



Northern Ireland
Assembly

Employment Bill

Annotated Marshalled List of Amendments
Consideration Stage

Tuesday 9 February 2016

Amendments tabled up to 9.30am Wednesday, 3 February 2016 and selected for debate

The Bill will be considered in the following order-

Clauses, Schedules and Long Title

Clause 4 *[Question that clause 4 stand part negatived]*

The Minister for Employment and Learning gives notice of his intention to oppose the question that clause 4 stand part of the Bill.

Minister for Employment and Learning

Amendment 1 *[Negatived]*

Clause 5, Page 5, Line 10

After 'add "' insert '(irrespective of the number of heads of claim)'

*Mr Phil Flanagan
Ms Bronwyn McGahan
Mr Fra McCann*

Amendment 2 [Made]

Clause 5, Page 5, Line 12

At end insert -

‘(2) In Article 25 of that Order (regulations and orders)—

(a) in paragraph (1), for “All” substitute “Subject to paragraph (1A), all”;

(b) after paragraph (1) insert—

“(1A) Regulations which include provision under Article 11(2)(a) shall not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.’

Minister for Employment and Learning

Amendment 3 [Made]

Clause 7, Page 7

Leave out line 37 and insert ‘for “to Article 46A” substitute “and to Articles 46A and 46B”.’

Minister for Employment and Learning

Clause 8 [*Question that clause 8 stand part negatived*]

The Minister for Employment and Learning gives notice of his intention to oppose the question that clause 8 stand part of the Bill.

Minister for Employment and Learning

Amendment 4 [*Negatived*]

Clause 9, Page 8, Line 37

After ‘add “’ insert ‘(irrespective of the number of heads of claim)’

Mr Phil Flanagan
Ms Bromwyn McGahan
Mr Fra McCann

Amendment 5 [Made]

Clause 9, Page 8, Line 39

At end insert -

‘(2) In Article 104 of that Order (regulations and orders)—

(a) in paragraph (1), after “101(1)” insert “and no regulations which include provision under Article 84B(2)(a)”;

- (b) in paragraph (2), after “Schedule 1” insert “and regulations which include provision under Article 84B(2)(a)”.’

Minister for Employment and Learning

Amendment 6 [Made]

New Clause

After clause 9 insert -

‘Assessment of matters relating to tribunal proceedings

Assessment of matters relating to tribunal proceedings

9A.—(1) The Department may by regulations make provision for a prescribed person to provide relevant parties with an assessment in accordance with the regulations of prescribed matters in connection with any tribunal proceedings which might be or have been instituted by one or more of those parties.

(2) In this section—

“prescribed” means prescribed by regulations under this section;

“relevant parties” means such persons as may be prescribed;

“tribunal proceedings” means prescribed proceedings before an industrial tribunal or the Fair Employment Tribunal.

(3) Regulations under this section are subject to negative resolution.’

Minister for Employment and Learning

Amendment 7 [Made]

New Clause

After clause 9 insert -

‘Review of early conciliation

9B.—(1) The Department must review the operation of—

(a) Articles 20 to 20C of the Industrial Tribunals (Northern Ireland) Order 1996;

(b) Articles 46B and 88ZA to 88ZC of the Fair Employment and Treatment (Northern Ireland) Order 1996; and

(c) the amendments made by Schedules 1 and 2,

at the end of the period of one year beginning with the commencement of this section.

(2) The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.

(3) The report shall in particular include—

(a) a synopsis of consultation responses;

(b) an assessment and evaluation of the effectiveness of these provisions;

(c) the number of cases overall, the number dealt with by early conciliation, the length of time taken for each and the outcome of each;

(d) any savings directly attributable to the introduction of these provisions.

(4) The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of early conciliation.’

Chair, Committee for Employment and Learning

Amendment 8 [Not called]

New Clause

After clause 9 insert -

‘Review of neutral assessment

9C.—(1) The Department must review the operation of—

- (a) Article 20D of the Industrial Tribunals (Northern Ireland) Order 1996; and
- (b) Article 88ZD of the Fair Employment and Treatment (Northern Ireland) Order 1998,

at the end of the period of one year beginning with the commencement of this section.

(2) The Department shall, having consulted with relevant stakeholders including employers, lay the findings of this review in a report to the Assembly.

(3) The report shall in particular include—

- (a) a synopsis of consultation responses;
- (b) an assessment and evaluation of the effectiveness of these provisions;
- (c) the number of cases overall, the number dealt with by neutral assessment, the length of time taken for each and the outcome of each;
- (d) any savings directly attributable to the introduction of these provisions.

(4) The Department shall also review and report as in subsections (2) and (3) at the end of the period of three years beginning with the coming into operation of neutral assessment.’

Chair, Committee for Employment and Learning

Amendment 9 [Made]

Clause 14, Page 10, Line 28

After ‘Assembly’ insert ‘or to the Secretary of State for laying before both Houses of Parliament’

Minister for Employment and Learning

Amendment 10 [Not moved]

New Clause

After clause 16 insert -

'Gender pay and disclosure of information

Gender pay gap information

16A.—(1) Employers must, in accordance with regulations to be made by the Department under this section, publish—

(a) information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees; and

(b) details of the methodology used to calculate any statistics contained in the information.

(2) Where there are differences in the pay of male and female employees, an employer must publish an action plan to eliminate those differences.

(3) A copy must be sent to all employees and any trade union recognised by the employer.

(4) This section does not apply to an employer who has fewer than 50 employees.

(5) The regulations must prescribe—

(a) descriptions of employer;

(b) descriptions of employee;

(c) how to calculate the number of employees that an employer has;

(d) a standardised method for calculating any differences in the pay of male and female employees;

(e) descriptions of information;

(f) a requirement that information include statistics on workers within each pay band in relation to:

(i) ethnicity, and

(ii) disability;

(g) the time at which information is to be published; and

(h) the form and manner in which it is to be published.

(6) The first regulations under this section must be made by 10 November 2016.

(7) Regulations under subsection (5)(g) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months or less frequently than at intervals of 36 months.

(8) The regulations may make provision for a failure to comply with the regulations—

(a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale for every employee;

(b) to be enforced, otherwise than as an offence, by such means as are prescribed.

(9) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

(10) Within 18 months of the day on which this Act receives Royal Assent, the Department must, in consultation with trade unions, publish a strategy including an action plan, on eliminating differences in the pay of male and female employees.'

*Mr Phil Flanagan
Ms Bromwyn McGahan
Mr Fra McCann*

Amendment 11 [Made]

Clause 17, Page 11

Leave out lines 43 to line 6 on page 12 and insert -

“(4) The Department must make arrangements under this section for providing careers guidance for such persons as the Department considers appropriate.

(5) The guidance must—

(a) be provided in an impartial manner; and

(b) be in the best interests of the person receiving it.

(5A) The Department may by regulations make such provision concerning arrangements under subsection (4) as the Department considers appropriate, including provision requiring the guidance to be delivered or otherwise provided by a person who has such qualifications as the Department may determine.’

Minister for Employment and Learning

Amendment 12 [Made]

Clause 18, Page 12

Leave out line 18 and insert ‘must be made under this section for providing apprenticeships and traineeships’

Minister for Employment and Learning

Amendment 13 [Made]

Clause 18, Page 12, Line 20

At end insert -

‘(8) Regulations under subsection (7) may make provision as to the components of apprenticeships and traineeships.’

Minister for Employment and Learning

Amendment 14 [Negatived on division]

New Clause

After clause 18 insert -

‘Qualifying period of employment

Qualifying period of employment

18A.—(1) Article 124 of the Employment Rights (Northern Ireland) Order 1996 (right to written statement of reasons of dismissal) is amended as follows.

(2) In paragraph (3), for “one year” substitute “two years”.

(3) In Article 140 of that Order (qualifying period of employment), for “one year” substitute “two years”—

- (a) in paragraph (1); and
- (b) in paragraph (2).'

Mr Basil McCrea

Amendment 15 [Negatived on division]

New Clause

After clause 18 insert -

'Zero hour contracts

Zero hour contracts

18A.—(1) Zero hour contracts are prohibited.

(2) Zero hours contracts means a contract of employment or other worker's contract under which—

- (a) the undertaking to do or perform work or services is an undertaking to do so conditionally on the employer making work or services available to the worker, and
- (b) there is no certainty that any such work or services will be made available to the worker.'

Mr Phil Flanagan

Ms Bromwyn McGahan

Mr Fra McCann

Amendment 16 [Made]

Clause 19, Page 12, Line 36

At end insert -

'(8) An order under paragraph (7) may exclude the application of paragraph (2) in relation to any sum increased or decreased by the order for such period as may be specified in the order.'

Minister for Employment and Learning

Amendment 17 [Made]

Clause 20, Page 13, Line 31

After 'only' insert 'by or'

Minister for Employment and Learning

Amendment 18 [Made]

Schedule 3, Page 24, Line 21

Column 2, at beginning insert -

‘Article 38(1A).

In Article 46(1), the words from “and to any regulations” to
“2003”.’

Minister for Employment and Learning

Amendment 19 [Made]

Schedule 3, Page 24, Line 33

Column 2, at end insert -

‘In Schedule 5, paragraph 4(1) and (2).’

Minister for Employment and Learning