

Response to ‘Good Jobs’ Employment Rights Bill Consultation

Department for the Economy

September 2024



1. Introduction

Women's Platform welcomes the opportunity to contribute evidence to this consultation. It is positive to see the proposals in the Bill, which are broadly in line with the approach proposed by the women's sector for some considerable time.

Women's Platform is a membership organisation working to promote the implementation of international human rights standards in Northern Ireland, and in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in line with commitments the UK has made to international human rights treaties. Women's Platform also amplifies the voices of women and girls in Northern Ireland at the European and international level, including at the UN. Women's Platform is in special consultative status with the Economic and Social Council of the UN. Locally, Women's Platform builds the capacity of members and the wider women's sector to utilise international human rights standards and mechanisms for women's rights in their own practice and work to promote gender equality in Northern Ireland.

Women's Platform view recommendations of UN human rights bodies as the roadmap to delivering equity and rights based decision making in Northern Ireland. The comments below focus on how the Bill can be effectively passed and implemented in line with international human rights obligations and the needs of all population groups, including women and girls.

1.1 Endorsement

Women's Platform endorses the responses of NIC-ICTU, Women's Policy Group and Women's Regional Consortium to this consultation.

1.2 Summary

Women's Platform supports the provisions in this Bill, as important measures strengthening protection for workers, and creating clarity for employers regarding their duties, while providing effective measures to encourage positive working conditions and deter poor practice. Overall, the Bill includes positive provisions that can support all employees and workers, but in particular women, who are overrepresented in low pay sectors, and in most families act as the primary caregivers, with responsibilities for children and sometimes adult dependents including relatives. The provisions for secure employment, flexible working and pregnancy and maternity protection are particularly important, as insecure and inflexible working arrangements are a key reason why women with caring responsibilities often find it impossible to remain in work.

It would be important to also include a review of sick pay within, or following, the legislation. Proposals to extend sick pay provisions have been highlighted by the new Labour government, as part of a package of reforms to be introduced as the Employment Rights Bill. This Bill includes a new Day 1 right to sick pay, as well as extending parental leave and protection from unfair dismissal – which is missing from the current Bill in Northern Ireland. As the Good Jobs Bill currently includes a focus on addressing existing gaps in legislation between Britain and Northern Ireland, it is essential to reflect provisions in this Bill prior to passing legislation in Northern Ireland, to ensure no new gaps can emerge between Northern Ireland and Britain.¹ These provisions are also vital for women; the Women’s Budget Group estimates that the reforms will benefit 1.47 million women in Britain alone through extending sick pay provision, while research by the think tank highlights that improved protections can reduce economic inactivity and the £88.7bn lost to the UK economy each year through women’s lower labour market participation.²

While there are examples of reflecting good practice internationally, such as the provisions for trade unions in New Zealand, it would be welcome to see more of this ambition in the legislative programme, to ensure Northern Ireland can pass leading edge, innovative legislation that can support an ambitious and innovative economy, building on supporting a wider range of people of working age to meaningfully and gainfully engage in the labour market. For example, models for tripartite negotiation and collective bargaining exist in the Nordic countries^{3 4} and Germany⁵, and learning from these economies, with broad similarities to Northern Ireland, could be explored.

2. General comments

It is positive and welcome to see the Bill, which responds to many issues that the women’s sector has raised and campaigned for over an extended period. It is noted, however, that many of the provisions will simply fill gaps to existing provisions in England, Scotland and Wales, in particular in relation to legislation around work life balance and maternity protections, which have recently been updated in Britain. While there are examples of reflecting good practice internationally, such as the provisions for trade unions in New Zealand, it would be welcome to see more of this ambition in the legislative programme, to ensure Northern Ireland can pass leading edge, innovative legislation that can support an ambitious and innovative economy, building on supporting a wider range of people of working age to meaningfully and gainfully engage in the labour market. For example, models for tripartite negotiation and collective bargaining exist in the Nordic countries^{6 7} and Germany⁸, and learning from these economies, with broad similarities to Northern Ireland, could be explored.

¹ UK government press release 14 August 2024 [‘Business leaders and unions to work hand in hand to deliver new plans to Make Work Pay’](#)

² Women’s Budget Group (September 2024) [The Feminist Future of Work The Employment Rights Bill and the impact on women’s working lives](#)

³ See eg. [an overview](#) of the Finnish legal position by the Occupational Health and Safety Administration in Finland, last accessed 30 September 2024

⁴ See the Swedish [position](#) at the Swedish Work Environment Authority, last accessed 30 September 2024

⁵ See eg. Dribbusch, H & Birke, P (2019) [Trade unions in Germany: Challenges in a time of transition](#). Berlin: Friedrich Ebert Stiftung.

⁶ See eg. [an overview](#) of the Finnish legal position by the Occupational Health and Safety Administration in Finland, last accessed 30 September 2024

⁷ See the Swedish [position](#) at the Swedish Work Environment Authority, last accessed 30 September 2024

⁸ See eg. Dribbusch, H & Birke, P (2019) [Trade unions in Germany: Challenges in a time of transition](#). Berlin: Friedrich Ebert Stiftung.

Overall, the Bill includes positive provisions that can support all employees and workers, but in particular women, who are overrepresented in low pay sectors, and in most families act as the primary caregivers, with responsibilities for children and sometimes adult dependents including relatives. The provisions for secure employment, flexible working and pregnancy and maternity protection are particularly important, as insecure and inflexible working arrangements are a key reason why women with caring responsibilities often find it impossible to remain in work.

The concrete impact of this lived reality for women is that almost a third of working age women and girls are outside paid employment⁹, while increasing numbers of women are forced to leave paid work¹⁰ due to lack of access to affordable, suitable childcare and adult social care. These findings draw on available official statistics, and have been corroborated by research in the community and voluntary sector, most recently in summer 2024 by the Women's Regional Consortium, which is due to publish a report within the next two months. This reality, in turn, has significant impacts on women's living standards and on their pension. In Northern Ireland, women are more likely than men to live on low incomes¹¹, while women's pensions are a fraction of men's due to lifetime lower earnings: UK wide data show that women typically retire with pension savings of £69,000, compared to £205,000 for men¹². Women's financial circumstances are also a factor preventing many women from leaving abusive relationships¹³, and therefore the Bill can play a part in addressing violence against women and girls, alongside the overdue and vital Safe Leave Regulations.

However, it is vital that the Bill forms part of a wider framework of legislation and policies that create social infrastructure supporting participation in paid work for everyone who chooses to do so. From a women's perspective, accessible and affordable childcare is crucial to enable women to make such choices, while adult social care also plays a key role: recent research by the Women's Regional Consortium show that half of women have been a carer by the time they are 46, with a third reporting they had had to leave work to provide care, while the research showed half of men also had been carers by age 57¹⁴. This highlights the disproportionate impact of unpaid care on women's opportunities to work and build a career, but also clearly demonstrates the importance of social infrastructure such as care for an innovative, sustainable and prosperous economy. Women's Platform also undertook a project exploring women's priorities for a future Northern Ireland in 2021-22, with almost 100 women of all ages and backgrounds across Northern Ireland¹⁵. The core priority across groups was for women's voices to be better heard in decision making, while women also prioritised stable, sustainable and accessible physical and social infrastructure including care, employment opportunities, education, housing and safe public spaces, as well as accessible social protection systems for those who need them. Specifically, women highlighted safe and accessible public transport for all, including people with disabilities, as a priority and prerequisite for a modern, rights based society.

In particular, the World Economic Forum has found that the UK has some of the highest childcare costs in the world.¹⁵ Compared with OECD member states (the Organisation for Economic Cooperation and Development), Northern Ireland is ranked third highest for the

⁹ NISRA (March 2022) [Women in Northern Ireland 2020-21](#)

¹⁰ See eg. Employers for Childcare (November 2021) [Childcare Survey for Northern Ireland 2021](#)

¹¹ See eg. Living Wage Foundation (February 2024) [Employee jobs paid below the Living Wage: 2023](#)

¹² NOW: Pensions (2024) [Gender pension gap report 2024](#)

¹³ See eg. *Big Issue* 26 November 2022 '[The cost of living crisis is making it harder for domestic violence victims to leave their abusers](#)'

¹⁴ Women's Regional Consortium and Carers NI (February 2024) [Career or care: Women, unpaid caring and employment in Northern Ireland](#)

¹⁵ Women's Platform (January 2023) [A women's vision for Northern Ireland](#)

highest share of average household income spent on childcare costs.¹⁶ The Northern Ireland Childcare Survey report for 2023 has shown that childcare is the biggest monthly bill faced by 41% of families in Northern Ireland costing more than their mortgage or rent payments and for 64% of parents their childcare bill is their largest or second largest monthly outgoing.¹⁷

It is also important that the Bill contributes to societal debate and action on mechanisms to support people to access work, including education and addressing stereotypes. A barrier to seeking work for many women, particularly those with more limited qualifications seeking entry level roles, is the requirement to be available for all shifts, which can exclude people with caring or other commitments, including studies. In many professional and managerial environments, there is similarly an unwritten expectation to work additional hours and/or be available at all times, which combined with unhelpful attitudes to women in the workplace is a key factor limiting women's progression. It is vital that guidance, and other initiatives surrounding the legislation, addresses these wider attitudes and perceptions, in order to ensure that provisions in the legislation do not inadvertently act to exclude more women from entering and progressing in the workplace. Specifically, exploring options to share costs of eg. flexible working provisions more evenly across sectors and industries is important, as the costs of pregnancy and maternity at present are borne largely by female dominated sectors such as care and education, which contributes to the persistent low pay in these sectors. This low pay is also associated with low value attributed to care as 'women's work', which relates to the perceptions and attitudes mentioned above, and is relevant to resistance to change, although strictly outside the scope of the Bill.

In the context of wider legislative changes needed, introduction of gender pay gap regulations is a major gap, which is within the remit of the Department for Communities. Addressing this as a wider priority is vital to ensure protections in Northern Ireland are put on an equal footing with England, Scotland and Wales, as recommended in the most recent Concluding Observations for the UK under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁸. Legislation on gender pay gap reporting, introduced as a result of recommendations in the Concluding Observations of CEDAW in 2013¹⁹, made reporting a statutory duty for employers with more than 250 employees in Britain, in 2017²⁰.

The Pay Transparency Directive²¹ introduces a requirement for gender pay gap reporting across the EU, and broadens requirements for countries that had reporting in place. Employers will need to report the gender pay gap across the company as a whole, and will also need to report on pay within each category of workers who do the same work or work of equal value. In addition, it requires employers to advertise the salary range for each job vacancy and to stop asking job applicants about their current and past pay; the latter remains common practice in England in particular, and therefore this creates gaps across the UK. Under this Directive, all workers will have a new right to request information about what others doing comparable jobs are paid, on average, and employers are therefore expected to provide equal pay statistics. These are important provisions for eradicating gender pay discrimination and ensuring equality on the grounds of sex, and it would be

¹⁶ Northern Ireland Assembly Research and Information Service (May 2024) [Economic inactivity, key employment barriers and childcare costs potentially impacting those barriers: initial considerations for Northern Ireland](#)

¹⁷ Employers For Childcare (December 2023) [Northern Ireland Childcare Survey 2023](#)

¹⁸ CEDAW Committee (March 2019) [Concluding Observations on the 8th periodic report of the UK](#)

¹⁹ CEDAW (2013) [Concluding Observations on the 7th periodic report of the United Kingdom](#)

²⁰ [The Equality Act 2010 \(Gender Pay Gap Information\) Regulations 2017](#)

²¹ [Directive \(EU\) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms](#)

helpful to reflect the provisions of the Directive in gender pay gap legislation in Northern Ireland.

2.1 Impact on international human rights obligations

In the context of the Bill, it is relevant and important to note that Northern Ireland is bound by the international human rights obligations of the UK, as State Party to all key human rights conventions, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention on the Rights of People with Disabilities (CRPD) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Progressive realisation of rights is a key principle of the international human rights framework, and a key provision of ICESCR, which clearly recognises that implementation is affected by many factors including resourcing.²² This is central in relation to the Bill, as it can significantly progress equality in the workplace, particularly for women and girls, who are disproportionately affected by precarious work and challenges in securing flexible working, resulting in the high proportion of women who are outside paid work. The most recent data for Northern Ireland indicate that almost a third of women are outside paid employment²³, while lack of affordable and accessible childcare has been identified as a major reason why women are forced to leave paid work.²⁴

A common thread across the international human rights framework is the right to employment, with adequate support infrastructure, protections and where required, adjustments such as reasonable adjustment for disability. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), for example, specifically requires States Parties to take action to promote gender equality on issues from equal pay for equal work, to ensuring protections for pregnancy and maternity, and promoting equal access to education, employment, and social protection²⁵. In practice, this translates into a requirement to implement flexible working and childcare, which has been highlighted in the most recent Concluding Observations of CEDAW as a key priority for Northern Ireland²⁶. It would be very helpful to include reference to the human rights framework in the legislation, while guidance offers an opportunity to explore how these principles can be integrated in modern workplaces, in ways that support both employer and staff. Support in this regard is within the role and remit of the Equality Commission for Northern Ireland and the Human Rights Commission for Northern Ireland, of which the latter is the National Human Rights Institution responsible for monitoring human rights to the international community. Civil society organisations, including Women's Platform, contribute to this oversight through shadow reporting, and can also assist in identifying key elements relevant to employment law in Northern Ireland.

The full set of recommendations for Northern Ireland and the UK from UN monitoring bodies is extensive, ranging from over 300 recommendations from the Universal Periodic Review in 2022²⁷ to the Concluding Observations on the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in August 2024, and the report from the follow up to the Inquiry

²² See [International Covenant on Economic, Social and Cultural Rights](#) for a discussion of both principles

²³ NISRA (March 2022) [Women in Northern Ireland 2020-21](#)

²⁴ See eg. Employers for Childcare (November 2021) [Childcare Survey for Northern Ireland 2021](#)

²⁵ [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW, 1979), articles 1-16. The UK signed the Convention in 1981 and ratified in 1986.

²⁶ CEDAW Committee (March 2019) [Concluding Observations on the 8th periodic report of the UK](#)

²⁷ Human Rights Council (January 2023) [Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland](#)

of the Rights of Disabled People under the UN Convention on the Rights of People with Disabilities, issued in April 2024²⁸. With regard to women and gender equality, it is relevant to note that the most recent Concluding Observations for the UK express concern that protections for women in Northern Ireland are falling behind those of women elsewhere in the UK, and a key recommendation is ‘to put protections in Northern Ireland on an equal footing with those in England, Scotland and Wales’.²⁹ The CEDAW Concluding Observations also urge for action on equal pay and ensuring equitable working conditions for men and women across the UK.

3. Response to consultation questions

Comments on the consultation questions are organised by theme, with comments focused on Themes A and D, which are the areas where Women’s Platform has expertise. There is a brief overview of key issues relevant to the theme at the outset, followed by brief responses to each set of questions.

3.1 Theme A: Terms of Employment

It is positive to see a careful consideration of the issues relating to employment conditions in Northern Ireland, and particularly positive to see reference to research by the Women’s Regional Consortium in the consultation document. This demonstrates an understanding of the cross cutting impacts of employment practices on women and girls, and offers a basis for effectively implementing legislation that supports equity in the workplace.

Secure employment, including certainty regarding hours of work and income, and clear terms and conditions of work is important for all workers, and is essential for women and girls, as core services and costs, such as childcare and other care, typically is arranged and paid for on a monthly basis. Uncertainty and/or unpredictability in income and hours is a major barrier to labour market participation for women with caring responsibilities, and in particular unpredictable shift patterns can be a deciding factor for women with limited support networks.

Women’s role as the primary carer in most families must be understood as the central wider context for women’s economic agency and decision making. Women typically use public services more than men, as women have lower incomes³⁰, which in itself is closely associated with the caregiver role that for many women means they are unable to make genuine, independent decisions regarding work: over one third of ‘economically inactive’ women cite family responsibilities as the main reason for being outside paid employment³¹. This is closely associated with the lack of accessible and affordable childcare and adult social care that is well documented in Northern Ireland, and highlights why employment policy cannot be separated from wider social infrastructure, including transport networks as well as care. In one car households, typically lower income households, women often have limited access to the car during the day, which means that women are reliant on public transport, or confined to opportunities and services within walking distance from home. This

²⁸ UN Committee on the Rights of People with Disabilities (April 2024) [Report on follow-up to the inquiry concerning the United Kingdom of Great Britain and Northern Ireland](#)

²⁹ CEDAW Committee (March 2019) [Concluding Observations on the 8th periodic report of the UK](#)

³⁰ See eg. NISRA (March 2022) [Women in Northern Ireland 2020-21](#) for an overview of income differences between men and women and the reasons for these; family commitments are a key factor.

³¹ Ibidem

has major impacts on women's ability to access work particularly in rural areas, where public transport is limited and often inaccessible for local hubs and centres.³²

The gender pay gap remains at 8%³³, and while this is to a significant extent related to lack of childcare and adult social care, which means many women are forced to work part time hours, instances of unequal pay between men and women in the same roles continue to occur.³⁴ Zero hours contracts constitute a particular risk for income inequality to occur and rise, as the context described above typically means women have more restricted availability to work, and therefore employers may prioritise men. It is also important to clearly establish the sectors, industries and companies where zero hours contracts are most common, and data collection to establish the proportion of men and women affected is vital, to ensure equity, as intended by the Bill. At an initial overview, zero hours contracts are more common in sectors with lower pay that are often female dominated, such as hospitality and retail. Zero hours contracts are also common in the health and social care sectors which are heavily female dominated.³⁵ UK wide, the recent Women's Budget Group research on the Employment Rights Bill to be introduced at Westminster indicates that banning zero hours contracts can give an additional 555,000 women job security³⁶, which is significant for women's confidence to seek work in the first place.

Evidence collated in research by the Women's Regional Consortium over a long period demonstrates that women in disadvantaged areas of Northern Ireland have been facing difficult financial and living conditions for a long time. Findings show that prior to the Covid-19 pandemic, women were hardest hit by austerity, and many women even then had to choose to forego essentials or even food to provide for their families³⁷. Universal Credit has done little to support or protect women; the difficulties with the five week wait for first payment are particularly significant and include families resorting to food banks, but the strict conditions and restricted payments are also creating challenges for women, who often have caring responsibilities, which limit availability for work. Health issues may also affect this.³⁸ While outside the scope of this Bill, the conditionality and strict tapers of Universal Credit are a major factor affecting women's ability to work, particularly as unpredictable or varying hours can make combining work and Universal Credit impossible. This means that many women choose to stay out of work, as incomes in the lowest paying sectors, and specifically part time work in low pay sectors, is not sufficient to support a household in the current economic conditions.

Research on access to lending from 2020 shows that women on low incomes often have limited access to regular credit and rely on high cost forms of lending, sometimes for everyday living, which is associated with debt. At that time, lone parent families were overrepresented among those in debt advice³⁹; follow up research from 2022 highlights that half of women interviewed were in debt and facing impacts including physical and mental health issues due to the ongoing stress. The 2022 report also highlights that high cost lending, including illegal lending that in some cases has links to paramilitaries, is increasingly commonly used, and adds pressure on women who are facing difficulties in meeting repayments⁴⁰. Women's Regional Consortium will publish new research on the impact of the

³² Northern Ireland Rural Women's Network (2018) [Rural Voices](#)

³³ NISRA (November 2023) [Employee Earnings in Northern Ireland](#)

³⁴ See eg. *Irish News* 22 July 2024 '[Belfast woman awarded £305,000 in historic equal pay victory](#)'

³⁵ NIC-ICTU (September 2024) *The Good Employment Plan: Contributing to a more prosperous and fairer society*

³⁶ Women's Budget Group (September 2024) [The Feminist Future of Work The Employment Rights Bill and the impact on women's working lives](#)

³⁷ Women's Regional Consortium (March 2019) [Impact of Ongoing Austerity: Women's Perspective](#)

³⁸ Women's Regional Consortium (September 2020) [The Impact of Universal Credit on Women](#)

³⁹ Women's Regional Consortium (February 2020) [Making Ends Meet – Women's Access to Lending](#)

⁴⁰ Women's Regional Consortium (September 2022) [Women living with debt](#)

cost of living crisis in late June, and the indication is that the impact has further deepened the challenges experienced by women since 2019.

These findings, taken together, provide a comprehensive picture of how public services shape the lives of women, and in particular low income women, in Northern Ireland. They will also be able to support further analysis of how proposed cuts are likely to impact women in Northern Ireland, and what the knock on impacts on women and their families are likely to be. It is vital to combine this evidence with currently available data, with available disaggregations, on benefit claimants, the housing waiting list and associated issues, including rent arrears, incidence of domestic abuse in different areas of Northern Ireland, and data on how different funds are supporting specific groups, to provide an evidence base for targeting available resources most effectively.

The Expert Panel Report to the Gender Equality strategy⁴¹ offers a wealth of data sources and evidence that can be used to support assessment of how employment conditions impact women and girls. The Feminist Recovery Plan⁴², originally published in response to the Covid-19 pandemic in 2020, also highlights key evidence and data sources, and sets out a clear roadmap to achieving a sustainable and equitable future for women and girls.

Responses to questions in Theme A

Questions A1-18: Zero hours contracts

Option 1: Support a ban on zero hours contracts

Zero hours contracts should be reserved for contracts that are expressly casual in nature, which should be carefully and clearly defined in legislation to ensure the provision is implemented appropriately in workplaces. As an example, such contracts may include so called 'bank' staff for emergency situations in workplaces. For all other contracts, it is preferable that employers would be required to offer contracts with a minimum set number of hours, in order to provide certainty for the employee. The reasons for this are outlined above and also referenced in the consultation document, and focus on creating conditions where an employee can have confidence in both a minimum level of income and a set number of hours allowing for better planning. This is important in particular for women, who are more likely than men to have caring responsibilities, and overall for families, who need certainty to enable both planning and paying for childcare, and/or care for vulnerable adults.

It is important that casual contracts do not automatically include seasonal work, such as Christmas period or agricultural seasonal contracts, as this may inadvertently lead to discrimination on grounds of age or ethnicity, as such contracts are often sought by young people or people from BME and migrant communities. While casual contracts may be appropriate for these situations, employers would clearly need to state this on job adverts, and clarify expectations in contracts to ensure that employees can exercise choice in hours without fear of repercussions. This also highlights that a clear definition of what constitutes casual work is vital to protect both employees and employers.

Option 2: Support banded hours as an employment right

Women's Platform believes that all employment contracts, except explicitly casual contracts, should clearly state the hours of work an employee is expected to be available per week.

⁴¹ Department for Communities (2021) [Report from the Gender Equality Strategy Expert Advisory Panel](#)

⁴² Women's Policy Group (2020) [Feminist Recovery Plan](#)

This is, as above, vital to enable employees to plan for child and adult social care, and have certainty regarding income week to week. It is therefore appropriate to introduce banded contracts, in addition to the proposed ban on zero hours contracts.

Option 3: Support right to seek more predictable pattern of work

Anecdotally, it appears that the situation described in relation to this option is a reality in many workplaces. There appears to be an expectation for staff to work significantly more hours than stated, but without long term clarity on how regularly this is expected, and how many additional hours are available. In some professional and managerial roles, unwritten rules may expect staff to be 'always available, while many others require flexibility regarding evening and weekend working within contracts. While additional hours are welcome to many workers, this also creates issues for those with caring and other commitments, particularly where hours and the time of day requested may vary frequently. Therefore, legislation is needed to clarify requirements for employers. Introducing these provisions would also create important consistency and equality for workers across the UK.

Option 4: Qualifying time period

It is reasonable that employees and workers are expected to complete a period in post before requesting changes to their contract, as there may be a settling in period, and other factors such as seasonal peak periods may affect hours during this time.

It appears relevant to include a qualifying period for up to 26 weeks, for permanent contracts. For short term contracts lasting 6-12 months, a shorter qualifying period should potentially be considered, to enable those with caring and other commitments to apply for posts with the confidence that changes may be possible, where necessary. This, in turn, is important in order to address the high levels of people outside paid work, as a lack of predictability may be a major barrier for many, in particular those with caring commitments and those with limited family support.

Option 5: Notice for work

As discussed above, clear and predictable working arrangements are essential for all employees and workers, and in particular those with caring commitments. It would appear reasonable to expect employers to provide at least one to two week notice of regular working hours, as this would also appear to enable effective wider business planning.

It is recognised that in particular small businesses may find additional legal duties onerous, with potential impacts on employees as a result. It may therefore be preferable to include this in guidance as a starting point, and integrate a review in an overall review of the legislation, which in itself should be written into the legislation considering its complex and wholesale nature. Such a review is vital to ensure provisions are operating effectively and as intended, and that any gaps or inefficiencies can be addressed in a timely manner, with a review five years from the date the legislation comes into force a potentially relevant timescale.

Option 6: Compensation where work not provided

Reflecting the legislation in Ireland, which ensures employees are compensated if they are expected to be available for work but do not get an opportunity to work, would appear relevant in Northern Ireland. It is recognised that where breaches occur, legal duties will add burden to small employers; however, it is essential to note that such a provision would primarily have a deterrent function to reduce and prevent poor employer practice. Therefore, the benefits appear to outweigh the risks, within the context of planning regular work. It is

clear that this duty would not apply in emergency or exceptional circumstances, and this could be clarified in legislation through reference to regular working and/or regular shifts.

Option 7: Exclusivity clauses

It is entirely appropriate that exclusivity clauses are made unenforceable in zero hours contracts, for the reasons set out in the consultation document. In addition, it would be appropriate to reflect legislation in Britain in this regard, as this would ensure equitable and consistent provisions for all employment contracts. This is important for consistency for all employees and workers in the four jurisdictions, and also to create clarity for employers operating across England, Scotland, Wales and Northern Ireland.

Option 8: Should any right to request a more predictable contract apply to other contracts which do not provide certainty in terms of hours worked, length of contract or days and times worked?

It would be appropriate and consistent to apply this right to all contracts that do not clearly indicate hours or length of contract. It would be ideal to enable the right to request a specific, reasonable shift pattern, as this would create vital predictability for many people with caring and other commitments. This, in turn, would reduce barriers to seek and accept work, which in turn can effectively contribute to reducing economic inactivity and the harms of poverty and child poverty that are associated with long term economic inactivity.

A9: If a statutory right to request a more predictable contract is introduced, under what grounds should an employer be able to refuse a request?

These grounds should reasonably reflect those currently in place in legislation in Britain. This would create clarity for employers as well as employees, and would ensure consistency across the four jurisdictions.

It would be helpful to consider extending the right to those on one year contracts, which constitute a growing proportion of contracts in light of resource pressures within organisations. This would further contribute to removing barriers to seek and accept work, and could also encourage employers to undertake more thorough business planning, reducing the risk of emergencies.

A10: For either a right to make a request to a more predictable contract or a right to move to a banded hours contract, there will be a need for the worker to have been in post for a period of time in order to provide evidence of the reality of the working relationship. Should this qualifying period be 12 weeks, 26 weeks or 52 weeks?

As noted above, a qualifying period of 26 weeks is appropriate for permanent contracts and contracts longer than 12 months. For any applicability to contracts of around 12 months, consideration should be given to a shorter qualification period, potentially 12 weeks. However, it is vital that guidance accompanying this legislation clearly encourages employers to set hours clearly in line with anticipated business needs, and communicate these openly and clearly to employees at application stage, with subsequent hours confirmed at least 1-2 weeks in advance to facilitate employee planning.

Questions A19-26: Understanding Employment Status and addressing Bogus Self Employment

Women's Platform endorses the response of NIC-ICTU to these questions, and supports both legislation to end bogus self employment and scrapping the worker category in the current employment system classification, in favour of the two tier system in place in most

European countries. The two tier system offers greater clarity of rights in the workplace for employers as well as employees, and creates a system where trade unions and other worker representatives can more easily advocate for employee rights. Addressing breaches of legislation is also easier, as employers will be unable to utilise the 'worker' categorisation to reduce their obligations to some or all staff. It also increases consistency with tax law.

There is an urgent need to address bogus self employment, which includes most if not all forms of gig and platform work, as those providing the work clearly have virtually no say in how or when the work is carried out, as is required for self employed status. Removing the worker status is one mechanism to address this, as it reduces loopholes, but continues to allow for freelance, contractor and other arrangements, which are valuable for many sectors of the economy, but significantly differ from the areas at hand, as people in genuine contractor roles do have flexibility about how to carry out their work.

However, more fundamental reform is required, including establishing a more stringent test as to the flexibility of a given role. In this regard, it is crucial to go beyond the superficial test that gig and platform workers can choose when to work, and explore the nature of the relationship while at work, which in most cases is very different. This has been clearly established in a number of UK Supreme Court decision, which offer clear legal ground for reform. In addition, provisions in the International Covenant on Economic, Social and Cultural Rights⁴³ offer further support for reform, as they clearly state that everyone has the right to safe, healthy and fair working conditions.

Gender is also relevant to employment status, in particular in relation to self employed people. The lack of protections for self employed people constitutes a barrier for many women to consider entrepreneurship, as the risks of no access to sick pay, maternity leave and other protections such as the work life balance provisions included in the Bill are often too big in the context set out above. While it is accurate that entrepreneurship offers the kind of flexibility women with caring responsibilities need, the financial risks and initial investment required mean that self employment is an option only for highly qualified women with either savings or external support. In some cases, women on very low incomes do undertake activities that in principle can be considered self employment, such as selling crafts, cakes or services, the financial risks often mean that this enters the grey, informal economy, where risks for individuals are even greater as access to any support may be at risk. While employment status is outside the scope of this Bill, longer term consideration should be given to how protection can be extended to all working people, ideally through public funding support, but potentially also through controlled fees or levies within the tax system.

Questions A27-A32: Fire and rehire

Women's Platform endorses the position of NIC-ICTU on this issue, and support statutory provision to end fire and rehire practices. The provisions in ICESCR clearly state that all individuals have the right to safe and stable employment, and these practices contravene that stability by unilaterally weakening conditions for employees. Legislation may be needed to provide a deterrent function, as guidance and Codes of Practice may not be sufficient to protect employees across sectors equally.

It is particularly essential to ensure that organisations cannot exaggerate risks to a business in order to avail of fire and rehire practices, as this is unethical and undermines the position of other organisations meeting legal and international standards. It is recognised that in some very specific circumstances a business may depend on changing conditions for staff for survival; however, collaboration and consultation processes and temporary measures

⁴³ See [International Covenant on Economic, Social and Cultural Rights](#) for a discussion of all principles

such as reducing hours are already available and offer fairer, more transparent ways to protect a business.

Questions A23-A35: Employment rights: Redundancy – Offence of Failure to Notify

Women's Platform endorses the position of NIC-ICTU on this issue, and supports the introduction of personal liability to add a layer of responsibility and impetus to meet legal obligations. Women's Platform has no set view on the fine to be available; however, in principle this should be sufficiently high to add to the deterrent, and potentially constitute a proportion of turnover rather than a fixed amount, which has a very different impact in different sizes of business.

Questions A36-A38: Employment Rights: Written Statement of Particulars

Women's Platform strongly supports the proposals in this section. A clear contract, or statement of work particulars, is an essential element of the relationship between employer and worker, and should be a day one right for all employees and workers. This is vital to create clarity for both parties, and meet the ICESCR provisions for clear working conditions.

Including workers in a day one right to a contract is, further, a helpful starting point for preparing abolition of this employment category.

Questions A39-A41: Agency Workers and Recruitment Agencies – Pay Between Assignment Contracts

Women's Platform strongly supports the proposals in this section. Agency workers are subject to particular risks in the workplace and have more limited power than employees, and this is a basic provision to improve security for agency workers.

Questions A42-A46: Key Information Document for Agency Workers

Women's Platform strongly supports the proposals in this section. As above, agency workers are subject to particular risks in the workplace, and a lack of clarity regarding the particulars of their assignment is a fundamental disparity that reduces the rights and powers of agency workers to exercise their basic rights. Ensuring a clear document is set up is a basic provision to improve security for agency workers.

Questions A47-A54: Employment Agency Inspectorate Information Sharing

Women's Platform supports increasing powers of the Inspectorate in this regard. Comments made above also apply to this question.

Questions A55-A57: EAI Enforcement Powers: Labour Market Enforcement Undertakings & Labour Market Enforcement Orders

Women's Platform supports increasing powers of the Inspectorate in this regard. Comments made above also apply to this question.

3.3 Theme B: Pay and benefits

Women's Platform endorses the response and positions of NIC-ICTU with regard to this chapter.

Broadly, Women's Platform supports all proposals made in this chapter, as the proposed provisions are relevant to creating safe and sustainable jobs, and ensuring all employees and workers are treated fairly, regardless of gender. This is important in order to create the conditions for a flourishing and innovative economy, which encourages people to work, and take opportunities in relation to work. As noted above, uncertainty about pay and conditions is a barrier for many people to consider paid work, particularly those furthest from the labour market, and those with caring commitment. Many people who are in receipt of Universal Credit, and often reliant on this to make ends meet each month, are very reluctant to consider paid work due to the complex UC eligibility and taper calculations, and the clarifications to legislation proposed can contribute to allaying these fears. Therefore, the legislative proposals can contribute to addressing economic inactivity, which must be considered as an outcome alongside any concerns or potential burdens for employers.

Questions B1-B9: Tips

Women's Platform supports legislation to ensure that tips are passed on to staff in full. Legal duties create clarity for all employers, and therefore contribute to an even playing field for all employees and workers, which is important to create conditions where people are prepared to consider working in sectors where tips are an established practice. It is recognised that many of these sectors employ an often young and transient workforce, and from this perspective, it is also important that workplace practices are in line with international law principles on fair working conditions for people of all ages, and equal pay for equal work.

A Code of Practice would be helpful in ensuring all employers are aware not only of their duties, but of best practice and how adhering to best practice can contribute to sustaining their business.

Questions B10-B11: Pay slips

Women's Platform supports the proposal to extend the right to a pay statement to all workers. This is important to ensure equity for everyone in paid employment, and also to embed good practice across all forms of employment. Access to a pay statement is essential for individuals, for the reasons stated in the consultation document, and also to ensure all people in paid employment have an equal opportunity to access financial services such as mortgages. Pay slips are mandatory evidence for a mortgage, and increasingly for other types of financial services, and therefore the current discrepancy risks creating unnecessary inequalities between employees and workers, which are disproportionate compared to the benefits of flexibility afforded to workers. As noted above, however, Women's Platform supports scrapping the category of worker in favour of a two tier system, which is associated with fewer risks of discrimination and disadvantage for people with a worker status.

Questions B10-B11: Holiday pay calculation period

Women's Platform supports the extension of the holiday pay calculation period to 52 weeks, in order to ensure that those working irregular hours are not disadvantaged. This is vital for all, but in particular women, as women's earnings are often used to cover essential household outgoings such as childcare and bills, and the potential disadvantage compounds income inequality for women, which has been discussed above.

It is important, however, to consider those on contracts shorter than 52 weeks when setting the legal duties, and allow for an alternative to be used for those who do not have 52 weeks' history with one employer, or will not remain with one employer for 52 weeks. Potentially, the reference period for such situations should be the full period of employment prior to the relevant calculation date, as this has the greatest potential to avoid underpaying.

Questions B14-B19: Working Time Regulations: Record Keeping Requirements

Women's Platform endorses the response of NIC-ICTU to this question, as Women's Platform does not have specific HR expertise.

Questions B20-B23: Working Time Regulations: Right to Disconnect

Women's Platform supports the introduction of a statutory Code of Practice on the right to disconnect. This right is in place in Ireland⁴⁴ and being explored by the EU⁴⁵, and can support in particular women's health and wellbeing, as many women typically undertake caring duties and household chores after work, and the added pressure of being expected to be available for work can create overwhelming demands that harm health and wellbeing. In addition

Anecdotally, there is significant evidence of an increased 'always on' culture emerging in Northern Ireland, building from the introduction of smartphones providing easy access to email, social media and other communication platforms, and intensifying since Covid-19. There is significant evidence that such a culture has negative impacts on employees' and workers' mental health in particular, with wider implications for productivity as well as family life, and a right to disconnect has the potential to limit these harms, primarily by raising debate on the issue. It is essential that any Code of Practice is complemented by training and guidance for employers, along with wider public debate on work life balance, as there is a risk that the right remains theoretical, if employees feel that exercising this right may harm their employment relationships or promotion opportunities. Anecdotal evidence that this may be the case is ample and long standing, and is associated with barriers to women's progression in the workplace, as outdated attitudes view women, and women with caring commitments in particular as less reliable workers than others.

3.4 Chapter C: Voice and representation

Women's Platform endorses the response and position of NIC-ICTU to this section.

Broadly, Women's Platform is in favour of strengthened organising rights for employees and workers, as a mechanism for ensuring fair and sustainable working conditions for all workers, and a clear structure for negotiating such conditions. Tripartite arrangements and collective bargaining have been the norm in northern Europe, including Germany⁴⁶ and the Nordic countries, for many decades, and have contributed to successful and innovative economies, with sustainable outcomes for workers across sectors. This indicates that trade unions contribute to economic development, and can act as effective representatives for workers across sectors, especially through supporting large scale agreements strengthening

⁴⁴ Irish government press release 1 April 2021 '[Tánaiste signs Code of Practice on Right to Disconnect](#)'

⁴⁵ EU Commission press release 30 April 2024 '[Commission launches first-stage consultation of social partners on fair telework and the right to disconnect](#)'

⁴⁶ See eg. Dribbusch, H & Birke, P (2019) [Trade unions in Germany: Challenges in a time of transition](#). Berlin: Friedrich Ebert Stiftung.

equity across workplaces. This is in line with provisions in the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁴⁷, which affords all individuals the right to join a trade union and have protections from discrimination as a result of trade union membership. Collective bargaining can also assist in employee retention, as employees can have confidence that their pay and conditions are equitable to those in other organisations in the same sector.

Questions C1-C9

Women's Platform support legislation to secure trade union officials access to organisations and businesses of all sizes, without exemption. Trade unions seek to ensure sustainable and fair conditions for all workers, and granting officials access to an organisation is in itself an indicator of a positive workplace. There is limited or no evidence that trade unions seek to create disadvantage to employers, and no indication that visits are vexatious or seek to incite opposition; indicating this demonstrates a distrust of workers as a whole, and addressing such distrust is in itself vital to create the positive working environment the Bill seeks to achieve.

It may be relevant to reflect the New Zealand model granting access to trade union officials, and explore a similar model for small and micro businesses, where officials are required to notify the organisation of a planned visit. This may assist in ensuring a good faith relationship can be developed, as it can help reduce unexpected pauses to activities and production, which will be a more significant issue in small businesses and teams compared to larger organisations.

Questions C10-C14

Women's Platform supports proposals to reduce the threshold for the seize of organisations where unions can seek recognition, and supports the response of NIC-ICTU to this question.

It is not clear why micro businesses should be exempt from the recognition provisions, as union recognition does not materially change the operation of businesses and organisations. It is recognized that acting as a shop steward is associated with rights to time off etc, but consideration should be given to arrangements where union members in micro businesses are supported by stewards in larger organisations either located close by or assigned through mentoring schemes.

Questions C15-C20

Women's Platform endorses the NIC-ICTU response to these questions. As noted above, collective bargaining has been effectively implemented in northern Europe for a long period, with evidence of benefits to the economy as a whole. In these countries, as well as in Belgium, tripartite negotiations and collective bargaining has worked successfully across sectors, and this demonstrates why collective bargaining should be legally enabled in Northern Ireland.

Collective bargaining can contribute to stability in the economy, by creating certainty for employees across sectors for an agreed period, which reduces the risk of pay and other disputes. Collective agreements can also reduce unhealthy competition between organisations in the same sector, and support employee retention, thus enabling organisations to focus on business development, growth and impact.

⁴⁷ See [International Covenant on Economic, Social and Cultural Rights](#) for a discussion of both principles

Questions C21-C24

Women's Platform endorses the NIC-ICTU response to these questions.

Questions C25-C30

Women's Platform endorses the NIC-ICTU response to these questions. Enabling electronic balloting is in line with modern business and organisational practices, and can also contribute to improved ballot secrecy.

Questions C35-C40

Women's Platform endorses the NIC-ICTU response to these questions.

Questions C36-C39

Women's Platform endorses the NIC-ICTU response to these questions.

Questions C40-C43

Women's Platform endorses the NIC-ICTU response to these questions.

Questions C44-C46

Women's Platform endorses the NIC-ICTU response to these questions.

Questions C47-C52

Women's Platform endorses the NIC-ICTU response to these questions.

Questions C53-C64

Women's Platform endorses the NIC-ICTU response to these questions.

Questions C65-C68

Women's Platform endorses the NIC-ICTU response to these questions. In principle, reporting is relevant and appropriate to monitor how whistleblowing is handled, the trends in disclosures and also action on disclosures.

Anecdotally, there are significant concerns that whistleblowing is associated with negative impacts on whistleblowers, up to and including 'blacklisting' across their sector of work; this has been reported in the healthcare sector in particular. It is therefore understandable that employees and workers are wary about raising concerns in the workplace; however, this situation may perpetuate poor or even harmful practices, and also favours employers by enabling poor treatment of whistleblowers.

3.5 Theme D: Work life balance

It is very welcome to see the proposals in this section, which are particularly important in a context where women remain the primary caregivers in most families and also undertake the majority of unpaid household work. Official National Statistics show that at UK level, women

spent an average of 3 hours and 37 minutes per day doing unpaid work activities including housework, caring for others and volunteering between 23 September and 1 October 2023; this was 54 minutes more than the average among men at 2 hours and 43 minutes⁴⁸. During the pandemic, working class women were the hardest hit with almost half (43%) undertaking no paid work in April 2020, while less than half of women (48%) were working full time by June 2020; this was affected in particular by lack of access to care for dependents, as well as furlough schemes⁴⁹.

Recent research by the Women's Regional Consortium show that half of women have been a carer by the time they are 46; men reach this proportion at age 57⁵⁰, highlighting the disproportionate impact of unpaid care on women's opportunities to work and build a career, which in turn affects their lifelong earnings and income, including pension. Over a third (34%) of women carers who took part in the research had left work to provide care, while 28% had reduced their hours and 17% had downgraded their role or turned down a promotion. Meanwhile, the UK wide State of Caring survey highlighted that 41% of women feel they may need to retire later than planned due to caring and over one in four (27%) are concerned about debt; overall, the survey shows that 40% of respondents had given up work, while 22% had reduced their hours.⁵¹ Many unpaid carers are unable to work due either the demands of their role or the growing demand for full flexibility in the labour market, or a combination of both, and are therefore at increased risk of poverty. Women are overrepresented among the poor and in particular the working poor, which further highlights the vital importance of considering how changing any element of service provision by the Department will impact on carers in general and women carers in particular.

In this context, the concept of a care economy is important from a women's perspective. Understood as an economy that prioritises care, in its widest sense, it explores how investment in care can underpin a thriving, sustainable economy, which also reduces reliance on public services at a societal level⁵². The challenges of the health care system have long been established, and are now urgent, directly affecting people's life expectancy and quality of life. While staffing issues are challenging and contributing to the crisis, this clearly demonstrates the effects of a lack of long term planning. Care economy offers a framework for assessing how investment in care can not only meet the vital care needs of people in Northern Ireland, but also create jobs to support local communities, address unemployment and assist in restructuring the economy. At UK level, it has been estimated that investment bringing the care workforce to 10% of the population could create up to 2.5 million jobs, for men as well as women. This report by Women's Budget Group stresses that investing in care, rather than construction, would also allow for 50% more of investment to be recouped in direct and indirect tax revenue.⁵³

Gender budgeting offers a tool for doing this kind of comprehensive analysis, as this approach at its core is about following investments and identifying impacts on a diverse range of population groups, enabling a range of impacts to emerge and inform effective decision making. **Please note the appendix included to this submission, which is a statement on gender budgeting prepared by Northern Ireland Women's Budget Group**

⁴⁸ Office for National Statistics (November 2023) [Time use in the UK: 23 September to 1 October 2023](#)

⁴⁹ Women's Budget Group (October 2020) [Carrying the work burden of the COVID-19 pandemic: working class women in the UK: Employment and Mental Health](#)

⁵⁰ Women's Regional Consortium and Carers NI (February 2024) [Career or care: Women, unpaid caring and employment in Northern Ireland](#)

⁵¹ Carers UK (2023) [State of Caring survey](#)

⁵² See further information on the Commission for a Gender Equal Economy and the Commission report at [WBG Commission on a Gender-Equal Economy - Womens Budget Group](#)

⁵³ de Henau J & Himmelweit, S (June 2020) [A care led recovery from coronavirus](#). London: Women's Budget Group

and Ulster University for the budget consultations 2023-24 and remains relevant now. Women's Platform endorses this statement.

Women in Northern Ireland provide significant unpaid care within families and communities; as noted above, this is a key reason why women are not in paid employment. Meanwhile, lack of access to suitable and affordable care, including childcare and adult social care, is forcing many people, predominantly women, to either work part time hours or leave the workforce entirely⁵⁴. This increases demand on benefits, particularly among those on lower incomes and with more limited support networks, and clearly demonstrates how a lack of joined up planning impacts both on individuals and the economy as a whole. Ensuring a minimum floor of services across the region is vital to prevent more women leaving the workforce, thus reducing access to talent and skills, and further deepening labour shortages in crucial parts of the economy.

Maternal employment is also a key factor in reducing and preventing child poverty, while maternal education is directly linked to improved outcomes both in educational attainment and health⁵⁵. The Childcare for All campaign coordinated by Employers for Childcare highlights core elements of a high quality childcare system, which should have universality and accessibility at its heart.⁵⁶ A quarter of children in Northern Ireland were living in poverty in 2020⁵⁷, with the pandemic and cost of living crisis deepening the impact of poverty and disadvantage. Increasing women's opportunities to access flexible working and undertake care responsibilities, supported by improved access to childcare and adult social care, is likely to support a generation of individuals and the prospects of Northern Ireland, and therefore supporting parents and families is vital to a successful, sustainable and growing economy.

It would be important to also include a review of sick pay within, or following, the legislation. Proposals to extend sick pay provisions have been highlighted by the new Labour government, as part of a package of reforms to be introduced as the Employment Rights Bill. This Bill includes a new Day 1 right to sick pay, as well as extending parental leave and protection from unfair dismissal – which is missing from the current Bill in Northern Ireland – and it is essential to reflect provisions in this Bill prior to passing legislation in Northern Ireland, to ensure no new gaps can emerge between Northern Ireland and Britain.⁵⁸ These provisions are also vital for women; the Women's Budget Group estimates that the reforms will benefit 1.47 million women in Britain alone through extending sick pay provision, while research by the think tank highlights that improved protections can reduce economic inactivity and the £88.7bn lost to the UK economy each year through women's lower labour market participation.⁵⁹

Questions D1-D5: Flexible working

Women's Platform strongly supports the proposals for introducing the right to request flexible working as a Day 1 right, and to introduce the right to make two requests in a 12 month period. As noted throughout this response, and recognised in the consultation document, women with caring responsibilities find it particularly hard to combine these responsibilities

⁵⁴ See eg. Employers for Childcare (November 2021) [Childcare survey for Northern Ireland 2021](#)

⁵⁵ See eg. Harkness, S (2018) [Briefing on Female Employment and Child Inequality](#) for the [All Party Parliamentary Group on Social Science and Policy](#)

⁵⁶ For further detail, see [Childcare campaign | Childcare For All | Northern Ireland \(childcareforallni.com\)](#)

⁵⁷ Joseph Rowntree Foundation (November 2022) [Poverty in Northern Ireland 2022](#)

⁵⁸ UK government press release 14 August 2024 '[Business leaders and unions to work hand in hand to deliver new plans to Make Work Pay](#)'

⁵⁹ Women's Budget Group (September 2024) [The Feminist Future of Work The Employment Rights Bill and the impact on women's working lives](#)

with work in a traditional 9-5, five days a week setting, and lack of flexibility is both a barrier to seeking work and remaining in work. The ability to make two requests in a 12 month period is helpful as well, as it allows for changes to employment or personal circumstances in that period to be taken into account, and adds to confidence for employees that remaining in work is possible.

Women's Platform supports the proposal to avoid concurrent requests, as a reasonable approach to handling business and organisational management and planning. However, it is recognized that employee circumstances may sometimes change rapidly, for example where the needs of a child are increasing due to an emerging special need, or where an older relative's health is deteriorating. For such cases, it would be helpful to include the possibility of withdrawing a request within a week of first making it, in order to make an amended request. This accommodation would allow for people to handle difficult circumstances without putting undue strain on employers, as they would not have processed an initial request in the first week.

It would be very positive to remove the duty of employees to set out the impact of a request on their employer, as this appears outside most employees' capacity and remit, and can be a significant deterrent to making a request. However, employees should continue to be able to demonstrate benefits of a request, should they wish to do so. It is also important that guidance encourages collaborative practice, where employers are required to meet employees in good faith to explore how a request can be accommodated, with potential amendments proposed by the employer instead of an outright refusal, which can be damaging for workplace relationships and lead to the loss of a trained and successful employee.

Question D6: Carers' Leave

Women's Platform supports introduction of Carers' Leave, and endorses the responses of Carers NI and Women's Regional Consortium to this question.

This legislation is important to bring Northern Ireland into line with provisions in England, Scotland, Wales and Ireland, and it is welcome that the gap is clearly recognised in the consultation document. It is also welcome that the consultation document reflects the EU Directive, as this constitutes an example of good practice that Northern Ireland should reflect as much as possible.

It is disappointing that the Carers' Leave to be introduced will be unpaid, as carers already tend to be on lower incomes than the population as a whole, and unpaid leave will further reduce incomes for many people, for whom such leave will be regularly required. Carers' Leave funded through public funds and taxation should be the long term aim, in order to reflect the significant contribution that unpaid carers bring to the economy; in Northern Ireland, the value of unpaid care was estimated at £5.8bn in 2022, or 80% of the Department of Health budget in 2023-24.⁶⁰ It is, however, also recognised that this must be a longer term conversation, further aligned with a public debate regarding fair distribution of employment costs across sectors. As noted previously in this submission, female dominated sectors currently shoulder a disproportionate burden of costs associated with parental leave, unpaid care and flexible working, which is in part a reason for the persistent low pay in these sectors. This also creates an unfair advantage for male dominated sectors where lower costs mean employers can offer higher pay, better benefits and progression opportunities, which does not fully or accurately reflect the wider economic and social value of different sectors of the economy.

⁶⁰ Carers UK (November 2023) [The economic value of unpaid care in Northern Ireland](#)

If and when introduced, Carers' Leave pay should reflect a liveable rate, and preferably full pay for the five days per year. This would ensure that carers are more confident to stay in work, and would also adequately reflect the economic value of unpaid care. Women's Platform endorses the call by the Coalition of Carers Organisations, which argue that for these reasons, Carers' Leave should be a statutory right, and paid for out of public funds. Evidence from Carers UK⁶¹ shows that 53% of carers who are employees' said they would like paid Carer's Leave and suggests that paid Carer's Leave would be even more effective in supporting carers to increase hours or return to work.

Question D7: Relationships

Women's Platform supports the proposals in the Bill. This is sufficient to cover the vast majority of caring relationships, and provides clarity as to how caring is a central element of an employee's commitments and responsibilities.

Question D8: Nature of Care

Women's Platform supports the proposals in the Bill, with some reservation. This is sufficient to cover the vast majority of caring relationships, and provides clarity as to how caring is a central element of an employee's commitments and responsibilities. However, consideration should be given to including provision for emergency care situations, such as in the immediate aftermath of a dependant experiencing a serious accident, even if care is not needed longer term (eg. to assist someone temporarily in a wheelchair to settle into recovery). This would be helpful to provide confidence for employees with temporary care needs to request leave, and would create clarity for employers, as employees in other situation might be forced to use sick leave or general unpaid leave.

Question D9: Reason for leave

Women's Platform strongly supports a broad definition of reasons for leave. It is positive and welcome to see the complex nature of caring recognised in the consultation document, and it is essential that guidance clearly sets this out for employers, to ensure employers understand the nature of the legal duty and are able to implement it in a sensitive manner. Training and support for employers is also likely to be needed to assist with this, and build confidence among employees to request leave without concern about repercussions.

Question D10: Exclusions

This issue needs to be considered with care, as many short term illnesses and conditions among children can mean children cannot attend childcare or school, which can cause significant caring responsibilities for families. In addition, children may need significant levels of care in the early stages of a condition, before a proper diagnosis is made; this can include cancer investigations, and also issues associated with eg. severe mental health problems.

While dependants' leave is in place for many situations of this kind, it may be appropriate to include provisions for emergency carers' leave for these situations.

Question D11: Duration of leave

Women's Platform strongly supports the right to take Carers' Leave flexibly, in sections from half a day at a time to a full week consecutively. This reflects the complex and varying needs

⁶¹ Carers UK (November 2023) [Carers' employment rights today, tomorrow and in the future](#)

of carers, and is likely to support many carers to remain in work as well as reduce unplanned disruptions to work.

It is positive and welcome to see the complex nature of caring recognised in the consultation document, and it is essential that guidance clearly sets this out for employers, to ensure employers understand the nature of the legal duty and are able to implement it in a sensitive manner. Training and support for employers is also likely to be needed to assist with this, and build confidence among employees to request leave without concern about repercussions.

Question D12: Notice

Women's Platform supports the provisions in the Bill.

Questions D13-D14: Employment protections

Women's Platform strongly supports proposals to ensure people taking Carers' Leave have the same protections as people taking other forms of statutory leave. This is vital to ensure carers can have confidence in the legal duties, and can meet their responsibilities to both employer and the person they care for without additional concern and worry about potential repercussions.

It is positive and welcome to see the complex nature of caring recognised in the consultation document, and it is essential that guidance clearly sets this out for employers, to ensure employers understand the nature of the legal duty and are able to implement it in a sensitive manner. Training and support for employers is also likely to be needed to assist with this, and build confidence among employees to request leave without concern about repercussions.

Questions D15-D27: Neonatal care

Women's Platform supports proposals in the consultation document for neonatal care leave, including provisions for giving notice, eligibility and employment protections. This is vital to ensure equity with Britain, where the Neonatal Care Act 2023 will come into force in 2025, and as emphasised in the consultation document, to appropriately consider and support workers who find themselves in the extremely worrying and stressful situation of a baby being in need of intensive neonatal care.

It is essential to note in relation to this provision that the Employment Rights Bill forthcoming in Westminster is likely to propose parental leave as a Day 1 right; this must be monitored closely to ensure no additional gaps with Britain can inadvertently emerge due to timings of each Bill. Women's Platform is in favour of all forms of parental leave, including neonatal care leave, as a Day 1 right.

Consideration should be given to reducing the time threshold from 7 consecutive days to 48 hours, in particular for fathers, who have access to significantly less leave than mothers and primary adopters. This is important to consider the significant nature of neonatal care, and to ensure that fathers/second parents or adopters have maximum leave available to support the primary carer, in ways best suited to each family.

Women's Platform also endorses the proposal of NIC-ICTU to consider additional leave for employees in cases of multiple births, as multiple birth babies are up to 40% more likely to

need some neonatal care after birth⁶². Similarly, specific considerations should apply to single parents with a baby in need of significant neonatal care, for whom a grantparent or friend should be able to avail of the leave, to provide support for the birth parent.

Questions D28-D33: Pregnancy and Family Leave

Women's Platform broadly supports proposals in the consultation document for enhanced protections during pregnancy and family leave, but endorses the response of NIC-ICTU and has reservations about the proposed thresholds.

Introducing this legislation is vital to ensure equity with Britain, where the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 was enacted earlier this year. There is significant evidence, as set out in the consultation document, that women and pregnant people are disadvantaged in the workplace from pregnancy through parental leave to progression opportunities on return to work, and this legislation is vital to create clarity and provide redress where an employer is engaging in unlawful or poor practice. It is also important as a deterrent for employers.

It is essential to note in relation to this provision that the Employment Rights Bill forthcoming in Westminster is likely to propose parental leave as a Day 1 right; this must be monitored closely to ensure no additional gaps with Britain can inadvertently emerge due to timings of each Bill. Women's Platform is in favour of all forms of parental leave, including neonatal care leave, as a Day 1 right.

It is welcome, and essential, that Shared Parental Leave is explicitly and clearly included within the scope of the legislation. Current evidence shows that uptake of shared parental leave remains low, with only 1% of mothers and 5% of fathers taking this up UK wide in 2023⁶³, which highlights not only slow change in attitudes, but also continued concentration of caring responsibilities on mothers and women. Ensuring that protections are the same for SPL is a minimum requirement to increase take up, and encourage fathers/ secondary adopters to share parental leave. In light of this, and the forthcoming changes proposed in the British Employment Rights Bill, Women's Platform therefore believes that the provision for six weeks' continuous service for Share Parental Leave should be reviewed. This creates an unnecessary inequality between employees, and can be a reason why some women and pregnant people end up leaving the workforce during pregnancy.

Finally, it is essential that extensive and clear guidance and training is made available to employers, to ensure all employers are aware of their legal duties and how to implement them sensitively and effectively. Parental leave entitlements are complex and highly individualised in many circumstances, and therefore it would be very helpful to consider a helpdesk or similar support mechanism that employers can seek advice from, where they are unclear about a specific situation or provision and how it applies to a specific employee. This would require a degree of investment, but could significantly contribute to reducing discrimination of women and pregnant people, and in extension support a thriving economy where people feel able to both work and raise families at the same time.

Questions D34-D38: Paternity leave

Women's Platform strongly supports proposals in the consultation document to increase flexibility for paternity leave, including, as a minimum, being able to split the two week

⁶² <https://twinstrust.org/information/pregnancy-and-birth/in-hospital/neonatal-care.html#:~:text=Around%2040%20percent%20of%20multiple,%20or%20'neonatal'%20care.>

⁶³ Department for Business and Trade (June 2023): [Shared Parental Leave Evaluation report](#)

entitlement into one week blocks to be taken anytime in the first 52 weeks after birth or placement for adoption. This is essential to encourage fathers/secondary adopters to avail of the leave, and both support their partner with early neonatal care and have the opportunity to create the initial strong bond with the baby proven vital for healthy future development. As noted above, the new Labour government is expected to introduce an Employment Rights Bill in Westminster, which would introduce parental leave as a Day 1 right, and it is positive that this is already proposed for paternity leave in the Northern Ireland context, reducing the risk for gaps to emerge.

Women's Platform fully supports proposals to extend paternity leave to at least four weeks. This demonstrates the vital approach to go beyond provisions in Britain as the benchmark, and look to available good practice elsewhere, with a view to strengthening provisions in ways that both support employees and the economy. There is significant evidence that children who have strong and positive relationships to both parents – whether birth parents or others acting in this role, and regardless of whether parents/caregivers live together – grow up healthier and happier⁶⁴, and are at lower risk of issues such as youth crime than children who are unable to do so. This is a crucially important outcome in itself, but also contributes to reducing the need for interventions such as community safety, which enables scarce public funds to be diverted to innovation and research that support socioeconomic progress for all, and demonstrates how legislation and policies supportive of families can contribute to this.

As noted in the consultation document, some countries including Sweden⁶⁵ mandate a proportion of parental leave to be used specifically by the father/secondary adopter, and allow for four weeks or more for this. Exploration of such an extension is vital in the context of addressing wider gender inequalities, and also in the context of sharing the cost of family friendly policies more fairly across sectors, as emphasised previously in this response. Currently, female dominated sectors shoulder a disproportionate burden of costs associated with parental leave, unpaid care and flexible working, which is in part a reason for the persistent low pay in these sectors. This also creates an unfair advantage for male dominated sectors where lower costs mean employers can offer higher pay, better benefits and progression opportunities, which does not fully or accurately reflect the wider economic and social value of different sectors of the economy.

Next steps

Question 1: Policy avenues

Women's Platform would like to see the prioritisation of the rights proposed under Theme D Work-Life Balance. In addition, prioritisation of ending zero-hours contracts, the fair allocation of tips, gratuities and service charges and the right to disconnect is important from a gender equality perspective, and can significantly contribute to addressing women's participation in paid work.

Question 2: Departmental assistance

As highlighted throughout the consultation document, the provisions proposed for the Bill are extensive and complex. It is vital that sufficient and detailed guidance is available to employers, to ensure employers of all sizes understand their legal duties and the rationale for them, and are able to implement them effectively and sensitively.

⁶⁴ See eg. Chuoi, J et al (June 2021) Long-Term Effects of Father Involvement in Childhood on Their Son's Physiological Stress Regulation System in Adulthood. In [Dev Psychobiol. 2021 Sep; 63\(6\): e22152.](#)

⁶⁵ See eg. Försäkringskassan, [Parental benefits](#), last accessed 30 September 2024.

As proposed above in relation to neonatal care and pregnancy and family leave protections, it would be very helpful to introduce a support team or service, which can assist employers with specific and individual questions. The Equality Commission for Northern Ireland currently provide core elements of this function, and supporting such a resource could be a vital way to improve clarity and certainty for all, while ensuring employees are protected and employers have clear access to advice that can help prevent breaches of duties due to ignorance or poor understanding.

Question 3: Support for small and micro businesses

The comments above apply also to this question. Small and micro businesses understandably have less capacity to keep abreast of legislation and changes in policy than larger organisations, and it would be particularly important to offer specific support services for these businesses to ensure equitable implementation of legislation. This can be achieved, as suggested above, through a dedicated support service, or for example strengthening the role of local authorities or key support organisations within industries to provide this role.

Appendix 1:

Gender Budgeting Statement for Departmental EQIA's on the 2022-23 Budget Allocations

- by Northern Ireland Women's Budget Group and Ulster University's Gender Budgeting Project

It is important to acknowledge that the current budget process is particularly abnormal, and we understand that the budget allocations delivered by the Secretary of State are not only highly restrictive but put undue pressure on officials to make decisions they should not have to make. The abnormality of this budget cycle also means that planning procedures that occur during a typical budget process have not taken place. Without the fulfilment of these procedures, the equality screening and impact assessment consultation comes too late in the process and is inadequate for full consideration of the impact of these spending decisions on women.

Gender Budgeting requires government departments to analyse the different impact of a budget on people of different genders, starting as early in the budget cycle as possible. The aim of gender budgeting is to ensure that the distribution of resources creates more gender equal outcomes. Over time, gender analysis should become embedded at all stages of the budget process. Women's intersecting identities are also included in this analysis and policy-makers are expected to promote these areas of equality as well. There is widespread political support for gender budgeting in Northern Ireland and a growing evidence base that it can help create a more equal society. In the current budget crisis women will experience particular disadvantages due to the pre-existing socio-economic conditions. For example, there is strong evidence that women have suffered disproportionately from over a decade of Westminster austerity measures, the pandemic, and the cost-of-living crisis⁶⁶. We cannot

⁶⁶ MacDonald, E.M. (2018) The gendered impact of austerity: Cuts are widening the poverty gap between women and men. British Politics and Policy at LSE. <https://blogs.lse.ac.uk/politicsandpolicy/gendered-impacts-of-austerity-cuts/>

Charlton, E. (2023) This is Why Women are Bearing the Brunt of the Cost of Living Crisis According to Research. World Economic Forum. <https://www.weforum.org/agenda/2023/01/cost-of-living-crisis-women-gender-gap/>

afford to continue making decisions at the expense of women and risk further degradations to gender equality and additional intersecting equalities as well.

Not only is there an immediate need for gender budgeting in our current crisis, but the benefits would help to improve the budgetary process. Gender budgeting is good budgeting; it encourages greater transparency of government processes, more in-depth assessments of how policies and budgets affect constituents and closer cooperation between governmental and non-governmental stakeholders. It encourages a more targeted approach to the spending of public money, which will improve policy outcomes. Implementing gender budgeting mechanisms would provide decision-makers with the tools to recognise and mitigate gendered economic impacts and promote gender equality. Whilst political crises that affect budget processes are outside the control of departmental officials, strategically embedding gender budgeting measures will create a firewall to prevent such disproportionate disadvantages in future.

We recognise that the current equality screening and impact assessment duties under Section 75 provide policy infrastructure that could be used to progress gender budgeting. The EQIA process allows space to identify budget impacts on women and opportunities to promote more gender equal outcomes. However, too often the analysis included in these documents focuses only on equal treatment or stops at the point of acknowledging pre-existing inequalities. For gender budgeting to be fully implemented, the next stage must be to reformulate budgets and budgetary policy with targeted measures to improve outcomes for women and girls. Additionally, Section 75 screening and impact assessment typically takes place at the very end of the budget planning process or after the budget has been finalised. The OECD⁶⁷ highlights that best practice for gender budgeting is to embed it at all levels of policy- and budget-making: planning, formulation, approval, implementation, monitoring and reformulation. It is crucial that gender equality obligations are not a 'tick-box exercise,' but rather that gender equality is mainstreamed in every area of the budgetary process through gender analysis of data supported by experts from civil society.

⁶⁷ OECD (2023), OECD Best Practices for Gender Budgeting, *OECD Journal on Budgeting*, vol. 23/1, <https://doi.org/10.1787/9574ed6f-en>.