1** and Minutes of Evidence in **Appendix 2**.

### **Clause 1 – Safe Leave for Victims of Domestic Abuse**

81. The Committee was content with Clause 1 as drafted.

### **Clause 2 – Annual Report**

82. The Committee was content with Clause 2 as drafted.

### **Clause 3 – Guidance**

83. The Committee was content with Clause 3 as drafted.

### **Clause 4 – Commencement**

84. The Committee was content with Clause 4 as drafted.

### **Clause 5 – Short Title**

85. The Committee was content with Clause 5 as drafted.

# Links to Appendices

## Appendix 1 – Minutes of Proceedings

- [24<sup>th</sup> November 2021](#)
- [1<sup>st</sup> December 2021](#)
- [8<sup>th</sup> December 2021](#)
- [15<sup>th</sup> December 2021](#)
- [12<sup>th</sup> January 2022](#)
- [19<sup>th</sup> January 2022](#)
- [26<sup>th</sup> January 2022](#)
- [2<sup>nd</sup> February 2022](#)



## Appendix 2 - Minutes of Evidence

- [Wednesday 24<sup>th</sup> November - Bill Sponsor Briefing](#)
- [Wednesday 15<sup>th</sup> December - RaISe Briefing](#)
- [Wednesday 15<sup>th</sup> December - Women's Aid Federation NI & Men's Advisory Project NI](#)

## Appendix 3 - List of Written Submissions

- [Women's Aid Federation NI](#)
- [Women's Regional Consortium](#)
- [Labour Relations Agency](#)
- [Northern Ireland Human Rights Commission](#)
- [Victim Support NI](#)
- [NIPSA](#)
- [Northern Ireland Women's European Platform](#)
- [UNISON](#)
- [Women's Policy Group NI](#)

## Appendix 4 – Papers from the Bill Sponsor

- [19<sup>th</sup> January 2022: Bill Sponsor Letter – Domestic Abuse \(Safe Leave\) – Clause 4](#)
- [24<sup>th</sup> January 2022: Bill Sponsor Letter – Domestic Abuse \(Safe Leave\) – Financial Costs](#)

## **Appendix 5 - Other Memoranda and papers from others**

- [15<sup>th</sup> December 2021 - Neath Port Talbot County's Domestic Abuse Workplace Policy](#)
- [15<sup>th</sup> December 2021 - South Ayrshire Council's Domestic Abuse Workplace Policy](#)
- [19<sup>th</sup> January 2022 - A Citizen Space Report on the Outcome of the Committee Consultation](#)
- [2<sup>nd</sup> February 2022 - Department of Economy Assessment of Domestic Abuse \(Safe Leave\) Bill](#)

## Appendix 6 – Research Papers

Assembly Research and Information Service (RaISe) papers considered:

- [15<sup>th</sup> December 2021 - Research and Information Service Briefing Paper](#)
- [18<sup>th</sup> January 2022 - RaISe paper on Domestic Abuse arrangements in other jurisdictions](#)

## **Appendix 7 – List of Witnesses**

### Women's Aid Federation NI

Ms Sonya McMullan

### Men's Advisory Project (NI)

Ms Rhonda Lusty