



The Superannuation Bill
Summary Briefing for the Committee for Finance and Personnel
May 2012

Background

The Superannuation Bill will amend the Superannuation (NI) Order 1972 so as to remove the existing requirement for the Department of Finance and Personnel (DFP) to secure the consent of trade unions before introducing changes to the Northern Ireland Civil Service (NICS) Compensation Scheme. It also places a new duty on DFP to report to the Assembly on its attempts to reach an agreement with trade unions in relation to the changes to the NICS Scheme.

The Superannuation Bill does not directly fall under the remit of the anti discrimination legislation per se.

DFP has carried out a screening exercise on the Superannuation Bill in line with its commitments under its equality scheme. It has concluded that there is no impact on equality of opportunity for those affected by its policy, for each of the Section 75 equality categories, and as a consequence, has decided not to conduct an equality impact assessment.

ECNI Views

NICS Responsibilities in Terms of Age Discrimination

It is essential that DFP ensures that a revised NICS Compensation Scheme does not unlawfully discriminate on any protected equality ground, contrary to the anti-discrimination legislation.

Particular consideration should be given to ensuring compliance with the age equality legislation (namely the Employment Equality (Age) Regulations (NI) 2006). This legislation allows employers to provide redundancy schemes which mirror the statutory redundancy scheme contained in the Employment Rights (NI) Order 1996 and to offer more generous terms. Employers do not have to objectively justify enhanced redundancy payments based on length of service, provided they are calculated in the same way as statutory redundancy payments. However, it is of note that statutory rights under the Employment Rights (NI) Order 1996 do not apply to civil servants. If an employer uses age or length of service in a different way that is not related to the statutory redundancy scheme, it may amount to unlawful age discrimination, unless it can be objectively justified.

NICS S75 Equality and Good Relations Responsibilities

DFP has carried out a screening exercise on the Superannuation Bill in line with its commitments under its Equality Scheme. It has concluded that there is no impact on equality of opportunity for those affected by its policy for each of the Section 75 categories, and, as a consequence, decided not to conduct an equality impact assessment.

Furthermore, in line with its duties under Section 75, and its commitments under its equality scheme, DFP must consider, when bringing forward a revised NICS Compensation Scheme, the equality implications of changing the current arrangements under the NICS Compensation Scheme. If as a result of equality screening, DFP identifies that the proposed revised NICS Compensation Scheme is likely to have a major impact on equality of opportunity (or good relations) for a Section 75 category, then it should consider undertaking an equality impact assessment.

The primary function of the equality impact assessment is to determine the extent of any differential impact of a policy upon the Section 75 categories and to determine if the differential impact is an adverse impact.

It is important that the likely impact of proposed amended NICS Compensation Scheme on the promotion of equality of opportunity is considered at the start of the policy development process, rather than when the policy has been established. In addition, the Commission recommends that all public authorities monitor more broadly than strictly for adverse impact, and monitor policies to identify opportunities to better promote equality of opportunity and good relations for the relevant Section 75 categories.

**Equality Commission for Northern Ireland
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