

Our Ref: PB/KC

23 June 2014

Cathie White  
Committee Clerk  
Room 343  
Parliament Buildings  
Ballymiscaw  
Stormont  
BELFAST  
BT4 3XX

Dear Sirs

#### **WORK AND FAMILIES BILL: CALL FOR EVIDENCE**

In August 2013, the Engineering Employers Federation Northern Ireland (EEF NI) provided a substantive Response to the Public Consultation on Sharing Parental Rights, Extending Flexibility at Work and many of our comments provided in that Response remain valid in this Call for Evidence.

The Departmental Response to that Consultation was issued on 14 April 2014. Following this the Committee for Employment and Learning issued its Call for Evidence on 12 May 2014 with the stated purpose as "... to assist with the scrutiny of the Bill." The Committee also asked for "*Evidence to be structured to address the specific clauses of the Bill.*"

The Work and Families Bill runs to 77 pages consisting of 24 clauses and 2 schedules. In effect, the Bill provides a framework to embody the main policy proposals that the Department has agreed will be taken forward. The Bill gives overall effect to these main rights such as: the permitting of shared parental leave; creating comparable rights for adopters; and extending the right to request flexible working to all employees subject to certain qualifying conditions. Throughout the Bill it refers to the fact the "*The Department may make Regulations...*" and "*Regulations are to provide for...*" Consequently, it is clear that the Regulations, and not the Bill, will provide the detail of how these rights will operate in practice.

Our comments on the Bill are therefore extremely limited given that it simply sets the foundation for the main rights which the Department has agreed will be taken forward.

#### **EEF NI: The Employers' Organisation**

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EEF NI Members, whilst broadly supportive of the main provisions, are concerned about how these rights will operate in practice and how the Department will balance the rights against the needs of employers who need to be able to continue to operate their businesses effectively. Given that the overwhelming majority of businesses in Northern Ireland are SMEs, EEF NI strongly recommends any legislation be accompanied by user friendly and digestible guidance. We would advocate the use of "*At-a-Glance Guides*" setting out the main rights with supplemental Guidance providing further detail on particular aspects of the rights. It would also be helpful if standard documents were produced, for example the Notification Document of the intended leave pattern etc.

It is important that the Department, and Committee for Employment and Learning, continue to seek views on the content of the Regulations in a more structured way. In an effort to be constructive, the EEF NI believes the Committee would have received more meaningful responses to this Call for Evidence had it clearly defined the areas or questions it wished interested parties to respond to rather than asking one very general question on the content of a legalistic Bill.

Whilst this Call for Evidence has not asked for specific areas of concern EEF NI and our Members have already identified some aspects of concern arising from the business planning aspect of these rights, which include, but are not limited to:

1. What contact, if any, is permitted between respective employers and whether employees can withhold their consent to such contact taking place?
2. What are the grounds on which businesses can refuse requests for the requested pattern of leave?
3. Concerns related to enhanced maternity pay and the potential for sex discrimination claims. Guidance should be issued that will address this issue.
4. The difficulties of tracking pay and leave where employees work for different employers.
5. The administrative burden of these Regulations.

These are only a sample of the areas concerning employers that we have identified.

EEF NI will continue to assist both the Department and the Committee for Employment and Learning in providing feedback from our Members on the implementation of these rights. We welcome the opportunity to provide further feedback and are happy to assist further.

Yours faithfully

**Peter Bloch**  
**Director**