



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **Superannuation Bill 2012**

### **Briefing to Finance and Personnel Committee**

The Northern Ireland Human Rights Commission (NIHRC) pursuant to Section 69 (1) of the Northern Ireland Act 1998 reviews the adequacy and effectiveness of law and practice relating to the protection of Human Rights. In accordance with this function the following statutory advice is submitted to the Finance and Personnel Committee of the Northern Ireland Assembly.

#### **Outline**

The Commission's briefing will address:

- The issue of parity with the Superannuation Act 2010
- The proposal to remove the existing requirement for government to secure trade union agreement and to replace it with a duty to consult with a view to reaching agreement before making changes to the compensation scheme for civil servants
- The consequences of the Bill with regards to changes to the existing compensation scheme
- The proposed duty on government to lay a report before the Assembly on the consultation with trade unions

#### **Parity**

Notwithstanding the consequences of breaking with parity, the obligation to protect the human rights of people in Northern Ireland rests with the devolved Northern Ireland Administration. The implications of the Bill must be considered in light of the socio-economic situation of Northern Ireland.

## **Removal of duty to seek trade union consent**

The Commission advises that the proposal to remove the duty to seek trade union consent risks regression in the protection of the following rights:

The right to form and join trade unions for the promotion and protection of economic and social interests – Article 8, International Covenant on Economic, Social and Cultural Rights

The Labour Relations (Public Service) Convention, International Labour Organisation, Convention No. 151

The right to organise and to join organisations for the protection and promotion of economic and social interests – Article 5, European Social Charter

The right to collective bargaining – Article 6, European Social Charter

## **Changes to the Compensation Scheme**

The Commission advises that the proposed changes to the Compensation Scheme should be considered in the context of the current economic climate, in which a lower redundancy compensation package is met with fewer job opportunities and far-reaching changes to the welfare. In that context the following human rights are engaged:

The right to an adequate standard of living – Article 11, International Covenant on Economic, Social and Cultural Rights

The right to peaceful enjoyment of one's possessions – Protocol 1, Article 1, European Convention on Human Rights

## **Role of the Assembly**

In order to help ensure adequate human rights protections the Commission advises that the Assembly, as an institutional reflection of democratic rights – Article 25, International Covenant on Civil and Political Rights – ensures a robust role for itself in considering the report to be laid which will outline the consultation process with the trade unions.