



Northern Ireland
Assembly

Committee for the Economy

OFFICIAL REPORT (Hansard)

Domestic Abuse (Safe Leave) Bill

1 December 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Dr Caoimhe Archibald (Chairperson)
Mr Matthew O'Toole (Deputy Chairperson)
Mr Keith Buchanan
Mr Stewart Dickson
Mr Stephen Dunne
Ms Claire Sugden
Mr Peter Weir

The Chairperson (Dr Archibald): The next item is the Domestic Abuse (Safe Leave) Bill. Relevant papers are in members' packs and tabled papers.

Mr Weir: A lot of the stuff will be straightforward. I think that we know what the bulk of the answers to the survey in the papers will be. The only slight reservation that I have concerns a couple of the survey questions. Most of them are put so as to elicit general answers. It might be better, however, if questions 4 and 5 were phrased more neutrally. Question 4, for example, asks:

"What impact do you think introducing safe leave would have on the amount of sick days/periods taken by an employee?"

It would be better were the survey to ask something like, "What impact, if any, do you think introducing safe leave would have on". Question 5 also falls into that category. Those two questions seem to me to be slightly leading. That is the only bit that I am concerned about. Most of the rest of it is OK.

The Chairperson (Dr Archibald): Yes. Fair enough.

The Committee Clerk: We will amend those, Chair, as indicated.

The Chairperson (Dr Archibald): The Domestic Abuse (Safe Leave) Bill was introduced on 19 October, passed its Second Stage on Monday and has now been referred to the Committee for its Committee Stage. The Committee has 30 working days in which to take evidence, consider and report its opinion on a Bill. The 30-day period ends on Monday 31 January, accounting for Christmas recess. The end of January has been highlighted as the last point for the end of Committee Stage so that the remaining legislative stages have a reasonable prospect of being completed. It is exceptionally rare for a Committee to complete Committee Stage without an extension, so working within the 30-day period will make proposing amendments the Bill quite difficult. It is also proposed that, alongside issuing the wider call for evidence, the Committee initially write to key stakeholders to seek written submissions on the Bill. If members are content, we will write to suggested key stakeholder groups, which include

Women's Aid, the Men's Advisory Project NI, Advice NI, Vodafone, Danske Bank, the trade unions and the various business groups.

The Committee Clerk: Chair, it is worth flagging up why we have included Vodafone and Danske Bank. They have fairly progressive policies that stand out in the private sector. We are therefore writing to them to see how that has worked for the private sector, with the idea being to try to draw out what the impact might be for business more widely. It is not usual to have such private sector examples, so we want to get them in to talk about how it has worked for them.

The Chairperson (Dr Archibald): Yes.

Mr Dickson: Chair, I understand that Lidl has a similar policy.

The Committee Clerk: Right.

Mr K Buchanan: Yes.

Mr Dickson: Reference was made to it. Lidl is a very different type of employer from Danske Bank and Vodafone, so it may be worthwhile writing to that company as well.

Mr K Buchanan: Chair, where is the list of people whom we write to for written submissions? Is it in the tabled papers or just in the notes?

The Committee Clerk: It is in the notes.

The Chairperson (Dr Archibald): We will write to the business groups as well.

Mr K Buchanan: Fair enough.

The Chairperson (Dr Archibald): Those will include —

The Committee Clerk: We have all that [*Inaudible.*]

Mr Dickson: The Confederation of British Industry, the Federation of Small Businesses (FSB) —

The Chairperson (Dr Archibald): — the Institute of Directors and the FSB.

Mr K Buchanan: I was reading and listening. It is hard to do both.

Mr Weir: Chair, I do not have the list in front of me. Rachel referred to a couple of public-sector organisations. Was one South Lanarkshire Council? Does the list include them?

The Committee Clerk: Yes. She mentioned two councils: one in Scotland and one in Wales. We have all Rachel's consultation responses and analysis, so we can go through them. Considering the tight timescale, I think that it would be of benefit if we could get our hands on those two councils' written policies. I am assuming that Rachel will be able to deliver on that.

Mr Weir: That is fair enough. At Second Stage, we found that a lot of this — I think deliberately — will have to be sketched in in regulations. I am trying to work out how things worked out elsewhere. Stewart, and others, raised the issue of how we deal with the situation if it continued to be the case that there was no requirement for a burden of proof. What would be the exact process between employer and employee? How would confidentiality be maintained? How would we keep those relationships going? There may be good examples in organisations close by. They might be able to say, "There is not much to fear", or "We had to correct such-and-such".

The Committee Clerk: That is the thing with this Bill. There are those who have introduced safe leave, and they are easily accessed.

The Chairperson (Dr Archibald): Some of the private-sector policies may also be useful.

The Committee Clerk: As Mr Weir said, the more of the written guidance that we can get, the better. As he pointed out, there are a lot of sensitivities around the issue, how it will work, how it will be dealt with and so on. That is going to form a significant part of the guidance that comes with the Bill. I am conscious of the fact that the Bill states that the Department will develop guidance. It would be useful to see what that might look like.

Ms Sugden: What about the Labour Relations Agency (LRA)? It has expertise, but it also has experience as an interface, and it could act as such for people who are looking for advice on the legislation. I do not know whether you would speak to it as a matter of course, but I have always found the LRA to be very helpful when I have tried to advise anyone on employment-related law.

Mr Dickson: What about the Equality Commission as well?

Ms Sugden: Yes.

The Chairperson (Dr Archibald): Peter will contact the Labour Relations Agency directly.

The Committee Clerk: We will do that directly, Chair.

The Chairperson (Dr Archibald): The Human Rights Consortium will also likely respond.

The Committee Clerk: We know from the responses to Rachel's consultation that a number of organisations are primed and ready. They know that this is coming, and they know the process that we go through. We therefore have an awareness of from whom we expect to, and need to, hear. We will prompt them if we are not getting that, but I know that the sector more widely is waiting for the consultation.

The Chairperson (Dr Archibald): That is useful. We have a tight timescale to work to. Without putting pressure on people, we can perhaps highlight that fact.

The Committee Clerk: Yes.

The Chairperson (Dr Archibald): If members are content, we will write to the Department to ascertain its views on the Bill. The Committee will carry out its wider public consultation, via the survey on Citizen Space, and the draft questions that we have discussed will be amended, as suggested. Are members content that the amended survey question be shared on Citizen Space? Do members want those to be circulated?

The Committee Clerk: We will do that, preferably today. The survey will not go on to Citizen Space until, I think, some day next week. There is a lag with the call for evidence being published. Citizen Space publishes on a particular day, so that will not happen immediately. That is in the tabled pack. It is the classic format: what we have put in papers is something short that sends people to the survey. We also give them our direct email address. More people are responding to surveys, but we still get a fair amount of written submissions, along with those that we specifically request from organisations. We aim to try to accommodate everything.

The Chairperson (Dr Archibald): There are a couple of other things to say. There is no delegated powers memorandum for a private Member's Bill. The Bill will still need to be referred to the Examiner of Statutory Rules for advice on delegated powers. If members are content, we will write to the Examiner of Statutory Rules requesting a report on the delegated powers in the Bill. If members are content, we will also write to the Justice Committee to ask whether it will forward the request for evidence to stakeholders involved in the consultation on the Domestic Abuse and Family Proceedings Bill who are also relevant to this Bill. Furthermore, the Assembly Research and Information Service (RaISe) will come to the Committee to present its paper on the Bill on 15 December. Are members content with all of that?

Members indicated assent.