



Department for the  
**Economy**  
[www.economy-ni.gov.uk](http://www.economy-ni.gov.uk)

An Roinn  
**Geilleagair**



# THE 'GOOD JOBS' EMPLOYMENT RIGHTS BILL

**PUBLIC CONSULTATION**

**QUESTION BOOKLET**

**JULY 2024**

**Enquiries to:**

Employment Relations Policy & Legislation Teams  
Department for the Economy  
5th Floor, Adelaide House  
39-49 Adelaide Street  
Belfast, BT2 8FD

**Email:** [goodjobsconsultation@economy-ni.gov.uk](mailto:goodjobsconsultation@economy-ni.gov.uk)

**Web:** [Department for the Economy website](#)

We would welcome queries by e-mail where possible.

This consultation is relevant to workers; employees; employers; groups representing employers and employees; and legal, HR and payroll professionals.

**How to Respond**

The consultation will be open for responses from 1st July 2024. Responses should be received by 5pm on 30th September 2024. When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form.

Your response will be most useful if it is framed in direct response to the questions asked, though further comments and evidence are also welcome.

We would encourage you to complete your response online, at our dedicated [consultation page](#). However, a consultation response form is also available for download from the [Department for the Economy website](#). Please note that by choosing to submit a response by email or hard copy, you do so at your own risk. The department cannot be liable for the loss of any data before it is received by the department.

The downloaded form may be submitted by email or by letter to:

**Email:** [goodjobsconsultation@economy-ni.gov.uk](mailto:goodjobsconsultation@economy-ni.gov.uk)

**Postal Address:****To be opened by the addressee only**

Employment Relations Policy & Legislation Teams  
Department for the Economy  
5th Floor, Adelaide House  
39-49 Adelaide Street  
Belfast, BT2 8FD

Alternative format and additional copies: Please contact us if you require this document in an alternative format. You may make copies of this document without permission. This consultation paper contains public sector information licensed under the Open Government Licence v3.0.

**This consultation question booklet is split into 4 themes and is numbered as follows:**

## THEME A: TERMS OF EMPLOYMENT

### QUESTION BLOCK A

<b>Questions A1-A18</b>	Replacing Zero Hour Contracts with contracts that provide flexibility and protect workers rights
<b>Questions A19-A26</b>	Understanding Employment Status and addressing Bogus Self Employment
<b>Questions A27-A32</b>	Employment Rights: Dismissal and Re-Engagement (Fire and Re-Hire)
<b>Questions A33-A35</b>	Employment Rights: Redundancy – Offence of Failure to Notify
<b>Questions A36-A38</b>	Employment Rights: Written Statement of Particulars
<b>Questions A39-A41</b>	Agency Workers and Recruitment Agencies Pay Between Assignment Contracts – Swedish Derogation
<b>Questions A42-A46</b>	Key Information Document for Agency Workers
<b>Questions A47-A54</b>	Employment Agency Inspectorate Information Sharing – Call for Information
<b>Questions A55-A57</b>	EAI Enforcement Powers: Labour Market Enforcement Undertakings & Labour Market Enforcement Orders

## THEME B: PAY AND BENEFITS

### QUESTION BLOCK B

<b>Questions B1-B9</b>	Fair and Transparent Allocation of Tips, Gratuities and Service Charges
<b>Questions B10-B11</b>	Payslips
<b>Questions B12-B13</b>	Working Time Regulations: Holiday Pay Reference Period
<b>Questions B14-B19</b>	Working Time Regulations: Record Keeping Requirements
<b>Questions B20-B23</b>	Working Time Regulations: Right to Disconnect

## THEME C: VOICE AND REPRESENTATION

### QUESTION BLOCK C

<b>Questions C1-C9</b>	Workplace Access
<b>Questions C10-C14</b>	Collective Bargaining: Recognition
<b>Questions C15-C20</b>	Collective Bargaining: Introduction of Collective Sectoral Bargaining
<b>Questions C21-C24</b>	Balloting & Notice
<b>Questions C25-C30</b>	Electronic Balloting
<b>Questions C31-C35</b>	Protections for Representatives
<b>Questions C36-C39</b>	Protections for Employees taking part in Industrial Action
<b>Questions C40-C43</b>	Facilitating Productive Workplace Relationships
<b>Questions C44-C46</b>	Information and Consultation Definitions
<b>Questions C47-C52</b>	Information and Consultation Thresholds
<b>Questions C53-C64</b>	Transfer of Undertakings (Protection of Employment) Regulations Consultation
<b>Questions C65-C68</b>	Public Interest Disclosure (Whistleblowing): Annual Duty to Report

## THEME D: WORK-LIFE BALANCE

### QUESTION BLOCK D

<b>Questions D1-D5</b>	Flexible Working
<b>Questions D6-D14</b>	Carer's Leave
<b>Questions D15-D28</b>	Neonatal Care Leave and Pay
<b>Questions D29-D33</b>	Protection from Redundancy – Pregnancy and Family Leave
<b>Questions D34-D39</b>	Paternity Leave

## NEXT STEPS

<b>Questions 1-3</b>	Next Steps
----------------------	------------

# CONSULTATION QUESTIONS

---

**P1** Your name

---

**P2** Your email address

---

**P3** Are you:

An individual

An employer

Representing a trade union

Representing an industry or employer association

Representing a charitable or community and voluntary organisation

Other (please specify)

**There are various impact assessments and equality screening documents published in parallel with this consultation.**

**If you have any comments or observations to make on the content of those documents, please do so below.**

---

**P4** If you are an individual, are you:

Employed

Self-employed

Unemployed

Retired

Not looking for work

Other

---

**P5** If you are in employment, are you:

Permanent Worker

Temporary Worker

Agency Worker

Other

Don't know

Not Applicable

---

**P6** If you are in employment, what type of organisation do you work for?

Private sector organisation

Public sector

Charity/voluntary sector

Other

---

**P7** If you are in employment, how many people work for your organisation?

Micro-business (0-9 employees)

Small business (10-49 employees)

Medium-sized business (50-249 employees)

Large business (250+ employees)

---

**P8** If you are an employer – please provide the name of your company/ organisation.

Please indicate here if you are content for the name of your organisation to be listed in an Annex to the Departmental Response? The Annex will list the name of the organisation, but not the person who responded on its behalf.

---

**P9** If you are an employer, how would you classify your organisation?

Private sector organisation

Public sector

Charity/voluntary sector

Other

---

**P10** If you are in employer, how many people work for your organisation?

Micro-business (0-9 employees)

Small business (10-49 employees)

Medium-sized business (50-249 employees)

Large business (250+ employees)

---

**P11** If you are responding on behalf of a Trade Union – Please provide the name of your trade union.

Please indicate here if you are content for the name of your organisation to be listed in an Annex to the Departmental Response? The Annex will list the name of the organisation, but not the person who responded on its behalf.

---

**P12** If you are responding on behalf of an Industry or Employer Association – Please provide the name of the Industry or Employers Association that you represent.

Please indicate here if you are content for the name of your organisation to be listed in an Annex to the Departmental Response? The Annex will list the name of the organisation, but not the person who responded on its behalf.

---

**P13** If you are responding on behalf of a charitable or community and voluntary organisation - Please provide the name of your Organisation.

Please indicate here if you are content for the name of your organisation to be listed in an Annex to the Departmental Response? The Annex will list the name of the organisation, but not the person who responded on its behalf.

---

**P14** You responded as 'Other' - Please describe the capacity in which you are responding to this consultation and if responding on behalf of an organisation please provide its name.

**If you are responding as an individual, please indicate below whether you consent to anonymised extracts being included in the published Departmental response.**

I consent to anonymised extracts being included in the published Departmental response.

I do not consent to anonymised extracts being included in the published Departmental response.

**If you are responding on behalf of an organisation and have confirmed you are content for the name of your organisation to be listed in an Annex to the published departmental response, please indicate below whether you consent to extracts being included in that response.**

I consent to extracts being included in the published Departmental response.

I do not consent to extracts being included in the published Departmental response.



**THEME A****TERMS OF EMPLOYMENT****Replacing Zero Hour Contracts with contracts that provide flexibility and protect workers' rights****QUESTIONS**

**A1** Do you agree with the overarching objective to replace zero hours contracts with contracts that provide flexibility while protecting workers' rights?

Yes

No

Don't know

No opinion

If required, please provide more information

**A2** Should there be an outright ban on zero hours contracts?

Yes

No

Don't know

No opinion

If required, please provide more information

**The Council considers that zero hours contracts, if managed properly, can be mutually beneficial to worker and employer.**

**For the employer it can assist in managing fluctuations in service demand, for example, tour guides.**

**In addition, as individuals are not obliged to accept work when offered and can chose to work based on their availability the use of a zero hours contract allows for individuals to manage their work-life balance and personal circumstances effectively.**

---

**A3** Are there circumstances where a zero hours contract may be appropriate?

Yes

No

Don't know

No opinion

If so, what are they?

---

**A4** Would the right to move to a banded hours contract, unless there is a good reason an employer cannot accommodate the move, be an appropriate way to replace a zero hours contract?

Yes

No

Don't know

No opinion

If required, please provide more information

**It is the Council's view that zero hours contracts / casual contracts are appropriate when managed correctly and that there is a mutual benefit for employer and worker.**

**The introduction of banded hours contracts and guaranteed hours would change the status of the individual from a worker to an employee and result in an employment contract and entitlement to additional provisions such as redundancy rights, liability protections, sick pay, etc. It is the Council's view that this is likely to result in a significant additional financial and administrative cost to the employer.**

---

**A5** Should the right to move to a banded hours contract apply to other types of contract where the hours worked don't match the reality of the working pattern?

Yes

No

Don't know

No opinion

If required, please provide more information

---

**A6** If a banded hours contract system is introduced, on what grounds should an employer be able to refuse a request?

**It is the Council's view that the reasons to refuse a request should be similar to that as set out in the south of Ireland, that is, no evidence to support the request, temporary situation that no longer exists, significant and adverse changes to the business during the 12-month reference period; or if the employee hours are set out in a collective agreement.**

**In addition to what is set out above it is the Council's view that reasons to refuse a request should include the financial burden of the additional cost to the organisation, where there is insufficient work during the period of the banded hours, and where there is planned structural change to the organisation.**

---

**A7** Would the right to request a more predictable contract be an appropriate way to replace a zero hour contract?

Yes

No

Don't know

No opinion

If required, please provide more information

---

**A8** 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?

Yes

No

Don't know

No opinion

If required, please provide more information

---

**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?

---

**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?

12 weeks

26 weeks

52 weeks

---

**A11** Should there be a requirement for employers to provide a “reasonable” period of notice to a worker on a zero hour contract in advance of a shift?

Yes

No

Don't know

No opinion

If required, please provide more information

---

**A12** If so, what is considered a reasonable period of notice?

---

**A13** Would guidance or legislation be the most appropriate way of encouraging an employer to provide a reasonable period of notice for work shifts?

Guidance

Legislation

---

**A14** Should compensation be considered where an employer cancels or curtails a shift at short notice for workers on a zero hour contract?

Yes

No

Don't know

No opinion

If required, please provide more information

---

**A15** What rate of compensation would be appropriate in these circumstances?

---

**A16** Should this compensation, where an employer cancels or curtails a shift at short notice, be considered for other types of contracts besides those on a zero hour contract?

Yes

No

Don't know

No opinion

If required, please provide more information

---

**A17** Should exclusivity clauses in low or zero hours contracts be banned?

Yes

No

Don't know

No opinion

If required, please provide more information

---

**A18** Have you any other comments on zero hours contracts?

The Council has a number of 'casual' workers who are not obliged to accept any work and suffer no detriment if they choose not to accept offers of work and can indicate to the Council the specific days / times that they are willing to be considered for any work. Such contracts have been offered for many years. Casual workers are recruited in line with the Local Government Staff Commission Code of Procedures on Recruitment and Selection on the basis of merit and paid the same hourly rate of pay in line with that determined by the National Joint Council for Local Government Services.

This arrangement offers business flexibility and individual choice in front-line jobs in the Council.

## Understanding Employment Status and addressing Bogus Self Employment

### QUESTIONS

---

**A19** Do you think that the current employment status system for employment rights works effectively?

Yes

No

Don't know

No opinion

If not, what changes do you think are necessary?

---

**A20** Do you consider that bogus self-employment is an issue of concern?

Yes

No

Don't know

No opinion

If so, please provide details.



---

**A21** Are there sectors where bogus self-employment might be particularly prevalent?

---

**A22** Do you have any comments about the employment relationships of those working on digital platforms?

---

**A23** Do you have any comments about the three-tier regime of employment status classification? (i.e. employee, worker and self-employed).

---

**A24** Do you think legislative intervention is required to address any aspects of employment status misclassification?

Yes

No

Don't know

No opinion

If so, what would this look like?

---

**A25** Do you think there might be any adverse consequences to legislating on employment rights status, without any further alignment with the tax system?

---

**A26** Would greater guidance on the different employment status classifications assist employers in determining the correct employment status classification and help workers enforce their rights?

Yes

No

Don't know

No opinion

## Employment Rights: Dismissal and Re-Engagement (Fire and Re-Hire)

### QUESTIONS

---

**A27** Do you agree that there is a need for greater regulation on dismissal and re-engagement (fire and re-hire) practices?

Yes

No

Don't know

No opinion

---

**A28** Do you think that a Code of Practice would be sufficient to protect workers' rights, and balance the needs of employers who find businesses in genuine economic distress?

Yes

No

Don't know

No opinion

---

**A29** If no to question A28, do you think that the use of statutory provisions would be sufficient to protect workers' rights, and balance the needs of employers who find businesses in genuine economic distress?

Yes (see question A31 below)

No (see question A30 below)

---

**A30** If no to question A29, please provide details of other actions you suggest should be taken?

---

**A31** If yes to question A29, please indicate what statutory provisions should be introduced to protect workers from 'fire and rehire' practices?

---

**A32** How can government ensure that the interventions it adopts in this area do not result in business closure or mass redundancies with no option for rehire and survival of the business(es)?

## Employment Rights: Redundancy - Offence of Failure to Notify

### QUESTIONS

---

**A33** Should this offence of personal liability, as it relates to the redundancy notification process be introduced?

Yes (see question A34 below)

No

Don't know

No opinion

---

**A34** If yes to question A33, should the maximum fine remain at £5000?

Yes

No

Don't know

No opinion

---

**A35** If no to question A33, should the maximum fine become unlimited as in Britain?

Yes

No

Don't know

No opinion

## Employment Rights: Written Statement of Particulars

### QUESTIONS

**A36** Do you agree that the right to a written statement of particulars should be extended to workers?

Yes

No

Don't know

No opinion

**A37** Do you agree that a written statement should be a day one right?

Yes

No

Don't know

No opinion

**A38** Do you agree that a written statement should include the following additional information:

How long a job is expected to last, or the end date of a fixed-term contract;

How much notice an employer and worker are required to give to terminate the agreement;

Details of eligibility for sick leave and pay;

Details of other types of paid leave, e.g. maternity leave and paternity leave.

The duration and conditions of any probationary period;

All remuneration (not just pay) - contributions in cash or kind, e.g. vouchers and lunch;

Which specific days and times workers are required to work;

Any training which the employer pays for and requires the worker to complete; and

Any other training which the employer requires the worker to complete but does not pay for.

All of the above.

## Agency Workers and Recruitment Agencies Pay Between Assignment Contracts – Swedish Derogation

### QUESTIONS

---

**A39** Do you agree there is a need for government action in this area?

Yes

No

Don't know

No opinion

---

**A40** If yes, based on what you have read, do you agree with the abolition of the Swedish Derogation?

Yes

No

Don't know

No opinion

---

**A41** Are you aware of this legal loophole being used?

Yes

No

If so, provide examples.

## Key Information Document for Agency Workers

### QUESTIONS

---

**A42** Do you think there is there a need for government action in this area?

Yes

No

Don't know

No opinion

---

**A43** Is pay transparency an issue for workseekers?

Yes

No

Don't know

No opinion

If so, please provide examples.

---

**A44** Do you think that recruitment agencies should have to provide a Key Information Document?

Yes

No

Don't know

No opinion



---

**A45** Do you believe that a KID would help to make pay related information clearer and easier to understand?

Yes

No

Don't know

No opinion

---

**A46** What challenges do you think this could create for businesses?

## Employment Agency Inspectorate Information Sharing Call for Information

### QUESTIONS

---

**A47** Do you think there is a need for government intervention in this area?

Yes (see question A48 below)

No (see question A49 below)

Don't know

No opinion

---

**A48** If yes to question A47, do you think that the information sharing powers of the EAI need to be enhanced?

Yes

No

---

**A49** If no to question A47, why not?

**If no to question A47 ignore questions A50, A51, A52, A53 & A54.**

---

**A50** Do you think that creating information sharing gateways between relevant and appropriate regulators would help to streamline enforcement activity as experienced by recruitment agencies?

Yes

No

Don't know

No opinion

---

**A51** Do you think that opening information sharing gateways between regulators will create efficiencies in enforcement activity?

Yes

No

Don't know

No opinion

---

**A52** Do you think that the information sharing capabilities of the EAI should be broadly similar to the information sharing capabilities of its British counterpart, the EASI?

Yes

No

Don't know

No opinion

---

**A53** If yes to question A52, is it your view that the EAI should be able to share information with the EASI, Pensions Regulator and the Regulation and Quality Improvement Authority (RQIA)?

Yes

No

Don't know

No opinion

---

**A54** There are also circumstances where the EAI may need to provide information to the PSNI particularly in cases where the use of modern slavery may be suspected.

Do you agree that the EAI should have clear powers to share information with the PSNI when appropriate to do so?

Yes

No

Don't know

No opinion

## EAI Enforcement Powers: Labour Market Enforcement Undertakings & Labour Market Enforcement Orders

### QUESTIONS

---

**A55** Do you think there is a need for government action in this area?

Yes

No

Don't know

No opinion

---

**A56** If no to question A55, what alternative approach should be considered to improve the enforcement powers of the EAI, if any?

---

**A57** If yes to question A55, do you agree that aligning the EAI enforcement provisions with the EASI provisions in Britain would be appropriate? i.e. the introduction of Labour Market Enforcement Undertakings and Labour Market Enforcement Orders.

Yes

No

Don't know

No opinion

**THEME B:****PAY AND BENEFITS****Fair and Transparent Allocation of Tips, Gratuities and Service Charges****QUESTIONS**

**B1** Do you work for, own or manage a business where the payment of tips, gratuities or service charges is commonplace, or represent the workers or owners of such a business?

Yes

No

**B2** In your experience, do employers that receive tips pass them on to their workers in full?

Yes

No

Don't know

No opinion

**B3** Where tips are received or controlled by the employer, should workers receive tips without deduction by the employer?

Yes

No

Don't know

No opinion

**B4** Where tips are received or controlled by the employer, should the employer have a written policy on dealing with tips and make it available to workers?

Yes

No

Don't know

No opinion

---

**B5** Should an employer be prohibited from using tips to make up contractual rates of pay of workers?

Yes

No

Don't know

No opinion

---

**B6** Where tips are received or controlled by the employer, and the employer hires agency workers, should those agency workers also receive a fair allocation of tips?

Yes

No

Don't know

No opinion

---

**B7** Where a Tronc system is used for the distribution of tips, should that be considered to provide for a fair distribution of tips where the management of the Tronc is independent of the employer?

Yes

No

Don't know

No opinion

---

**B8** Is legislation needed so as to require employers to pass on tips in full, while ensuring the distribution is fair and transparent?

Yes

No

Don't know

No opinion

---

**B9** Should a Code of Practice be published to advise on and promote fairness and transparency in the distribution of tips?

Yes

No

Don't know

No opinion

## Payslips

### QUESTIONS

---

**B10** Do you agree that the right to a pay statement should be extended to workers?

Yes

No

Don't know

No opinion

---

**B11** Do you agree that an itemised pay statement should contain information regarding the number of paid hours worked by the employee or worker in situations where the employee's pay varies as a consequence of the time worked?

Yes

No

Don't know

No opinion

## Working Time Regulations - Holiday Pay Reference Period

### QUESTIONS

---

**B12** Do you agree that there should be a change in the holiday pay calculation reference period from 12 weeks to 52 weeks?

Yes

No

Don't know

No opinion

---

**B13** If no to question B12, why not?



## Working Time Regulations: Record Keeping Requirements – Call for Information

### QUESTIONS

---

**B14** Do you believe there is a need for government action in this area?

Yes

No

Don't know

No opinion

---

**B15** Do you agree with the approach adopted in Britain?

Yes

No

Don't know

No opinion

---

**B16** Do you think the British approach would work here?

Yes

No

Don't know

No opinion

---

**B17** Is greater regulation around record keeping required?

Yes (see question B18 below)

No

Don't know

No opinion

---

**B18** If yes to question B17, please provide details as to how you think this can achieved.  
i.e. do you think the EU approach should be adopted?

---

**B19** Please detail any issues that have arisen in your workplace due to a lack of adequate record keeping.

## Working Time Regulations: Right to Disconnect – Call for Information

### QUESTIONS

---

**B20** Is there a need for government action in this area?

Yes

No

Don't know

No opinion

---

**B21** Do you have any examples/evidence of workers feeling unable to switch off outside normal working hours? If so, please provide further information.

---

**B22** Would a statutory Code of Practice on the 'Right to Disconnect' achieve the right balance between the need to protect employees and support economic development?

Yes

No

Don't know

No opinion

---

**B23** If not, what other actions would you like the Department to consider? For example, would advisory guidance from bodies such as the LRA or HSENI be more effective?

**THEME C:**

---

**VOICE AND REPRESENTATION****Workplace Access – Call for Information**

---

**QUESTIONS**

---

**C1** What do you think are the main barriers faced by trade unions when trying to access a workplace?

---

**C2** In your view, what are the main reasons why employers would not want to grant access to a trade union?

---

**C3** Please outline any experiences (good or bad) you have of trade union officials accessing workplaces.

---

**C4** Do you think trade union presence in a workplace is necessary to ensure employees have a voice and are listened to by their employer?

---

**C5** Based on the information provided, do you think a change in the law to replicate the provisions in place in New Zealand would be suitable in the context of the north of Ireland?

---

**C6** Are there other examples of effective trade union access policies which the Department should examine?

---

**C7** Given the prevalence of small and micro businesses in the north of Ireland, do you think that exemptions should apply regarding the potential enhancement of trade union access in the workplace?

Yes

No

Don't know

No opinion

If required, please provide more information

---

**C8** For example: should all micro businesses be exempt from granting access?

Yes

No

Don't know

No opinion

---

**C9** What considerations should be given to small businesses? Should any exemptions apply?

Yes

No

Don't know

No opinion

If required, please provide more information

## Collective Bargaining: Recognition – Call for Information

### QUESTIONS

---

**C10** Do you think there is a need to reduce the current threshold of 21 employees for a trade union to seek formal recognition?

Yes

No

Don't know

No opinion

---

**C11** If yes to question C10, what number of employees do you think a business should have for a trade union to be able to seek recognition?

---

**C12** What impact would reducing the threshold have on small and micro businesses?

---

**C13** Do you think that micro businesses should be exempt from the trade union recognition process?

Yes

No

Don't know

No opinion



---

**C14** Is a reduced threshold limit of 10 employees a reasonable number?

Yes

No

Don't know

No opinion

## Collective Bargaining: Introduction of Collective Sectoral Bargaining – Call for Information

### QUESTIONS

---

**C15** With the information provided in this consultation, do you feel that the introduction of sectoral collective bargaining would be beneficial to the local economy?

Yes

No

Don't know

No opinion

---

**C16** Please explain the reasons for your answer to question C15.

---

**C17** What could collective sectoral bargaining look like?

---

**C18** Are there specific sectors in which you think it would operate more effectively than others?

---

**C19** If introduced, are there any sectors that you think should be exempt from sectoral collective bargaining?

---

**C20** What impact would the introduction of sectoral collective bargaining have on employer and worker relations?

## Balloting & Notice – Call for Information

### QUESTIONS

---

**C21** Is the current system of providing notice of industrial action to employers fit for purpose?

Yes

No

Don't know

No opinion

---

**C22** If no, what changes do you think are required?

---

**C23** How would amending the legislation affect employer and worker relations?

---

**C24** Should the period of notice provided to an employer of industrial action be reduced from seven days to five?

Yes

No

Don't know

No opinion

## Electronic Balloting – Call for Information

### QUESTIONS

---

**C25** Do you agree that current legislation should be updated to allow e-balloting?

Yes

No

Don't know

No opinion

---

**C26** What concerns, if any, do you have about the introduction of e-balloting, and what can be done to mitigate them?

---

**C27** If e-balloting was introduced, do you think there is still a requirement for an independent scrutineer?

Yes

No

Don't know

No opinion

---

**C28** If yes to question C27, why?

---

**C29** What evidence would the independent scrutineer need from an e-balloting system for their report?

---

**C30** If no to question C27, why not?

## Protections for Representatives – Call for Information

### QUESTIONS

---

**C31** Are the current legislative protections for trade union officials against detriment and dismissal in relation to trade union activities sufficient?

Yes

No

Don't know

No opinion

---

**C32** If no to question C31, what additional legislative protections are required?

---

**C33** Are you aware of any challenges faced by trade union officials in the workplace in relation to the conduct of their trade union duties?

Yes

No

---

**C34** If yes to question C33, please provide examples.

- 
- C35** What impact would a change in protections for trade union officials against detriment and dismissal have on businesses?



## Protections for Workers taking part in Industrial Action – Call for Information

### QUESTIONS

---

**C36** Is the 12-week protected period for workers taking part in Industrial Action against dismissal sufficient/fair?

Yes

No

Don't know

No opinion

---

**C37** If not, how long should the protection last?

---

**C38** What potential impact would an extension to the protected period have on employers?

- 
- C39** What potential impact would an extension to the protected period have on workplace relationships?

## Facilitating Productive Workplace Relationships – Call for Information

### QUESTIONS

---

**C40** Do you agree that an agreed set of principles and expected behaviours for employers and trade unions to sign up to and adopt would help to improve workplace relationships?

Yes

No

Don't know

No opinion

---

**C41** If yes to question C40, do you believe that a New Zealand style code of practice would be beneficial?

Yes

No

Don't know

No opinion

---

**C42** If yes to question C41, what areas or subjects would you like to see included in such a code?

- 
- C43** What should the consequence be if a party is found to have acted in breach of that agreed code?

## Information and Consultation Definitions – Call for Information

### QUESTIONS

---

**C44** Do you think there is a need for government action in this area?

Yes

No

Don't know

No opinion

---

**C45** Should the definition of 'undertaking' be changed to include 'establishment' or similar wording to more accurately reflect modern day working practices?

Yes

No

Don't know

No opinion

---

**C46** Are there other aspects of this matter which you feel also need to be considered?

## Information and Consultation Thresholds – Call for Information

### QUESTIONS

---

**C47** Do you think that government action is required in this area?

Yes

No

Don't know

No opinion

---

**C48** Do you think that reducing the percentage threshold required for employees to make a valid request, for an ICE agreement, from 10% to 2% is appropriate?

Yes

No

Don't know

No opinion

---

**C49** If no to question C48, what should the percentage threshold be?

**C50** In the north of Ireland, 60% of businesses have fewer than 10 staff. Do you agree that the current minimum number of employees (15) should be retained?

Yes

No

Don't know

No opinion

---

**C51** If no to question C50, what level should the minimum figure be?

---

**C52** Do you think reducing this minimum number of employees would better reflect the make-up of the local economy?

Yes

No

Don't know

No opinion

## Transfer of Undertakings (Protection of Employment) Regulations Consultation - Call for Information

### QUESTIONS

---

**C53** Is there a need for change in the TUPE regulations relating to consultation of affected staff?

Yes

No

Don't know

No opinion

---

**C54** Would you like to see the 2014 changes outlined from Britain apply here? i.e. an exemption to the requirement to follow the consultation and information requirements of TUPE for micro businesses?

Yes

No

Don't know

No opinion

---

**C55** If yes to question C54, do you think that this exemption for micro businesses should be extended to small businesses? (businesses with between 10-49 employees)

Yes

No

---

**C56** Would this be effective in the context of the local economy?

Yes

No

Don't know

No opinion



---

**C57** What difficulties are faced by employers required to follow the current TUPE regulations, if any? Please provide examples

---

**C58** Have you been a part of a TUPE process as either an employee or business?

Yes

No

---

**C59** If yes to question C58, what was your TUPE experience like?

---

**C60** Did the legislation provide you with the protections you required?

Yes

No

Don't know

No opinion

---

**C61** If no to question C60, what additional protections are required?

---

**C62** Do you think there is a need to provide more clarity in law about the types of workers that the TUPE regulations apply to? i.e. it is for employees only.

Yes

No

Don't know

No opinion

---

**C63** Do you think there is a need to remove the obligation to split employment contracts between multiple employers, where a business is transferred to more than one new business?

Yes

No

Don't know

No opinion

---

**C64** Do you think there are other changes regarding the TUPE legislation that should be considered? Please provide details in the box below.

## Public Interest Disclosure (Whistleblowing): Annual Duty to Report

### QUESTIONS

---

**C65** Do you think there is a need for government action in this area?

Yes

No

Don't know

No opinion

---

**C66** If yes to question C65, do you agree that it would help to improve transparency, consistency and awareness if Prescribed Persons were required to produce an annual report to the Department?

Yes

No

Don't know

No opinion

---

**C67** Some Prescribed Persons have no regulatory or investigatory powers, such as MPs. As they can only refer complaints to regulatory or investigatory bodies, should they be exempt from producing an annual report?

Yes

No

Don't know

No opinion

---

**C68** Do you agree that the reports should be collated by the Department and laid at the Assembly?

Yes

No

Don't know

No opinion

## THEME D

---

# WORK-LIFE BALANCE

## Flexible working

---

### QUESTIONS

---

**D1** Do you agree that an employee should be entitled to make up to two statutory flexible working requests within a 12-month period?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D2** Do you agree that an employee should only make a second flexible working request when an employer has considered a previous request, including when an appeal against the outcome of that request has been made?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D3** Do you believe an employee should be entitled to make a flexible working request from the first day of their employment?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D4** Do you agree that an employee should no longer be required to explain the effect a flexible working request would have on their employer when making such a request?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D5 Additional Information**

Please provide additional information or clarification to any response in the space below.

## Carer's Leave

### QUESTIONS

**D6** We would welcome your views on whether carer's leave should be a paid right; and, if so, who should be responsible for making the payment and what the rate of pay should be. In answering these questions, we would be grateful if you would provide reasoning for your responses and identify any issues or benefits with your suggested approach.

**D7** Do you agree that the definition of caring relationships for the purpose of Carer's Leave should mirror that used for dependant relationships?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

**D8** Do you agree a carer providing care for an individual with physical or mental health problems likely to last for more than three months, or a disability, or who requires care for a reason connected with their old age should be entitled to Carer's Leave?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D9** Do you agree the reasons for taking Carer's Leave should be broadly defined?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D10** Do you agree that caring for a person with short-term care needs and childcare (other than where the child has a disability or other long-term caring needs) should be out of scope for Carer's Leave?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D11** Do you agree that the leave should be available to be taken as individual days or half days up to one whole week (both options to be pro-rated for part-time employees)?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D12** Do you agree that an individual should be required to give their employer notice ahead of taking Carer's Leave?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D13** Do you agree an employee exercising their right to request or take unpaid Carer's Leave should have the same protections as those taking other forms of statutory leave?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D14** **Additional Information**

Please provide additional information or clarification to any response in the space below.



## Neonatal Care Leave and Pay

### QUESTIONS

---

**D15** Do you agree that parents of babies who enter neonatal care in the first 28 days following birth and who spend at least 7 continuous days in neonatal care should have an additional week of statutory leave and/or pay from work for each week that their child is in hospital, up to a maximum number of 12 weeks?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D16** Do you agree that employees who would have had the main responsibility for caring for the child, had their baby not been admitted to neonatal care, should be eligible to receive neonatal care leave and/or pay?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D17** Do you agree that access to neonatal care leave and/or pay should be open to parents whose babies have spent a minimum of 7 continuous days in neonatal care, i.e. are seriously ill or likely to be in hospital for an extended period of time?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D18** Are there other circumstances that you think should be considered for inclusion within the scope of neonatal care leave and/or pay?

Yes

No

If yes, what are they?

---

**D19** Do you agree that neonatal care leave should be a 'day one right' in line with maternity leave, adoption leave and parental bereavement leave?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D20** Do you agree that the qualifying conditions for statutory neonatal care pay should mirror the qualifying conditions for other family-related statutory pay?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D21** Do you agree that the entitlement to neonatal care leave and/or pay should be available for up to 12 weeks (each week to be comprised of 7 continuous days) that a baby is in neonatal care?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D22** Do you agree that a father/partner should be required to give notice as soon as is reasonably practicable after their child is admitted to neonatal care, and has a stay of at least 7 continuous days, in order to take neonatal care leave and/or pay?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D23** Do you agree that a person taking neonatal care leave and/or pay after maternity/adoption leave should be required to give notice, akin to that which is required for taking annual leave, in order to take neonatal care leave and/or pay?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D24** Do you agree that employers should be allowed to ask for a declaration of entitlement to neonatal care leave and/or pay?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D25** Do you agree that when and how neonatal care leave and/or pay is to be taken should be sufficiently flexible to accommodate other periods of pre-booked family-related leave and in a way that balances the needs of parents and employers?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D26** Do you agree that parents on neonatal care leave should have the same protections as employees on other family-related leave?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D27** Do you agree that neonatal care pay should be paid at the same rate as existing family-related statutory payments?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D28 Additional Information**

Please provide additional information or clarification to any response in the space below

## Protection from Redundancy – Pregnancy and Family Leave

### QUESTIONS

---

**D29** Do you agree that the redundancy protections period during pregnancy should apply from the point that the employee informs their employer that they are pregnant, whether orally or in writing?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D30** Do you agree that protections from redundancy during relevant family leave should be extended to include a period after the employee returns from leave?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D31** Do you agree with the principle that the period of protection should be 18 months from when the child is born, stillborn, expected to be born, or is placed for adoption?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D32** Do you agree that, for those taking shared parental leave, there should be a minimum six-week threshold of continuous leave before enhanced protections from redundancy can apply?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D33 Additional Information**

Please provide additional information or clarification to any response in the space below

## Paternity Leave

### QUESTIONS

---

**D34** Do you agree that paternity leave should be available to be taken as a single block of two weeks or two non-consecutive blocks of one week?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D35** Do you agree that paternity leave should be available to be taken at any time within the first 52 weeks following birth or adoption?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D36** Do you agree that the notice requirements for paternity leave related to birth and surrogacy should be 28 days for each period of leave?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion



---

**D37** We would welcome your views whether paternity leave should be available for up to four weeks in the north of Ireland. In answering this question, we would be grateful if you would provide reasoning for your responses and identify any issues or benefits with such an approach.

---

**D38** Do you agree that paternity leave should be a day 1 right?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know

No opinion

---

**D39** **Additional Information**

Please provide additional information or clarification to any response in the space below

# NEXT STEPS

---

## QUESTIONS

---

**1** This consultation seeks views on a range of potential policy avenues which will inform decisions about which should proceed to legislation stage. What issues do you think should be a priority for consideration by the Department?

---

**2** What assistance should the Department offer to businesses in understanding and implementing any future employment legislation?

---

**3** What specific considerations should be given to small and micro businesses in assisting them in dealing with legislative changes?



Department for the

# Economy

An Roinn

# Geilleagair

[www.economy-ni.gov.uk](http://www.economy-ni.gov.uk)


## PRIVACY NOTICE

**Data Controller Name:** Department for the Economy

**Business Area:** Employment Relations Policy & Legislation

**Address:** Adelaide House, Adelaide Street, Belfast, BT2 8FD

**Telephone:** 02890416728

**Email:** [goodjobsconsultation@economy-ni.gov.uk](mailto:goodjobsconsultation@economy-ni.gov.uk)

### Why are you processing my personal information?

The Department for the Economy (DfE) is initiating a consultation to inform and further develop a range of policies relating to employment law in the north of Ireland. The results and feedback gained through this consultation will inform potential future amendments to the legislative framework.

The information we collect from you will inform and further develop this policy.

The lawful basis for processing your personal data is that of public task in accordance with:

- Section 8 and Paragraph 6 of Part 2 of Schedule 1 to the Data Protection Act 2018;
- Article 6(1)(e) **of the UK GDPR** (the processing is necessary to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law; and
- Article 9(2)(g) of the UK GDPR (processing is necessary for reasons of substantial public interest). (This refers to special category data.)

## **What categories of personal data are you processing?**

Your name, email address, and employment status. As part of the consultation response, you will be asked if you are responding as an individual or on behalf of an organisation. This includes trade unions, but we will not ask you if you are a member of a trade union.

The consultation will also enable you to provide additional information in support or clarification of your response, this may include special category data e.g. personal health information, religious or philosophical beliefs, or political opinions etc., however, please note this information is not a requirement.

## **Where do you get my personal data from?**

You will provide us with your personal data when responding to the public consultation.

## **Do you share my personal data with anyone else?**

No. DfE is however using the following data processor to help it deliver this consultation: Digital Transformation Services (DTS) within the Department of Finance. There is a contract in place to ensure that DTS do not do anything with your personal information unless we have instructed them to do it.

We may choose to take excerpts and examples from comments that are made in the additional comments text box which will be provided in the consultation. You are not required to provide further information in this box or any personal information. If you choose to make additional comments, including personal information, where it is possible to anonymise this information for publication in the Departmental Response, we will do so. Where this is not possible, this information will not be included in the Departmental response.

In some circumstances, DfE is legally obliged to share information, for example with the Police Service of Northern Ireland. We might also share information with regulatory bodies, for example, NI Audit Office, in order to further their, or our, objectives. In any scenario, DfE will satisfy itself that it has a lawful basis on which to share the information and document its decision-making.

If you are responding on behalf of an organisation, unless you request otherwise, we will include the name of the organisation in an annex to the Departmental response to the consultation – we will not share your name.

In any event if we need to share outside of the above it will only be after a thorough data protection assessment to ensure that this is fully compliant with data protection law.

## Do you transfer my personal data to other countries?

No. Your personal data will not be transferred to other countries.

## How long do you keep my personal data?

We will retain your data for a period of 5 years in line with the Department for the Economy Retention and Disposal Schedule after which time it will be destroyed securely.

## What rights do I have?

- You have the right to obtain confirmation that your data is being processed, and [access to your personal data](#)
- You are entitled to have personal data [rectified if it is inaccurate or incomplete](#)
- You have the right to ['block' or suppress processing](#) of personal data, in specific circumstances
- You have the right to [data portability](#), in specific circumstances
- **You have the right to [object to the processing](#)**, in specific circumstances
- **You have rights in relation to [automated decision making and profiling](#)**

If these rights are applicable and you wish to exercise these please email [DPO@economy-ni.gov.uk](mailto:DPO@economy-ni.gov.uk)

## How do I complain if I am not happy?

If you are unhappy with how any aspect of this privacy notice, or how your personal information is being processed, please contact the Department's Data Protection Officer at [DPO@economy-ni.gov.uk](mailto:DPO@economy-ni.gov.uk)

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO).

Contact details of the ICO are available at <https://ico.org.uk/global/contact-us/>



Department for the

**Economy**

An Roinn

**Geilleagair**

[www.economy-ni.gov.uk](http://www.economy-ni.gov.uk)



**economy\_ni**



**DeptEconomyNI**



**economy\_ni**



**dept-for-economy-ni**