



**Northern Ireland
Assembly**

**COMMITTEE FOR EMPLOYMENT AND LEARNING
MINUTES OF PROCEEDINGS**

WEDNESDAY, 20 JANUARY 2016

ROOM 29, PARLIAMENT BUILDINGS

- Present:**
- Mr Robin Swann (Chairperson)
 - Mr Thomas Buchanan MLA (Deputy Chairperson)
 - Mr Sydney Anderson MLA
 - Mr Gerard Diver MLA
 - Mr Alex Easton MLA
 - Mr Phil Flanagan MLA
 - Mr David Hilditch MLA
 - Ms Anna Lo MLA
 - Ms Bronwyn McGahan MLA
 - Mr Fra McCann MLA
 - Ms Claire Sugden MLA
- In Attendance:**
- Mrs Christine Darragh (Assembly Clerk)
 - Mr Vincent Gribbin (Assistant Assembly Clerk)
 - Mr Johnny Lawless (Clerical Supervisor)
 - Ms Briege Mullan (Clerical Officer)
 - Ms Amy Barr (Legislative Studies & Practice Student)
- Apologies:** None

10:08 am The meeting opened in public session.

1. Apologies

Apologies are detailed above.

2. Chairperson's Business

- The Committee considered a draft response to the Committee for the Office of the First Minister and deputy First Minister in relation to its request for information on its European Priorities.

Agreed: The Committee agreed the response as drafted and to forward it to the Committee for the Office of the First Minister and deputy First Minister for information.

3. Minutes of the meeting held on 13 January 2016

Agreed: The minutes of the meeting on 13 January 2016 were agreed as amended.

4. Matters arising

- The Committee noted a list of matters arising from the meeting on 13 January 2016.

5. Correspondence

The Committee considered the following items of correspondence:

- Departmental response regarding Steps 2 Success.

Agreed: The Committee agreed to note the response.

- Departmental response regarding the claimant count.

Agreed: The Committee agreed to note the response.

- Departmental response regarding disinvestment in Higher Education.

Agreed: The Committee agreed to note the response.

- Correspondence from the Committee for Finance and Personnel regarding the Peace IV Programme.

Agreed: The Committee agreed to note the correspondence.

- Copy of Ministerial correspondence to the Minister for Business, Innovation and Skills regarding the Higher Education Green paper 'Fulfilling Our Potential'.

Agreed: The Committee agreed to note the correspondence.

- Invitation from the Law Centre NI to its Annual General Meeting.

Agreed: The Committee agreed to note the invitation.

- Invitation from Queen's University Belfast to a NI Science Festival Event.

Agreed: The Committee agreed to note the invitation.

6. Forward Work Programme

- The Committee noted the Forward Work Programme to 16 March 2016.

7. SL1 - The Education (Student Support) (No.2) Regulation (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2016

The Committee considered SL1 - The Education (Student Support) (No.2) Regulation (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2016.

Agreed: The Committee was content with the proposal.

Agreed: The Committee agreed to write to the Department to ascertain what the financial burden would be to the Department if maintenance loans and grants were to be increased by the rate of inflation.

8. Employment Bill – Departmental Briefing

10:14 am The Departmental officials joined the meeting.

The Committee was briefed by Dr Alan Scott, Head of Employment Relations Policy and Legislation Branch, Mr John McKeown, Acting Assistant Director, Strategy, European & Employment Relations Division, Ms Margaret O'Hare, Employment Relations Policy and Legislation Branch and Ms Deirdre Walsh, Employment Relations Policy and Legislation Branch.

10:14 am Ms Bronwyn McGahan joined the meeting.

10:17 am Mr David Hilditch joined the meeting.

10:17 am Mr Alex Easton joined the meeting.

10:17 am Mr Sydney Anderson joined the meeting.

The briefing was followed by a question and answer session.

Agreed: The Departmental officials agreed provide the Committee with statistics on the number of unrepresented tribunal litigants in rural areas.

9. Employment Bill – Formal Clause by Clause Consideration

The Committee commenced formal clause by clause consideration of the Employment Bill.

Clause 1 to Clause 5: Industrial Tribunals

Agreed: The Committee agreed to group Clauses 1 to Clause 4 for the purpose of putting the question.

Clause 1 - Conciliation before and after institution of proceedings

Clause 2 - Extension of limitation periods to allow conciliation

Clause 3 - Extended power to define “relevant proceedings” for conciliation purposes

Clause 4 - Assessment of likely outcome of any proceedings

Question put and agreed:

“That the Committee is content with Clause 1 to Clause 4 as drafted”

Clause 5 - Power to require party to proceedings to pay deposit

The Committee considered Clause 5 of the Bill.

The Committee considered a proposed Departmental amendment to Clause 5.

Question put and agreed:

“That the Committee is content with Clause 5 subject to the departmental amendment.”

Clause 6 to Clause 9: Fair Employment Tribunal.

Clause 6 - Conciliation before and after complaint to Fair Employment Tribunal

The Committee considered Clause 6 of the Bill.

Question put and agreed:

“That the Committee is content with Clause 6 as drafted”

Clause 7 - Extension of time limit to allow conciliation

The Committee considered a proposed Departmental amendment to Clause 7.

Question put and agreed:

“That the Committee is content with Clause 7 subject to the departmental amendment.”

Clause 8 - Assessment of likely outcome of any proceedings

The Committee considered Clause 8 of the Bill.

Question put and agreed:

“That the Committee is content with Clause 8 as drafted”

Clause 9 - Power to require party to proceedings to pay deposit

The Committee considered a proposed Departmental amendment to Clause 9.

Question put and agreed:

“That the Committee is content to note Clause 9 subject to the departmental amendment.”

New Clause 9A – Assessment of matters relating to tribunal proceedings

The Committee considered a proposed Departmental amendment to insert a Clause 9A.

Question put and agreed:

“That the Committee is content with Clause 9A as drafted.”

New Clause 9B – Review of early conciliation

The Committee considered a proposed Committee amendment to insert a Clause 9B.

Question put and agreed:

“That the Committee is content with Clause 9B as drafted.”

New Clause 9C – Review of neutral assessment

The Committee considered a proposed Committee amendment to insert a Clause 9C.

Question put and agreed:

“That the Committee is content with Clause 9C as drafted.”

Clause 10 to Clause 11: Employment Judges.

Agreed: The Committee agreed to group Clause 10 and Clause 11 for the purpose of putting the question.

Clause 10 - Employment judges: industrial tribunals

Clause 11 - Employment judges: Fair Employment Tribunal

Question put and agreed:

“That the Committee is content with Clause 10 and Clause 11 as drafted”

Clause 12 to Clause 16: Protected Disclosures

Agreed: The Committee agreed to group Clause 12 and Clause 13 for the purpose of putting the question.

Clause 12 - Disclosures not protected unless believed to be made in the public interest

Clause 13 - Power to reduce compensation where disclosure not made in good faith

Question put and agreed:

“That the Committee is content with Clauses 12 and Clause 13 as drafted”

Clause 14 - Protected disclosures: reporting requirements

The Committee considered a proposed Departmental amendment to Clause 14.

The Sinn Fein Committee Members recorded their concern regarding the laying of reports in Westminster instead of the Northern Ireland Assembly.

Question put and agreed:

“That the Committee is content to note Clause 14 subject to the departmental amendment.”

The Committee considered Clause 15 and Clause 16 of the Bill

Agreed: The Committee agreed to group Clause 15 and Clause 16 for the purpose of putting the question.

Clause 15 - Worker subjected to detriment by co-worker or agent of employer

Clause 16 - Extension of meaning of “worker”

Question put and agreed:

“That the Committee is content with Clauses 15 and Clause 16 as drafted”

Clause 17 - Careers guidance

The Committee considered a proposed Departmental amendment to Clause 17.

Question put and agreed:

“That the Committee is content to note Clause 17 subject to the departmental amendment.”

Clause 18 -Apprenticeships

The Committee considered a proposed Departmental amendment to Clause 18.

Question put and agreed:

“That the Committee is content to note Clause 18 subject to the departmental amendment.”

Clause 19 to Clause 23: Miscellaneous.

Clause 19 - Indexation of amounts: timing and rounding

The Committee considered a proposed Departmental amendment to Clause 19.

Question put and agreed:

“That the Committee is content to note Clause 19 subject to the departmental amendment.”

Clause 20 - Prohibition on disclosure of information held by the Labour Relations Agency

The Committee considered a proposed Departmental amendment to Clause 20.

Question put and agreed:

“That the Committee is content to note Clause 20 subject to the departmental amendment.”

The Committee considered Clause 21 to Clause 23 of the Bill.

Agreed: The Committee agreed to group Clause 21 to Clause 23 for the purpose of putting the question.

Clause 21 - Variation in procedures for certain orders and regulations

Clause 22 - Statutory shared parental pay: correction of references

Clause 23 - References to tribunal jurisdictions to which Articles 17 and 27 of the Employment (Northern Ireland) Order 2003 apply

Question put and agreed:

“That the Committee is content with Clause 21 to Clause 23 as drafted”

Clause 24 to Clause 26: Supplementary.

Agreed: The Committee agreed to group Clause 24 to Clause 26 for the purpose of putting the question.

Clause 24 - Repeals
Clause 25 - Interpretation
Clause 26 - Commencement

Question put and agreed:

“That the Committee is content with Clause 24 to Clause 26 as drafted”

10:53 am Mr David Hilditch left the meeting.

Clause 27 – Short Title

Question put and agreed:

“That the Committee is content with Clause 27 as drafted”

Schedule 1 – Conciliation: minor and consequential amendments

Question put and agreed:

“That the Committee is content with Schedule 1 as drafted”

Schedule 2 – Extension of limitation periods to allow for conciliation

Question put and agreed:

“That the Committee is content with Schedule 2 as drafted”

Schedule 3 - Repeals

The Committee considered a proposed Departmental amendment to Schedule 3.

Question put and agreed:

“That the Committee is content to note Schedule 3 subject to the departmental amendment.”

Long Title

Question put and agreed:

“That the Committee is content with the Long Title of the Bill”

10:57 am The Departmental officials left the meeting.

10. Departmental Briefing - Disability Employment Strategy - Summary of Responses

10:58 am The Departmental official joined the meeting.

The Committee was briefed by Mr Terry Park, Head of Disability Employment Strategy

11:01 am Mr Phil Flanagan left the meeting.

10:53 am Mr David Hilditch re-joined the meeting.

The briefing was followed by a question and answer session.

11:28 am Mr Thomas Buchanan left the meeting.

Agreed: The Departmental official agreed to liaise with Committee staff regarding the crossover between the Disability Employment Strategy and the Committee's Inquiry into post Special Educational Need Provision in education, employment and training for those with Learning Disabilities in Northern Ireland.

11:42 am The Departmental official left the meeting.

11. Briefing from Assembly Research and Information Service -Together: Building a United Community

11:42 am The researcher joined the meeting.

The Committee was briefed by Mr Eoin Murphy, Researcher, Northern Ireland Assembly Research and Information Service.

The briefing was followed by a question and answer session.

Agreed: The Committee agreed to forward the research paper to the Committee for the Office of the First Minister and deputy First Minister for information.

Agreed: The Committee agreed to forward the research paper to the Department for information and asking it to respond on the questions outlined in the paper.

11:57 am The researcher left the meeting.

12. Briefing from Erasmus + Students

11:57 am The representatives joined the meeting.

The Committee was briefed by Mr Scott Davidson, Student, Erasmus +, Ms Megan Haste, Student, Erasmus +, Ms Gina McGinity, Student, Erasmus + and Mr Ruairi Shirlow, Student, Erasmus +.

12:06 pm Mr Thomas Buchanan re-joined the meeting.

The briefing was followed by a question and answer session.

12:19 pm Mr Fra McCann left the meeting.

12:27 pm The representatives left the meeting.

13. Any other business

None.

14. Date, time and place of next meeting

The Committee noted that the next meeting should be held on Wednesday, 27 January 2016 at 10.00 am in The Hive, Grovesnor Road, Belfast.

12:28 pm The Chairperson adjourned the meeting.

Mr. Tom Buchanan MLA
Chairperson, Committee for Employment & Learning

27 January 2016