

These notes refer to the Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022 (c.27) which received Royal Assent on 12 May 2022

Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022 which received Royal Assent on 12 May 2022. They have been completed by the Northern Ireland Assembly Bill Office. They do not form part of the Act and has not been endorsed by the Assembly.
2. The Notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Domestic Abuse (Safe Leave) Act proposes to introduce a statutory provision of at least 10 days paid leave in each leave year for workers/employees that are victims/survivors of domestic abuse. In recognition of its importance, the Act makes this a ‘day one’ right, preventing any qualifying period of employment being allowed under the regulations required to be made by the Department for the Economy.
4. Domestic abuse is a workplace issue. The Member notes research continually highlights the impact of abuse on workers/employees, who face a range of practical concerns when attempting to seek help and support. From the perspective of employers, these difficulties then result in lost output, additional costs, and the need for additional resources. Many victims/survivors of domestic abuse do not have any leave from work available to them, or flexible working within their contracts, when they need it. They may also have to contend with working patterns that cannot be altered. The threat of losing their job, or losing vital income, are significant barriers that victims/survivors face when they attempt to seek help and support.
5. Safe Leave is paid leave from work that can be used by a worker/employee who is a victim/survivor of domestic abuse. Providing a statutory entitlement to Safe Leave will address the inequality between workers/employees who have access to a form of special paid leave to help them deal with issues related to domestic abuse, and those who do not. Safe Leave can help mitigate some of the barriers

that victims/survivors face when attempting to seek help and support. It can also help address some of the costs of domestic abuse for employers.

6. The Member is aware that other jurisdictions around the world, including Italy, Canada and New Zealand, have now introduced statutory provision for Safe Leave. In the UK, some private sector companies, such as Vodafone and Danske Bank, have introduced policies that include paid leave for employees affected by abuse; and two local authorities, South Ayrshire Council in Scotland, and Neath Port Talbot Council in Wales, have introduced Safe Leave. In the Republic of Ireland, the Minister for Children, Equality, Disability, Integration and Youth in a written answer on 6 July 2021 stated ‘The issue of domestic violence leave is currently being studied by officials in my Department, including the examination of domestic violence leave at international level, the identification of best practice and the development of a suitable model for rollout in Ireland’.
7. The Domestic Abuse (Safe Leave) Act has a single policy objective:
 - a. To introduce a statutory provision requiring the Department for the Economy to make regulations specifying at least 10 days paid leave for workers/employees that are victims/survivors of domestic abuse in each leave year.

OVERVIEW

8. The Act amends the 1996 Order to introduce an entitlement to paid “safe leave” for victims of domestic abuse.
9. The Act has 6 sections and no schedules. A commentary on each of the sections follows below:

COMMENTARY ON SECTIONS

Section 1 Safe leave for victims of domestic abuse

Inserts a new Chapter 5 into Part III of the 1996 Order, entitled Domestic Abuse Safe Leave.

New Article 112EG

Requires the Department for the Economy to make regulations entitling an employee who is a victim of domestic abuse to be absent from work on safe leave in accordance with the provisions of the Order. Safe leave is paid leave designed to be used by the employee to deal with issues related to domestic abuse. Paragraph (4) gives a non-exhaustive list of the things safe leave might be used for. Paragraph (5) ensures that employees will be entitled to at least 10 days of safe leave in each leave year. The regulations will make supplementary provision. The regulations will require approval of the Assembly (**Section 1(2)**).

New Article 112EH

Makes provision to protect the rights of employees on safe leave. In essence, they are entitled to the same rights (including as to pay) while on leave as they would be entitled to while at work, and they are entitled to return to employment.

New Article 112EI

Allows the regulations introducing safe leave to make provision about redundancy and dismissal during a period of safe leave.

New Article 112EJ

Allows the regulations to make provision for a remedy or means of enforcement for a failure to comply with any provision in the Act. Provision may, in particular, include recourse to an industrial tribunal.

New Article 112EK

Extends the provisions of the new Chapter to workers (who are not employees).

New Article 112EL

Allows the regulations introducing safe leave to make supplementary provision.

Section 2 Reports>:

Requires the Department for the Economy to publish a report after the first year of commencement, and every three years thereafter, about the operation of the regulations introducing safe leave and lay a copy in the Assembly.

Section 3 Guidance:

Allows the Department for the Economy to issue guidance about the implementation or application of the regulations introducing safe leave.

Section 4 Power to make consequential etc. provision:

Provides for consequential amendments to other relevant legislation and allows for amending primary provisions. Regulations to amend primary legislation will require Assembly approval.

Section 5 Commencement:

Provides for commencement of the Act, mostly in accordance with provision to be made by the Department for the Economy.

Section 6 Short title:

Sets the short title which is the Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022.

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HANSARD REPORTS

10. The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Assembly and the date Royal Assent was received.

<i>STAGE</i>	<i>DATE</i>
First Stage	19 October 2021
Second Stage	29 October 2021
Committee Stage – Introduction of Bill to Committee	1 December 2021
Committee Stage – Extend Committee Stage	8 December 2021
Committee Stage – RaISE, Women Aid Federation NI and Men’s Advisory Project	15 December 2021
Committee Stage – Informal Clause-by-clause consideration	19 January 2022
Committee Stage – Formal Clause-by-clause consideration	26 January 2022
Committee Stage – Committee Report	4 February 2022
Consideration Stage	9 March 2022
Further Consideration Stage	21 March 2022
Final Stage	24 March 2022
Royal Assent	12 May 2022