

Thank you for your email seeking the Commission's view regarding the legislative consent motion, with regards to the sections of the Employment Rights Bill that apply to Northern Ireland.

You will be aware of the very limited time to consider this matter in requested window.

In that context, thank you for your summary of the areas applicable to NI which notes the relevant aspects as:

- amending legislative provisions to strengthen Statutory Sick Pay ('SSP') so that all eligible employees, regardless of earnings, will be entitled to SSP, while providing that no one would receive more in SSP than they would in wages.
- establishing a UK-wide Single Enforcement Body, the Fair Work Agency (FWA), to better enforce worker's rights, transferring SSP enforcement and dispute resolution powers from HMRC, and also bringing together existing enforcement functions from the Gangmasters and Labour Abuse Authority (GLAA) including enforcement of the licensing regime in NI, and moving these to the proposed FWA.
- abolishing the GLAA and transferring the functions to the Secretary of State in relation to the enforcement of labour market legislation.

In transferring responsibilities from the GLAA, it will be important to ensure that the remit of the FWA in NI covers all sectors of the economy where migrant labour is prevalent; that operations in Northern Ireland are sufficiently staffed / resourced; and that there is an associated focus also on raising awareness of the rights of migrant workers, all in the context of addressing the potential for forced labour and the exploitation of migrant workers.

It is relevant to also highlight that Government Departments, including Whitehall Departments, must consider the Government's obligations under Windsor Framework Article 2 when promoting any primary, or making any secondary legislation that applies in Northern Ireland, for example, legislation that applies UK-wide. This has been confirmed in recent [Cabinet Office Guidance](#) (2025). We note that there is no reference in the documentation accompanying the Bill as to what consideration the Department for Business and Trade has given to compliance with WF Article 2. Whilst the Commission has not to date raised any concerns in terms of the Bill's compliance with WF Article 2, it is not clear from the documentation accompanying the Bill the degree to which the Department has considered the Bill's compliance with WF Article 2. The Commission has recommended that UK Government, and NI departments, ensure that Explanatory Memoranda/notes and Human Rights Memoranda/impact assessments on Bills and draft statutory instruments that may engage Article 2 set out their detailed consideration of compliance.

Finally, we are aware that the Employment Rights Bill includes a range of measures which will serve to further enhance equality rights, protections and related measures / powers in Great Britain. We therefore take this opportunity to again call for prompt action by the NI Executive and Assembly to take prompt steps to update and improve our equality

framework and related matters (e.g. transposition of the Pay Transparency Directive) to reflect commitments made, best international standards, and taking account of any lessons from Great Britain, Ireland and other relevant jurisdictions.

We hope that this information will be of assistance to the Committee

