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Proposed Reform of Employment Rights in Great Britain and Northern Ireland: a comparative perspective

RaISe

This Briefing Paper presents a comparative perspective regarding proposed reforms of employment rights in Great Britain and Northern Ireland.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

Key Points

- There are key differences and similarities between the employment rights for employees and workers in Northern Ireland, Great Britain and the Republic of Ireland.
- Employment law is a devolved matter in Northern Ireland and employment rights here are primarily governed by the [Employment Rights \(Northern Ireland\) Order 1996](#). However, employment rights have traditionally largely mirrored provisions in Great Britain.
- In the Republic of Ireland, employment rights stem from both homegrown and European Union legislation.
- The Scottish Government has committed to becoming a leading "Fair Work" nation by 2025. A [Fair Work Framework](#) has been developed over the past decade to promote good employment rights practices across Scotland.
- In Great Britain, the Westminster [Employment Rights Bill 2024-25](#) seeks to reform employment rights and protections for employees and workers.
- In Northern Ireland, the [Good Jobs Bill: Way Forward](#) proposals, also seek to reform employment rights for employees and workers.
- Whilst broadly seeking similar aims, both approaches differ in their scope and implementation.
- The Westminster Bill focuses on delivering key legislative reforms set out in the United Kingdom Government's [Plan to Make Work Pay report](#), including flexible working, zero-hours contracts, employment status, redundancy rights, family-friendly rights, labour market enforcement, and fair pay.
- Whereas the Northern Ireland proposals emphasise ending exploitative zero-hours contracts by introducing a banded system of weekly hours, enhancing protections for agency workers, ensuring tips are passed on to workers in full, modernising the trade union framework, and expanding flexible working and carer's leave.

Introduction

This Briefing Paper provides a comparative perspective of reforms to employment rights for employees and workers announced in the Department for the Economy (DfE) Employment Rights Bill Public Consultation Response document “[Good Jobs” Employment Bill: Way Forward](#) . It is prepared at the request of the Committee for the Economy (the Committee) and aims to inform the Committee’s consideration of the forthcoming Department for the Economy “Good Jobs” Employment Bill (due to be introduced in 2026).

At the request of the Committee, the Paper includes: a summary of the Fair Work Framework in Scotland; and a comparison between key provisions in the Westminster [Employment Rights Bill 2024](#) and the proposals contained in the Department for the Economy’s consultation response document the [Good Jobs” Employment Bill](#), .

By way of context setting, section 1 presents a comparison of key employment rights currently in place in Northern Ireland and the Republic of Ireland. Section 2 provides a summary of the concept of Fair Work developed by the Scottish Government, including the [Fair Work Convention](#) and the [Fair Work Framework](#). Section 3 presents a comparison between reform of employment rights proposed by the Westminster [Employment Rights Bill 2024](#) and proposals in the Northern Ireland [Good Jobs” Employment Bill](#) (DfE consultation response document). Section 3 also includes potential scrutiny points in blue boxes to support the Committee’s consideration of each of the issues raised. The Paper then concludes outlining key takeaways, for the Committee’s further consideration.

The Paper’s contents should not be relied upon as professional legal advice or opinion, nor as a substitute for either.

1 Key Employment Rights in Northern Ireland and the Republic of Ireland

This section presents a comparison of key employment rights currently in place in Northern Ireland and the Republic of Ireland.

1.1 Legislative Background

Employees and workers in both Northern Ireland and the Republic of Ireland enjoy certain employment rights and entitlements. However, key differences arise from their distinct legislative frameworks. In Northern Ireland, employment rights are primarily governed by the [Employment Rights \(Northern Ireland\) Order 1996](#). Rights and entitlements contained in that Order are closely aligned with United Kingdom employment law. In the Republic, rights stem from homegrown or European Union legislation, such as the [Work Life Balance and Miscellaneous Provisions Act 2023](#). Table 1 below provides a summary of key employment rights and associated legislation in each jurisdiction.

Table 1: Key Employment Rights in Northern Ireland and the Republic of Ireland¹

Employment Right	Northern Ireland	Republic of Ireland
Written Particulars of Employment	Currently, under Article 33 of the Employment Rights (Northern Ireland) Order 1996 only employees receive a written statement, which must be given within two months of commencing employment.	Under the Terms of Employment (Information) Act, 1994 , employees receive a written statement. Certain basic particulars of employment must be provided within five days of commencing employment. Additional information must then be provided within one month.
Pay Statement	Under the Employment Rights (Northern Ireland) Order 1996 only employees have a right to receive an itemised pay statement. Workers on variable hours contracts do not have a right to a breakdown of hours in an itemised statement.	Under the Terms of Employment (Information) Act, 1994 , employees have a right to receive a written pay statement.
Zero Hours Contracts	Currently, zero-hours contracts, including exclusivity clauses, are permitted.	The use of zero-hour contracts is prohibited in most cases, except in limited circumstances (where either the work involved is casual in nature, the employee is essential for providing coverage in emergency situations or for short-term absences). The Employment (Miscellaneous Provisions) Act 2018 introduced a system of banded working hours.

¹ References to all relevant legislation are included in the table.

Tips and Gratuities	Currently there is no Northern Ireland specific legislation in place.	The Payment of Wages (Amendment) (Tips and Gratuities) Act 2022 makes it an offence to use tips or gratuities to make up wages.
Unfair Dismissal	Part XI of the Employment Rights (Northern Ireland) Order 1996 contains provisions on unfair dismissal. To receive protection from unfair dismissal, employees must have at least one year of continuing service with their employer.	Protections against unfair dismissal are included in the Unfair Dismissal Act 1977 . The qualifying period is also one year of continuing service.
Discipline and grievance	Statutory dispute resolution procedures apply (in terms of dismissal) with the grievance procedure requirements contained in the Labour Relation Authority Code of Practice . Breach is automatically unfair. If there has been failure to comply with the statutory dispute resolution procedure/relevant Code of Practice (as appropriate), the tribunal may increase or decrease any award by between 10% - 50%.	The Workplace Relations Commission (WRC) Code of Practice on Grievance and Disciplinary Procedures provides guidance to parties on the implementation of disciplinary procedures. While the Code is not binding, it is used as a measure of best practice in considering whether a process followed was procedurally fair or not.
Bereavement leave: parents	The Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 gives an entitlement to employed parents to time off work following the death of a child.	There is no statutory obligation on an employer to provide parental bereavement leave. However, there is currently a Private Member Bill going through the Irish Parliament.

Domestic Abuse Leave	The Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022 entitles victims of domestic abuse to 10 days paid leave each leave year. However, at the time of writing, the commencement date of the new right remains to be confirmed.	Employees are entitled to five days paid domestic violence leave under the Work Life Balance and Miscellaneous Provisions Act 2023 .
Carer's Leave	Currently, there is no specific right to leave from work for carers. Rights in relation to being a carer are currently governed by existing legislation including flexible working, time off for dependants, time off in an emergency and disability discrimination legislation.	The Work Life Balance and Miscellaneous Provisions Act 2023 introduced a new right entitling employees to five days' unpaid leave in any consecutive 12-month period if they need to take time off work to deal with serious medical care for a child or other "relevant person" like a family member. The leave is available to both parents and carers.
Right to Disconnect	Currently, there is no statutory right in this regard in Northern Ireland.	In April 2021, the Workplace Relations Commission introduced a Code of Practice on the Right to Disconnect . It aims to create a culture of good work-life balance and break bad habits where people feel obliged to respond to messages out of hours. While the Code of Practice is not legally binding, it can be used as evidence against employers in claims for breach of employment rights.

Source: Please refer to hyperlinks in the Table.

2 Fair Work in Scotland

This section provides a summary of the concept of “Fair Work” developed by the Scottish Government.

2.1 Background: Concept of Fair Work

The concept of “Fair Work” has been an important policy aspiration of successive Scottish Governments over the past decade. In 2015, the Scottish Government established the [Fair Work Convention](#), an independent group of academics, employers and trade unions with a remit to promote fair work throughout Scotland. In 2022, the Scottish Government made a commitment to make Scotland a leading “Fair Work” nation by 2025.² The concept of “Fair Work” also features in two indicators of the Scottish Government’s current National Performance Framework, namely:³

- *We have thriving and innovative businesses, with quality jobs and fair work for everyone.*

And:

- *We tackle poverty by sharing opportunities , wealth and power more equally.*

2.2 What is “Fair Work”?

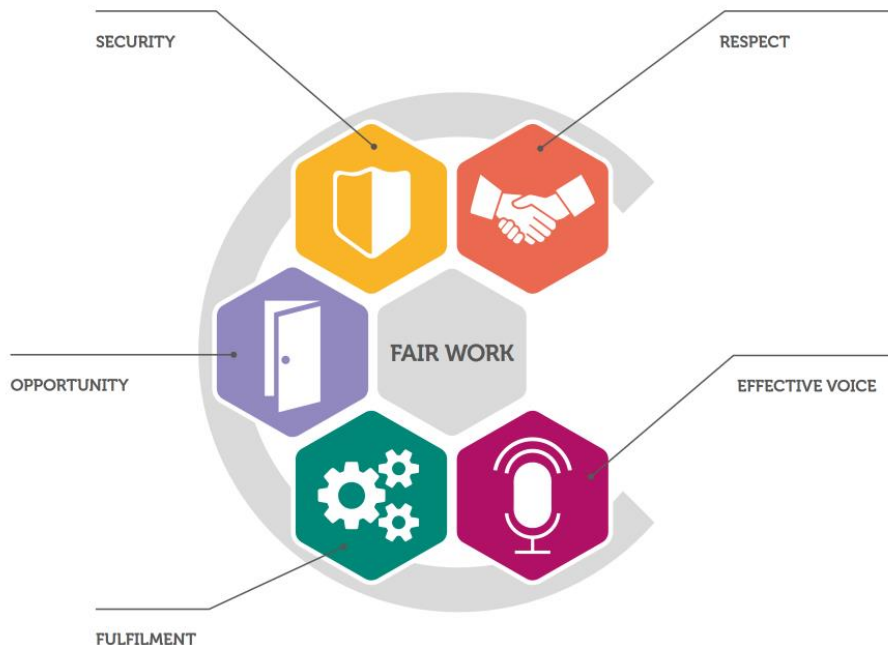
The Scottish Government’s view of what constitutes “Fair Work” is informed by a framework developed by the Fair Work Convention. Its [Fair Work Framework](#) defines the concept of “Fair Work” using five dimensions, as shown below in Figure 1.

² <https://www.gov.scot/publications/fair-work-action-plan-becoming-leading-fair-work-nation-2025/pages/3/>

³ Scotland National Performance Framework: <https://www.gov.scot/collections/national-performance-framework/?via=https://nationalperformance.gov.scot/>

Figure 1: Fair Work Framework⁴**DEFINING FAIR WORK**

Fair work is work that offers **effective voice, opportunity, security, fulfilment and respect**; that balances the rights and responsibilities of employers and workers and that can generate benefits for individuals, organisations and society.



Source: FWC 2025

Furthermore, the Fair Work Convention has developed an in-depth sectoral focus, and at the time of writing, launched inquiries into the social care, construction and hospitality sectors. In December 2020, it published '[Fair Work in Scotland](#)', a report analysing progress in the Scottish labour market measured against the five dimensions of the Fair Work Framework. That report found "faster progress on fair work is urgently needed if Scotland is to become a Fair Work Nation by 2025".⁵

The 2020 Fair Work in Scotland report also included a Fair Work Measurement Framework that sets out indicators of fair work which can be measured using existing data sources. The indicators represent workplace practices and can be

⁴ FWC (2025) <https://www.fairworkconvention.scot/the-fair-work-framework/>

⁵ Fair Work Convention (2020) Fair Work in Scotland: <https://www.fairworkconvention.scot/wp-content/uploads/2020/12/Fair-Work-in-Scotland-Report.pdf>

improved at an organisational level. The measurement framework also highlights any data gaps under each of the five fair work dimensions. Figure 2 below presents the Fair Work Measurement Framework.

Figure 2: Fair Work Measurement Framework⁶

Opportunity	Respect	Security		Fulfilment	Effective Voice
Disability and ethnicity Employment gaps	Work-related ill health and disease	Secure employment	Hours of unpaid overtime	Employer provided training	Trade union membership
Youth unemployment rate	Working days lost due to ill health and disease	Permanent employment	Median gross weekly earnings	Workplace learning	Trade union presence
Gender economic inactivity gap	Stress, anxiety or depression caused by work	Underemployment (hours insufficiency)	Real living wage	Type of training	Collective bargaining (reported by employees)
Economic inactivity	Working days lost due to stress, depression or anxiety	Involuntary non-permanent work	Gender, disability and ethnicity pay gaps	Training duration	Collective bargaining (reported by employers)
Access to flexible working	Workplace injury	Involuntary part-time work	Zero hours contracts	Skills underutilisation	
Vertical and horizontal occupational segregation	Working days lost as a result of workplace injury	Involuntary self-employment	Average tenure	Skill shortage vacancies	
	Fatal injuries	Gaps in data			
Career progression	Discrimination, Harassment & Bullying	Sick pay entitlement		Autonomy, Problem solving, Work Intensity	Adequate channels for employees to communicate, influence and negotiate

Source: FWC 2022

2.3 Fair Work First

[Fair Work First](https://www.fairworkconvention.scot/wp-content/uploads/2020/12/Fair-Work-in-Scotland-Report.pdf) is the Scottish Government's flagship policy implementing “Fair Work” across the labour market in Scotland. It does so by applying fair work criteria to grants, other funding and contracts being awarded by and across the public sector. Through this approach the Scottish Government requires employers to adopt fair working practices, specifically:⁷

- the payment of at least the Real Living Wage
- the provision of appropriate channels for effective workers’ voice, such as trade union recognition

⁶ <https://www.fairworkconvention.scot/wp-content/uploads/2020/12/Fair-Work-in-Scotland-Report.pdf>

⁷ Scottish Government (2025) *Fair Work Guidance*: <https://www.gov.scot/publications/fair-work-first-guidance-2/documents/>

- investment in workforce development
- no inappropriate use of zero hours contracts
- taking action to create a more diverse and inclusive workplace
- offering flexible and family friendly working practices for all workers from day one of employment
- opposing the use of fire and rehire practices.

Fair Work First is a policy driven initiative and businesses are not under any statutory requirement to comply with its requirements. However, for public sector grants awarded on or after 1 July 2023, the default position of the Scottish Government is that:

Fair Work First criteria for paying at least the real Living Wage and providing appropriate channels for effective workers' voice will be mandatory while the other criteria will continue at this stage to be encouraged. Only in limited circumstances may the grantmaker/funder consider making an exception to the mandatory criteria.

The Scottish Government has published guidance on the application of the fair work criteria for employers. That guidance includes examples of evidence and compliance with Fair Work First rules. Furthermore, a “Fair Work Employer Support Tool” is available online to help employers assess and improve their workplace practices based on the Fair Work Framework. Employers complete a questionnaire to evaluate their workplace against the five Fair Work dimensions. The tool provides personalized feedback, guidance, and recommended actions to enhance fair work practices. Employers can track progress over time and compare their results with industry benchmarks.

3 Proposed Reforms of Employment Rights

This section outlines key reforms to employment rights contained in the Westminster [Employment Rights Bill 2024-25](#), and in the Department for the Economy [Northern Ireland Good Jobs Bill: Way Forward](#) document.

3.1 United Kingdom Employment Rights Bill 2024-25

The [Employment Rights Bill 2024-25](#) (the Westminster Bill) was introduced in the House of Commons on 10 October 2024 and received its second reading on 21 October 2024. It passed report stage in the Commons on 14 March 2025. Currently, it is at Committee stage in the House of Lords. The Westminster Bill aims to deliver key legislative reforms set out in the United Kingdom Government's [Plan to Make Work Pay](#) report, namely: flexible working; zero hours contracts; employment status, redundancy rights; family friendly rights; labour market enforcement; and, fair pay.

Employment law is a devolved matter in Northern Ireland, consequently most provisions in the Westminster Bill apply to England, Scotland and Wales, but not Northern Ireland. However, certain provisions do apply to Northern Ireland. In April 2025, the Northern Ireland Assembly passed a Legislative Consent Motion (LCM) endorsing these provisions to extend to Northern Ireland. Box 1 below contains the wording of that LCM, emphasis is added to highlight the key provisions:⁸

Box 1: Legislative Consent Motion: Employment Rights Bill

*That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Employment Rights Bill, introduced in the House of Commons on 10 October 2024, relating to **statutory sick pay** as contained in clauses 12 and 13 of the Bill; **the Fair Work Agency** under Part 5 of the Bill and the saving provisions as set out in schedule 11 to the Bill*

⁸ [Motion: Legislative Consent Motion: Employment Rights Bill](#)

*as they relate to the Agricultural Wages (Regulations) (Northern Ireland) Order 1977; in relation to **public-sector outsourcing of relevant contracts by bodies carrying out reserved functions in Northern Ireland**; the **protection of workers** as set out in clause 30 of the Bill; the **enforcement of relevant labour market legislation** under Part 5 of the Bill as set out in schedule 7 and enabling the Secretary of State for Business and Trade, with the consent of relevant Northern Ireland Departments, to **increase the remit of the Fair Work Agency**, in the future, on a range of labour market and employment legislation that may include Northern Ireland devolved legislation.*

Source: Northern Ireland Assembly: 2025 **(emphasis added)**

Note: Prior to giving its support for the Motion in the Assembly, the Committee received a briefing from DfE officials on 19 February 2025 and considered the content of the LCM. Consequently, the provisions relating to the LCM are not addressed in this particular Paper.

3.2 The Northern Ireland Good Jobs Bill: Way Forward Proposals

In July 2024, the Department for the Economy (DfE) launched a [consultation](#) on a proposed Bill to reform employment rights and promote good jobs. In April 2025, the DfE published a consultation response : [The 'Good Jobs' Employment Rights Bill: the Way Forward](#). That document outlined proposals for reforming employment rights under four themes, namely:⁹

- Terms of employment – ending exploitative zero-hours contracts and enhancing protections for agency workers
- Pay and benefits – ensuring tips are passed on to workers in full
- Voice and representation – modernizing the trade union framework

⁹ <https://www.economy-ni.gov.uk/publications/good-jobs-employment-rights-bill-public-consultation-response>

- Work-life balance – expanding flexible working and introducing carer’s leave and neonatal leave.

The proposals cover reforms to many areas of employment law in Northern Ireland, including unfair dismissal, flexible working, family leave, protections against harassment, fire and rehire, the potential for sectoral collective bargaining and trade union reforms.

3.3 A Comparison of Proposed Reforms in Both Jurisdictions

The Westminster Bill and the Northern Ireland Good Jobs Bill (Way Forward) proposals both aim to reform employment rights and protections; however, they differ in scope, approach, and implementation. Based on each of the four themes in the DfE consultation response document, Tables 2-5 below present a comparative perspective of key reforms proposed in both Westminster and Northern Ireland. Following each table potential scrutiny points are noted in blue boxes to support the Committee’s consideration of the issues raised.

Table 2 Theme A: Terms of Employment¹⁰

Theme	Northern Ireland “Good Jobs” Proposals	Westminster Bill Provisions
Ending Zero Hours Contracts	<p>Introduces a right to have a banded hours contract for workers on zero and low hours contracts after completing a qualifying period. This qualifying period is to be set out in regulations after further engagement with stakeholders. However, proposals indicate this may be 26 weeks.</p> <p>An employer will be able to decline a banded hours request only in limited circumstances which will be set out in regulations.</p> <p>The proposals set out a requirement for employers to inform zero and low hours workers of this right in a written statement of particulars that they must provide to the worker at the beginning of employment.</p> <p>Workers on these contracts will also have a right to reasonable notice of shift patterns. The proposal document states that the detail of</p>	<p>The Westminster Bill seeks to end zero hours contracts by introducing a right to a guaranteed hours contract. Provisions require employers to offer qualifying workers guaranteed hours, reflecting the number of hours they work regularly during a reference period. That reference period will be set out in regulations, but is expected to be 12 weeks.¹¹</p> <p>Provisions also require employers to provide in-scope workers with reasonable notice of shifts, as well as payment for shifts that are cancelled, curtailed or moved at short notice.</p> <p>Corresponding rights are being introduced for agency workers. (see below)</p>

¹⁰ <https://www.economy-ni.gov.uk/publications/good-jobs-employment-rights-bill-public-consultation-response> And: [Employment Rights Bill publications - Parliamentary Bills - UK Parliament](#)

¹¹ House of Lords Debate 27 March 2025: <https://hansard.parliament.uk/lords/2025-03-27/debates/5E5D0031-2B4C-4416-B161-A6E8EF72958A/Debate>

	<p>these arrangements will require further engagement with stakeholders.</p> <p>Workers will have a right to compensation where an employer cancels or curtails a shift at short notice. Details to be contained in regulations following further engagement with stakeholders.</p> <p>Ban on exclusivity clauses in zero and low hours contracts that do not guarantee an income above the Lower Earnings Limit (currently £125 per week).</p> <p>Proposals also state:</p> <p><i>The Department will provide powers which would permit it to extend the right to banded hours to other types of contracts other than zero and low hours contracts, if it is necessary to do so in the future.</i></p>	
Employment Status ¹²	The proposal document confirms that no changes to the existing framework will be made at this time, given the complexities of the issues and interaction with tax law (which is not	The Westminster Bill does not address employment status. However, in Great Britain, the Labour government has indicated plans to move to a two-tier system, removing the distinction between

¹² In law there are three main types of employment status for determining employment rights and protections: employees, workers and self-employed.

	devolved). The DfE intends to work with the United Kingdom Government on developing a simpler framework and help provide clarity and guidance on employment status for individuals and employers.	'employees' and 'workers' but will be subject to consultation later in 2025, at the earliest. ¹³
Dismissal and Re-engagement (Fire and Hire)	<p>Dismissal and re-engagement (fire and re-hire) refers to a practice where an employer seeks to alter an individual's terms and conditions of employment by first dismissing or 'firing' them, then rehiring them, on altered, usually less favourable terms.</p> <p>Proposals aim to restrict employers' ability to fire and rehire by amending the law on unfair dismissal so that, where employees are dismissed for failing to agree to a change in their contract of employment, those dismissals will be treated as automatically unfair. The only exception is where the employer can show evidence of financial difficulties and demonstrate that the need to make the change in contractual terms was unavoidable.</p>	The Bill also intends to amend the existing (Westminster) legislation with regard to unfair dismissal to include provision to address fire and rehire practices.

¹³ <https://www.lewissilkin.com/insights/2024/08/02/northern-ireland-good-jobs-employment-rights-bill-consultation-dashboard>

Redundancy: Offence of Failure to Notify	<p>Employers are currently required to notify the DfE of proposed redundancies exceeding 20 or more employees.</p> <p>Currently, an employer that fails to give proper notice is committing an offence, which is liable to a fine not exceeding level five on the standard scale (which is currently £5,000).</p> <p>Liability for this obligation rests with an employer corporately, with no personal liability.</p> <p>Proposals seek to introduce the offence of personal liability as it relates to employer obligations under the redundancy notification framework.</p> <p>DfE will consult with the Department of Justice to increase the maximum fine (currently set at £5,000).</p> <p>Proposals also commit to replicating any relevant provisions in the Westminster Bill which aim to extend collective redundancy protections to those who work at sea.</p>	<p>The Westminster Bill amends current legislation to ensure that notification of redundancies obligations apply, regardless of whether the redundancies are taking place at one establishment or across the organization as a whole.</p> <p>An employer proposing to make 20 or more people redundant at one establishment in a 90-day period must provide notification at least 30 days before the first redundancy takes effect. If the employer is proposing to make 100 or more people redundant, the employer must provide notification at least 45 days before the first redundancy takes effect. However, in respect of a vessel registered to a port outside of Great Britain, the notification must be given to the competent authority of the state where the vessel is registered. The Bill will ensure that operators cannot avoid the notification requirement and meaningful consequences of failing to comply with it by registering their ships outside of the United Kingdom.</p>
Written Statement of Particulars	<p>Currently, only employees (not workers) are entitled to receive a written statement of employment rights within two months of starting work. This statement must cover basic terms of</p>	<p>In Great Britain this right already exists for employees and workers.</p>

	employment such as pay rates, working hours, and holiday entitlements. Proposals seek to require employers to provide a written statement to both employees and workers . On or before the first day of employment.	
Agency Workers Pay Between Assignment Contracts	The proposals seek to introduce legislation to abolish 'pay between assignment' contracts (the 'Swedish Derogation') which can risk agency workers being paid less than their permanent counterparts, even after completing the twelve-week qualifying period.	The "Swedish derogation" was removed in Great Britain by the Agency Workers (Amendment) Regulations 2019 . Consequently, the Westminster Bill does not address pay between assignments contracts for agency workers, however, Clause 4, would create a power for the (Westminster) Secretary of State to make regulations to extend employment rights relating to zero-hours contracts contained in Clauses 1-3 of the Bill to agency workers (see above).
Agency Workers Key Information Documents	The proposals seek to place a legal requirement on recruitment agencies here to provide agency workers with key points of pay-related information before terms can be agreed. This is known as a Key Information Document (KID).	This right already exists in Great Britain.
Employment Inspectorate Agency (EAI)	The EAI is the regulatory body for employment agencies in Northern Ireland.	The Westminster Bill does not address this issue as the equivalent body in Great Britain, the Employment Agency Standards Inspectorate already has extensive information sharing powers.

	Proposals seek to legislate for information sharing between the EAI and other regulatory bodies under prescribed circumstances.	
EAI Enforcement Powers	<p>Proposals seek to enhance the enforcement powers of the EAI to include the introduction of Labour Market Enforcement Undertakings (LMEUs) and Labour Market Enforcement Orders LMEOs.</p> <p>LMEUs include measures that can prevent or reduce the risk of non-compliance and which the authority considers just and reasonable. If a person fails to negotiate an LMEU within 14 days or refuses to give one, the enforcement authority can apply to a court for an LME order. A person who breaches an LME order is liable, upon conviction, to a custodial sentence.</p>	<p>Part 5 of the Westminster Bill focuses on reforms to enforcement of employment legislation in Great Britain. It seeks to give the secretary of State the power to request a LMEU where they believe that a person has committed, or is about to commit a labour market offence.</p> <p>Similarly, the Bill also allows the court power to issue a LMEO in relation to a person if the court is satisfied, on the balance of probabilities, that the person has committed, or is committing, a labour market offence, and the court considers it just and reasonable to issue the order (Clause 120).</p>

Source: DfE 2025 and House of Lords 2025

The following potential scrutiny points arise from the above:

Potential scrutiny points:

1. Has the DfE had any engagement with employers or representatives of employers in the Republic of Ireland with regard to any positive or negative impacts to businesses of introducing a system of banded hours contracts? If so, please give details. If not, why not?
2. Similarly, has there been any engagement with Trade Unions in the Republic of Ireland to assess the impact on workers in this regard?
3. With regard to extending employment rights already in place in Great Britain, to agency workers in Northern Ireland, what plans do the DfE have to consult with counterparts in Westminster to assess the potential impact of these reforms on employers?
4. Is the DfE content that the current resources within the EAI are at a sufficient level to cope with the added responsibilities of enforcing LMEUs and LMEOs?
5. If not, how does the DfE intend to resource the EAI given these added responsibilities?

Table 3: Theme B: Pay and Benefits¹⁴

Theme	Northern Ireland “Good Jobs” Employment Rights Bill Proposals	Westminster Bill
Tips and Gratuities	Employers must ensure that payments for services under their control or significant influence (i.e. not cash tips) are fairly and transparently distributed to workers, excluding legal deductions. Employers will be required to maintain records of received and distributed payments, and workers have the right to access these records upon request. The DfE also aims to introduce a statutory Code of Practice to establish principles of fairness and transparency.	This provision aims to strengthen protections in relation to tips and gratuities by mandating that employers consult trade unions (or workers themselves) before developing or revising tipping policies.
Payslips	Proposals seek to extend the right to pay statements for workers as well as employees. All workers will be given the right to an itemised pay statement. An itemised pay statement must contain information on the number of paid hours	In Great Britain, all workers already have a right to receive an itemised pay statement.

¹⁴ <https://www.economy-ni.gov.uk/publications/good-jobs-employment-rights-bill-public-consultation-response> And: [Employment Rights Bill publications - Parliamentary Bills - UK Parliament](#)

	worked by an employee or worker, in situations where pay varies by time worked.	
Calculating Holiday Pay	Proposals seek to change the holiday pay reference period for workers on variable hours from 12 to 52 weeks.	This is already in place in Great Britain
Working Time regulations Record keeping requirements	<p>The Department has decided that it will not legislate to increase employers' record-keeping requirements, which will remain as outlined in The Working Time Regulations (Northern Ireland) 2016. The proposals states:</p> <p><i>To support compliance, with the Working Time Regulations, the Department will collaborate with the Labour Relations Agency to create guidance for employers and workers, clearly explaining the record-keeping requirements.</i></p>	No equivalent provision in the Westminster Bill.
Working Time regulations Right to disconnect	This provision provides a statutory Code of Practice on the Right to Disconnect.	No equivalent provision in the Westminster Bill.

Source: DfE 2025 and House of Lords 2025

Potential Scrutiny points arise from the above.

Potential Scrutiny Points:

6. Has the DfE had any engagement with employers or representatives of employers regarding the extra burden, financial or otherwise, that may be placed on employers to maintain records of received and distributed payments regarding tips and gratuities? If yes, please provide details.
7. Has the DfE undertaken or commissioned any research on the benefits of the “Right to Disconnect” for employees and workers? If so, will it share this with the Committee?

Table 4: Theme C: Voice and Representation¹⁵

Theme	Northern Ireland “Good Jobs” Employment Rights Bill Proposals	Westminster Bill
Workplace Access	Proposals seek to introduce a right for Trade Unions to request access to workplaces, including digital access.	<p>The Bill provides for access agreements, between “qualifying trade unions” and employers, which make provision for officials from those trade unions, to access the workplace or communicate with workers by other means, or both, for specified “access purposes”. Currently, the Bill does not explicitly refer to electronic access to workplaces for Trade Unions. However, the explanatory memorandum states:¹⁶</p> <p><i>The Bill will make it easier for unions to gain access to workplaces, including digital access, in line with modern day workplaces, to assist individual union members and to help unions to recruit and organize.</i></p>
Trade Union Workplace Recognition	Proposals seek to change the recognition threshold for trade unions from 21 employees to 10 employees.	In Great Britain to commence an application for statutory recognition, a trade union must show that at least 10% of a proposed “bargaining unit” are union members and that the majority of them are likely to support recognition. The Bill proposes that this percentage be reduced from 10% to 2%.

¹⁵ <https://www.economy-ni.gov.uk/publications/good-jobs-employment-rights-bill-public-consultation-response> And: [Employment Rights Bill publications - Parliamentary Bills - UK Parliament](#)

¹⁶ <https://bills.parliament.uk/publications/59796/documents/6226>

Collective Bargaining: Sectoral Bargaining	<p>Collective sectoral bargaining (or collective sectoral agreements) is a process by which representatives of businesses and trade unions in certain sectors work to agree issues such as pay and benefits for workers in that sector.</p> <p>Proposals state:</p> <p><i>With a view to improving workplace relations and the terms and conditions of all workers, and mindful of the potential impact on the economy, the Department will engage with key stakeholders and the Labour Relations Agency to identify and consider how a collective bargaining framework could operate more widely than at present.</i></p>	<p>Part 3 of the Bill, relates to sectoral bargaining in adult social care and school support staff. The Bill gives the relevant Secretary of State, the power to make regulations establishing an Adult Social Care Negotiating Body. The body would be required to include members from trade unions and representatives of adult social care employers.</p>
Industrial Action: Balloting and Notice	<p>The proposals state that the DfE intends to legislate to permit the use of electronic balloting systems for trade unions as an alternative to postal ballots.</p>	<p>The Bill does not include a standalone provision that authorizes electronic balloting. However, it does include provisions which could be used to allow electronic balloting.¹⁷</p>

¹⁷ House of Commons Library (2024) Employment Rights Bill 2024-25.

Protection of Trade Union Representatives	Proposals seek to introduce a Code of Practice on facilitating workplace relationships which will include information on current protections for trade union representatives.	The Bill provides that an employer that permits an employee to take time off for trade union activities must, where requested by the employee, provide the employee with accommodation and other facilities for carrying out the duties or undergoing the training for which the employee takes time off.
Protection for Employees taking part in Industrial action	Proposals seek to extend protection for employees taking part in industrial action. The 12-week time limit on protection against dismissal for such employees will be abolished.	The Westminster Bill includes similar protection against dismissal by abolishing the 12 week time limit for employees taking part in industrial action.
Productive Workplace Relationships	The DfE will produce, in consultation with local stakeholders and the Labour Relations Agency, a Code of Practice on facilitating workplace relationships.	No equivalent provision in the Westminster Bill.
Information and Consultation	The Information and Consultation of Employees (Northern Ireland) Regulations 2005 (ICE Regulations) provide for employers to inform employees on a regular basis about the employer's economic situation, employment prospects and decisions likely to lead to changes in work organisation.	No equivalent provision in the Westminster Bill.

	<p>The proposals seek to:</p> <p><i>Ensure that the right to information under ICE Regulations applies to smaller establishments/satellite offices within larger organisations.</i></p> <p>And to reduce the percentage of employees required to make a valid request for an ICE agreement from 10% to 2%. And reduce the minimum number of employees from 15 to 10.</p>	
Transfer of Undertakings (Protection of Employment) Regulations (TUPE)	<p>The proposals state:</p> <p><i>The Department does not intend to make any changes to the TUPE regulations at this time. The Department is aware of further consultation planned in Britain on their TUPE regulations and will maintain a watching brief on any planned changes. The Department will continue to engage with stakeholders on this issue.</i></p>	<p>The Westminster Bill does not include a standalone provision with regard to the reform of TUPE regulations in Great Britain. However, the United Kingdom Government did introduce a consultation on TUPE regulations in 2024.</p>
Whistleblowing	<p>The proposals state:</p> <p><i>To better establish if prescribed persons are fulfilling their responsibilities, and to capture information on disclosure</i></p>	<p>For a worker to qualify for protection for blowing the whistle they must make a “protected disclosure”, namely, a disclosure of information which they reasonably believe is in the public interest and tends to show a past, present, or likely future relevant failure</p>

	<p><i>trends, the Department will require prescribed persons to produce annual reports.</i></p> <p><i>Exemptions will apply for certain office holders who have no regulatory powers to investigate such as Members of Parliament and the Assembly</i></p>	<p>falling into one or more of the categories listed under section 43B of the Employment Rights Act 1996. This Bill adds sexual harassment to the relevant failures listed under section 43B. Where a worker makes a disclosure qualifying for protection, they will have legal recourse if they are subjected to detriment or, if they are an employee, are unfairly dismissed, as a result of their disclosure.</p>
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Source: DfE 2025 and House of Lords 2025

Potential Scrutiny points arise from the above.

Potential Scrutiny Points:

8. What if any, research has the DfE undertaken or commissioned on the impact (positive or negative) to businesses of enhancing protections for Trade Union officials and members? Please share details with the Committee.
9. How do the proposals on collective bargaining align with international best practice?
10. How will workplace access rights for Trade Union officials be enforced in face of potential resistance from employers?
11. How will the DfE support employers/businesses in adapting to the changes outlined above?

Table 5 Theme D: Work-Life Balance¹⁸

Theme	Northern Ireland “Good Jobs” Employment Rights Proposals	Westminster Bill
Flexible Working	<p>Proposals state that the DfE intends to make flexible working more accessible through the following changes:</p> <ul style="list-style-type: none"> • Flexible working requests can be made from the first day of employment (removing the 26-week qualifying period). • Two requests (up from one) can be made within a 12-month period, with the second request permitted after the first is resolved or withdrawn. • Employers must act reasonably when refusing such requests, although the statutory grounds for refusal remain unchanged. • Employees will no longer be required to state the potential impact of their request. 	<p>Similar rights were introduced in Great Britain in 2024. However, the Westminster Bill increases the burden of justification on employers so they must accept a request for flexible working except where this would not be reasonably feasible. Businesses will still be able to reject unfeasible requests, provided the decision is “reasonable” and based on one of the following eight business grounds:</p> <ul style="list-style-type: none"> • the burden of additional costs • detrimental effect on ability to meet customer demand • inability to re-organise work among existing staff • inability to recruit additional staff • detrimental impact on quality • detrimental impact on performance

¹⁸ <https://www.economy-ni.gov.uk/publications/good-jobs-employment-rights-bill-public-consultation-response> And: [Employment Rights Bill publications - Parliamentary Bills - UK Parliament](#)

		<ul style="list-style-type: none"> • insufficiency of work during the periods the employee proposes to work • planned structural changes • any other grounds specified by the Secretary of State in regulations. <p>An employer must explain in writing the reason for any refusal and why their refusal is considered reasonable.</p>
Carer's Leave	<p>The proposals seek to create a right for eligible employees to take up to one week of unpaid leave per year to provide care for a family member or dependant with a long term care need.</p> <p>The proposal also state that the DfE has commissioned independent research on the potential costs and benefits of paid carer's leave. And that it will also lobby Westminster to introduce a statutory entitlement to paid carer's leave as this would resolve the administrative and affordability challenges</p>	<p>The Westminster Bill does not include standalone provision for Carers' Leave. However, the Carers Leave Act 2023 gives employees in Great Britain a statutory right to take up to five days unpaid leave each year for an eligible dependent.</p>
Neonatal Care Leave and Pay	<p>Proposals seek to create an entitlement for neonatal care leave and/or pay for eligible parents of babies who enter neonatal care in the first 28 days following</p>	<p>Similar neonatal leave and pay entitlements came into force in Great Britain in April 2025.</p> <p>The Westminster Bill does not specifically address neonatal care leave and pay.</p>

	<p>birth and who spend at least seven continuous days in neonatal care.</p> <p>Provide an additional week of statutory leave and/or pay for each 7 continuous days in care that the child receives, up to 12 weeks. Make neonatal care leave a 'day one right' in line with maternity, adoption and parental bereavement leave. Neonatal care pay will be paid at the same rate as existing family-related statutory payments. Take delegated powers to enable the Department to extend the cap on the entitlement beyond 12 weeks in the future if it is considered right, and affordable, to do so.</p>	
Protection from Redundancy for Pregnant Employees	<p>Employees will be protected from redundancy when they inform their employer they are pregnant.</p> <p>The redundancy protection period will be extended to 18 months from when the child is born, stillborn, expected to be born, or is placed for adoption. This period of 18 months will include any period of relevant leave taken (Maternity, Adoption and qualifying Shared Parental Leave).</p> <p>Someone taking shared parental leave will also have protection from redundancy, once they have taken at least six weeks of shared parental leave.</p>	<p>The Bill seeks to make it unlawful to dismiss pregnant women and mothers during maternity leave and for a six-month period after their return to the workplace.</p>

Paternity Leave	<p>Proposals seek to extend paternity leave so that new fathers can take leave:</p> <ul style="list-style-type: none">• from the first day of employment (removing 26-week qualification period)• as two separate blocks of one week, or a single block of two weeks• at any time within the first 52 weeks of birth/adoption (rather than the current 56 days). <p>Notice requirements will also be reduced to 28 days for each period of leave (down from 15 weeks) and the DfE will also legislate to make it possible to increase the duration of paternity leave in the future.</p>	<p>The Bill will also remove the 26-week qualification period, and employees will be able to take paternity leave and pay in addition to shared parental leave and pay.</p> <p>New paternity leave rules were introduced in GB in April 2024</p>
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Source: DfE 2025 and House of Lords 2025

Potential Scrutiny point arises from the above.

Potential Scrutiny Point:

12. Does the DfE intend to provide financial or other support mechanisms for employers implementing extended family leave arrangements? If yes, please detail. If not, please detail why not?

4 Key Takeaways

Research undertaken for this paper has highlighted key differences and similarities between the employment rights for employees and workers in Northern Ireland and the Republic of Ireland. There are significant legislative differences that impact employees and workers in both regions. While Northern Ireland's employment rights largely mirror those in Great Britain, the Republic of Ireland's rights stem from both homegrown and European Union legislation. This divergence in legislative frameworks has led to variations in the rights and entitlements available to employees and workers, such as the provisions for written particulars of employment, pay statements, zero-hours contracts, tips and gratuities, unfair dismissal, and domestic abuse leave.

In Scotland, the Fair Work Framework, with its five dimensions has developed the concept of "Fair Work" over the past decade. It has provided the Scottish Government with a valuable tool in promoting fair work practices across various sectors. The Scottish Government's commitment to becoming a leading "Fair Work" nation by 2025 underscores the importance of these principles in shaping employment rights legislation going forward.

The Westminster Employment Rights Bill 2024-25 and the Northern Ireland Good Jobs Bill: Way Forward proposals, both seek to reform employment rights and protections, but differ in scope, approach, and implementation. The Westminster Bill focuses on delivering key legislative reforms set out in the United Kingdom Government's Plan to Make Work Pay report, including flexible working, zero-hours contracts, employment status, redundancy rights, family-friendly rights, labour market enforcement, and fair pay. The Northern Ireland proposals emphasise ending exploitative zero-hours contracts by introducing a banded system of weekly hours, enhancing protections for agency workers, ensuring tips are passed on to workers in full, modernising the trade union framework, and expanding flexible working and carer's leave.