

# **NIC-ICTU Submission to the Committee for Communities on the Legislative Consent Motion - Employment Rights Bill**

3<sup>rd</sup> March 2024

## **Introduction**

The Irish Congress of Trade Unions (ICTU) is the trade union federation and largest civil society organisation on the island of Ireland representing and campaigning on behalf of some 800,000-working people. There are currently 55 unions affiliated to Congress, north and south of the border.

In Northern Ireland, there are 39 trade unions and Councils of Trade Unions affiliated representing over 200,000 workers. Through Congress, workers play an important role in the economic and social life of our community.

The Northern Ireland Committee of ICTU (NIC-ICTU) is the governing body for trade unions in Northern Ireland.

Congress strives to achieve economic development, social cohesion and justice by upholding the values of solidarity, fairness and equality.

Congress also constructs and advocates for a platform of policies capable of delivering our vision of a just society.

NIC-ICTU are deeply concerned at the very tight timescale provided by the Committee for Communities to submit our views on this Legislative Consent Motion.

In the circumstances NIC-ICTU wish to make the following brief comments.

## **Comments**

**NIC-ICTU are broadly content with this Legislative Consent Motion and support its passage.**

NIC-ICTU welcome the Bill's removal of the requirement to earn at least the Lower Earnings Limit in order to be eligible for SSP and will also remove the provision that

means SSP is not payable for the first three qualifying days. However, in our response to the DWP consultation on amendments to Statutory Sick Pay NIC-ICTU did set out that it is our position that:

- Workers who earn less than SSP (per week) should receive their normal pay.
- If the government is intent on pursuing a percentage rate, that it should mirror the 95 per cent rate currently received by those at the Lower Earnings Limit. Removal of the Lower Earnings Rate was intended to deliver improvements to workers' rights. There is no justification for low earners to lose out.

NIC-ICTU are, in principle, supportive of the establishment of a Single Enforcement Body, the Fair Work Agency (FWA), to better enforce worker's rights and NIC-ICTU are comforted by the following statement in the Legislative Consent Memorandum.

*The amended text in the Bill safeguards the devolved status of employment law whilst still affording Northern Ireland the option of utilising the FWA to enforce employment rights in the future, should the relevant Northern Ireland department deem that appropriate.*

It should be noted that NIC-ICTU would wish to see a provision made for a public accountability and oversight committee to be established at Northern Ireland level to guide the work locally of the proposed Fair Work Agency. This should have a tripartite structure like that in place for the Agricultural Wages Board in Northern Ireland – with at least one third representation from trade unions.

NIC-ICTU believe that the FWA must be adequately resourced to carry out its vital functions and allow it to adopt a proactive approach to enforcement of rights as opposed to a reactive one.

NIC-ICTU also believe that a firewall should be established between the FWA acting to tackle modern day slavery and workers exploitation and migration control. It is vital that workers subject to exploitation or modern day slavery are not treated as criminals and/or repatriated and instead that they are supported and treated with respect.

NIC-ICTU also welcome Schedule 9 to the Bill which contains saving provisions which ensures the Agricultural Wages Board for Northern Ireland remain operable.