



# **EQUALITY COMMISSION FOR NORTHERN IRELAND**

**Consultation Response:**

**The Department for the Economy:**

**The 'Good Jobs' Employment Rights Bill**

**September 2024**

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## **Executive Summary**

- i. The Commission welcomes the opportunity to respond to the Department for the Economy's consultation on the 'Good Jobs' Employment Rights Bill.
- ii. In general, we would welcome any potential contribution that the 'Good Jobs' Bill can make to furthering equality and avoiding the emergence or widening of inequality.
- iii. Any legislation and related public policy should meet the specific needs of Northern Ireland, reflect international human rights standards, and take account of international best practice, including consideration of Great Britain, Ireland and wider jurisdictions.

## ***Summary of Recommendations***

- iv. Our submission makes a series of recommendations, many of which will apply across the proposals, such as the need to consider the needs of particular equality groups. We have summarised these below, and further information is available as relevant throughout the submission.
- v. Our submission also highlights a range of evidence that the Department will wish to take into account in further considering and refining its proposals.
- vi. The **Commission recommends:**

### General

- Employment law should reflect best international standards, taking account of any best practice from Great Britain, Ireland and wider jurisdictions to meet the specific needs of Northern Ireland. This should include consideration of any lessons from the UK Government's planned reforms in Great Britain through an Employment Rights Bill;
- The needs of particular equality groups who may be affected by its proposals should be considered by the Department;
- Aligning the Good Jobs work and this Bill with other strategic work, including the development of the Early Learning and

Childcare Strategy, the Racial Equality Strategy, and the Social Inclusion Strategies;

- Action to identify and address any inequalities which have emerged, or been exacerbated by, COVID-19 or the policy response to it;

### Pay Transparency Directive

- The Department liaises with the Department for Communities in relation to how best legislation can be taken forward to address our recommendation to transpose relevant provisions of the EU Pay Transparency Directive (PTD) into NI law by June 2026, further to dynamic alignment obligations arising out of Windsor Framework Article 2
- Work is progressed as a matter of urgency to introduce these changes by the June 2026 deadline, and that consultation on proposed legislation is taken forward by the relevant Executive Departments in the coming months;

### Terms of Employment

- Employers and training providers should be supported and encouraged to develop carer friendly policy and practices. Actions should include the promotion of flexible working practices;
- Consideration of particular issues relating to the link between part-time working and low pay and precarious employment, such as zero hours contracts;
- Support for initiatives aimed at tackling the exploitation of migrant workers;
- That the Department monitors the EU Platform Work Directive, if approved by the EU, and considers its implications, should NI law voluntarily align with this EU law, in terms of its impact on strengthening the rights of equality groups here;
- The Department monitors the EU Directives on corporate sustainability and considers their implications, should NI law voluntarily align with these EU laws, in terms of their impact on strengthening the rights of equality groups here;

## Voice and representation

- The Commission and other representative bodies, such as trade unions and other suitably qualified interest groups, should be empowered to bring a claim on behalf of named individuals, in relation to equality legislation;
- The Department monitors the EU Adequate Minimum Wages Directive, and considers its implications, should NI law voluntarily align with this Directive, as regards its impact on strengthening the rights of equality groups here;

## Work-Life Balance

- Provisions relating to flexible working should take account of the conditions that would facilitate parents and those providing care to enter, remain in, progress in and return to work, training or continuing education;
- The NI Executive and relevant NI Departments, including the Department, should ensure that NI law voluntarily aligns with provisions of the EU Work-Life Balance Directive that strengthen equality and human rights and reflect international human rights standards and best practice;
- Action to consider the economic impact of the pattern of unpaid care work and address the undervaluation of unpaid care work, including the provision of adult care, which is carried out predominately by women;
- In relation to how disability is defined for carer's leave, consideration should be given to our recommendations<sup>1</sup> on the definition of disability under the DDA 1995;
- In relation to the definition of carers, clarity is needed as to:
  - how the Department will define old age
  - whether the definition will include step-parents and step-children
  - the rationale for adopting a time-scale of 3 months for someone who has an illness or injury (whether physical or mental) that requires, or is likely to require, care;

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<sup>1</sup> ECNI (2012) [Strengthening Protection for Disabled People: Proposals for Reform](#), pp. 9, 22.

- action to reduce sex discrimination in employment, particularly in the area of pregnancy and maternity discrimination;

### Wider employment issues

- Coordinated, comprehensive and coherent measures to counter gender-based stereotypes and prejudicial attitudes from an early age and across all areas of life, including in all stages of education and vocational training, work, and in the media and social media, including advertising and marketing;
- Ensuring support for disabled people to access and remain in the workplace, and the provision of training and programmes that are accessible and inclusive for all to get into, or stay in, work. The Department should ensure provision of long-term funding arrangements for existing and new disability employment projects;
- The Departments for the Economy and Education should work in partnership to deliver co-ordinated actions to reduce long-term unemployment amongst older people;
- Co-ordinated action to provide effective targeted action and support to reduce the proportion of young people who are Not in Education, Employment or Training (NEET) and young people affected by the disruption of their education or suspension or termination of employment during the COVID-19 pandemic;
- Action to eliminate occupational and industrial segregation, encourage men and women into non-traditional roles, including in STEM related industries, and challenge gender stereotypes;
- Action to address the low rates of entrepreneurship and self-employment and high rates of economic inactivity experienced by women;
- Support for initiatives aimed at reducing ethnic minority disadvantage in employment; raising awareness of the rights of migrant workers and maximizing migrant workers access to the labour market;
- Traveller specific, long-term initiatives to improve employment opportunities, and greater focus on including Travellers in mainstream employment training provision including support in employment and training;

- Action to support the Roma community into employment by supporting self-employment; providing first work experience and vocational and on-the-job training and by providing access to lifelong learning and skills development;
- As part of a broader integration strategy, increased access to employment and volunteering opportunities for refugees; and action to ensure that employability strategies and mainstream services benefit and are accessible for, refugee users. Consideration should also be given to the provision of mentoring opportunities for asylum seekers and refugees so as to increase their employability and eventual integration into the labour market; and
- Action to ensure welcoming and inclusive workplaces for all, with freedom from prejudice and harassment at work.

### Cross-cutting Recommendations

- vii. The Commission also has a number of cross-cutting recommendations that it considers important to see implemented across a range of Government strategies, programmes and plans, which will be relevant to work on 'Good Jobs'. These include actions to:
- ensure leadership at all levels on equality issues;
  - ensure stakeholder involvement in design, delivery and review;
  - better target interventions and track impacts;
  - to ensure that key datasets contain comprehensive equality data to facilitate full equality analysis;
  - to ensure time-bound and resourced action plans; and
  - stakeholder organisations and the Equality Commission resourced so they can support individuals, organisations, and Government / Departments to shape and assist effective delivery.

# 1 Introduction

- 1.1 The Equality Commission for Northern Ireland ('the Commission') is an independent public body established under the Northern Ireland Act 1998. Further information on our role and remit is available in Annex A.
- 1.2 The Commission welcomes the opportunity to respond to the Department for the Economy's consultation on the 'Good Jobs' Employment Rights Bill.
- 1.3 Our response to this consultation exercise does not consider all areas of the proposals, but rather focusses on areas where the Commission has established key policy positions or advice. In some instances we draw attention to the recommendations of key international bodies, for example the UN Committee on the Rights of Persons with Disabilities.
- 1.4 In general, we would **welcome any potential contribution that the 'Good Jobs' Bill can make to furthering equality and avoiding the emergence or widening of inequality.**
- 1.5 Employment law should **reflect best international standards, taking account of any best practice from Great Britain, Ireland and wider jurisdictions to meet the specific needs of Northern Ireland.**
- 1.6 Improving access to, and progression within, employment is a key driver of economic and social wellbeing. It is also a route out of poverty for some groups protected by the equality laws to improved social mobility and inclusion.
- 1.7 The removal of barriers to work, including those experienced by women, people with disabilities, older people and minority ethnic workers, will contribute to realising Northern Ireland's full economic potential with improved employment opportunities for all.
- 1.8 **We recommend that the Department should aligns these proposals with other strategic work**, including the development of the Early Learning and Childcare Strategy, the Racial Equality Strategy, and the Social Inclusion Strategies (anti-poverty, disability, sexual orientation/ LGBTQI+ and gender equality).

- 1.9 During the COVID-19 pandemic, we noted the potential for the pandemic to exacerbate existing inequalities<sup>2</sup>. The Department should **identify and address any inequalities which have emerged, or been exacerbated by, COVID-19 or the policy response to it**, such as interruptions to education, training and workplace based development; impacts on workforce participation across the equality grounds, and any differential impacts of, or access to, hybrid, remote and/ or home working.
- 1.10 We note that many of the proposed reforms reflect changes in Great Britain. The Department will be aware that the UK Government intends to bring further reforms in Great Britain through an Employment Rights Bill<sup>3</sup>. The Department should **consider any lessons which can be learned from this process**.
- 1.11 'Measuring Equality in Northern Ireland' is our ongoing monitoring framework to help us build a picture of equality in Northern Ireland<sup>4</sup>. The Commission will shortly be publishing data in relation to employment, which we will share with the Department.

### ***Cross-cutting Recommendations***

- 1.12 There is need for action to address a number of recommendations that the Commission considers important to see implemented across a range of Government strategies, programmes and plans, which will also be relevant to work related to 'Good Jobs', including:
- Targeting Interventions, Tracking Impacts: All key measures of Government should **not only be tracked in aggregate but also for the impact on individuals from across the full range of equality grounds**. Providing comprehensive equality metrics for all key measures will assist equality considerations to be a core component of public policy design, delivery and review, facilitating the fuller targeting and delivery of interventions, including for the full range of equality groups.
  - Equality Data: There is a need for Government and Public Authorities to **collect and share comprehensive equality data** to underpin the targeting of interventions and tracking of equality impacts. Key datasets should contain comprehensive equality data to facilitate full equality analysis. There is also a need to address gaps in the

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<sup>2</sup> ECNI (07.07.20) [Data is a key component in tackling the impacts of COVID-19 pandemic](#)

<sup>3</sup> UK Government (2024) [King's Speech: Background Briefing](#), pp. 20-22.

<sup>4</sup> For further information, see [www.equalityni.org/MeasuringEqualityNI](http://www.equalityni.org/MeasuringEqualityNI)

equality data, and to make this information accessible to a wide range of decision makers and stakeholders.

- Leadership: There is a **need for leadership at all levels** on equality issues. Leadership should promote positive attitudes, challenge stereotypes and discrimination and ensure that options to advance equality are considered at the earliest point, and across the lifecycle, of all policy development and service delivery.
- Stakeholder Involvement: There is a need for **full and routine stakeholder involvement and co-design**. Government and Public Authorities must fully and routinely involve key stakeholders in the design, delivery and review of law, public policy and service delivery, so as to benefit from their expertise and experience.
- Resources: There is a need for **SMART, time-bound and resourced action plans** as a basis for effective, on-time and prioritised delivery. **Stakeholder organisations and the Equality Commission must also be properly resourced** to support individuals, organisations, and Government / Departments to better shape and assist the delivery of the Programme for Government and related legislation, policy and services, towards advancing equality of opportunity and good relations.

## 2 EU Pay Transparency Directive

2.1 We welcome the fact that the consultation recognises pay and benefits as a central component of 'Good Jobs' and that the consultation seeks to improve pay and benefits via employment law reform.

2.2 As such we are disappointed at the lack of any recognition in this consultation of the need for legislation to strengthen protection against pay discrimination in the workplace on grounds of gender. For example, we note that there are no proposals to work with the Department of Communities to introduce gender pay gap reporting legislation, or to transpose the relevant provisions of the EU Pay Transparency Directive (PTD) into NI law, which includes requirements relating to the introduction of gender pay gap reporting on certain employers.

- 2.3 We note the consultation does refer to the fact that “flexible working may also help to close the gender pay gap..”.<sup>5</sup> Therefore, the Department clearly sees the value in action that will help close the gender pay gap.
- 2.4 Aligned to this point, **the Commission considers that, further to the dynamic alignment obligations arising out of Article 2 Windsor Framework, the vast majority of the provisions of the PTD must be transposed into NI law by 7 June 2026. We therefore recommend that work is progressed as a matter of urgency to introduce these changes by the June 2026 deadline,** and that consultation on proposed legislation is taken forward by the relevant Executive Departments in the coming months.
- 2.5 We recognise that primary responsibility for gender pay gap reporting legislation lies with the Department for Communities. However, we note that it was the Department for the Economy which considered it necessary to introduce provisions to require Gender Pay Gap Reporting in Section 19 of the Employment Act (Northern Ireland) 2016, which is yet to be implemented. The more recent PTD goes beyond the provisions in the 2016 Act in certain areas.
- 2.6 Given the wide ranging nature of the provisions within the PTD, as well as the Department’s focus on improving pay and benefits, **we recommend that the Department liaises with the Department for Communities in relation to how best legislation can be taken forward to address our recommendation on transposing into NI law relevant provisions of the PTD.**
- 2.7 As reflected in its full title<sup>6</sup>, the PTD aims 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.
- 2.8 Implementing this Directive in NI law would lead to greater accountability and transparency by certain employers on gender pay gaps within their organisations. For example, the PTD introduces new obligations on certain employers in terms of pay reporting and joint pay assessments linked to ensuring compliance with the principle of equal pay.<sup>7</sup> It also introduces enhanced enforcement

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<sup>5</sup> See page 101 of consultation document.

<sup>6</sup> ‘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’.

<sup>7</sup> Article 9 and 10, Directive 2023/970/EU, ‘EU Parliament and Council Directive to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay

measures to improve access to justice and enforcement of rights, for example, the right of ‘equality bodies’ to engage in court or administrative procedures in support of workers regarding equal pay discrimination,<sup>8</sup> and strengthened rights relating to compensation.<sup>9</sup>

- 2.9 We also note that there is support for this legislative change amongst equality and human rights stakeholders. For example, the Women’s Manifesto, issued by the Women’s Policy Group NI, recommended the transposition of the PTD into domestic law as soon as possible, calling it a ‘a crucial step for eliminating gender-based discrimination in the workplace and tackling the gender pay gap’.<sup>10</sup>
- 2.10 The Commission, alongside the NI Human Rights Commission (NIHRC), considers that, apart from a small number of provisions of the PTD that are no longer relevant now that the UK has left the EU, all other provisions of the PTD amend and/or replace provisions in the Recast Directive.<sup>11</sup> This includes changes to substantive rights and procedural rights and rights relating to access to remedies in this area.
- 2.11 We therefore consider that, further to the dynamic alignment obligations arising out of WF Article 2 in conjunction with WF Article 13 (3)<sup>12</sup>, these provisions of the PTD must be transposed into NI law by 7 June 2026.
- 2.12 We stress that the requirements of the PTD should be considered minimum requirements. We encourage the NI Executive to adopt an approach when implementing the Directive that goes beyond these minimum standards where this reflects best practice, including international human rights best practice, and where it seeks to strengthen rights in this area.

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transparency and enforcement mechanisms’ 10 May 2023. This includes that, employers with at least 100 workers must provide and report on the pay gap between female and male workers to a monitoring body, all workers and their representatives and remedy any gender pay differences that are not justified by objective and gender-neutral factors.

<sup>8</sup> Article 15, Directive 2023/970/EU, ‘EU Parliament and Council Directive 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’, 10 May 2023.

<sup>9</sup> Article 16, Directive 2023/970/EU, ‘EU Parliament and Council Directive 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’ 10 May 2023.

<sup>10</sup> Women’s Policy Group NI, ‘Women’s Manifesto: General Election 2024’, Page 11.

<sup>11</sup> [Directive 2006/54/EC](#) ‘EU Parliament and Council Directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)’, 5 July 2006.

<sup>12</sup> Relating to WF Article 2(1).

- 2.13 For further detail on the two Commissions' analysis of the Pay Transparency Directive and the UK Government's dynamic alignment obligations relating to Windsor Framework Article 2, please see briefing paper: [ECNI and NIHRC Briefing Paper: The EU Pay Transparency Directive](#).
- 2.14 In addition to the Pay Transparency Directive (PTD), there are a range of other EU developments which aim to strengthen equality and human rights protections, including EU proposals for new Directives, some of which are noted in this consultation. They include the EU Adequate Minimum Wages Directive, the EU Platform Work Directive, and the EU Directives on Corporate Sustainability Reporting and due diligence respectively.
- 2.15 **We recommend that the Department monitors these EU law developments, and considers their implications, should NI law voluntarily align with this EU law, in terms of their potential impact on strengthening the rights of equality groups here.** These Directives are further discussed in the relevant sections of this submission.
- 2.16 The Commission will continue to monitor these emerging developments in EU law and consider their implications in terms of the rights of equality groups here, if transposed into NI law.
- 2.17 The Commissions continue to advise that, in accordance with Article 2 and 13 of the Windsor Framework, the NI Office and the Executive Office continue to monitor and comply with any proposed changes by the EU to the six Annex 1 equality directives, including relevant case law of the CJEU. Of particular relevance to this consultation are the Annex 1 Directives which cover the area of employment discrimination on grounds of race and ethnicity, sexual orientation, religion and belief, disability, age and gender.<sup>13</sup>
- 2.18 Further details of our recommendations for the NI Executive and relevant Departments on our WF Article 2 recommendations relating to employment can be found in our latest annual report.<sup>14</sup>

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<sup>13</sup> Directive 2000/43/EC, 'EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000; Directive 2000/78/EC, 'EU Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000; Directive 2006/54/EC, 'EU Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation', 5 July 2006; Directive 2010/41/EU, 'EU Parliament and EU Council Directive on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity', 7 July 2010.

<sup>14</sup> ECNI and NIHRC '[Annual Report on the Implementation of Article 2 of the Windsor Framework 2023-2024](#)' (September 2024), p.108.

## 3 Terms of Employment

### ***Zero-hour contracts***

- 3.1 We note the consideration being given to the introduction of specific legislation to limit or restrict the use of zero hours contracts and restrict other associated practices which are detrimental to workers who do not have guaranteed hours. This legislation would aim to create contracts which offer flexibility but also protect workers' rights.
- 3.2 In considering the best option to address to zero-hour contracts, we would highlight that the Commission has recommended<sup>15</sup> **action to promote flexible working practices**, particularly in relation to childcare<sup>16</sup> and other caring roles, which particularly impact on women. Flexible working may also benefit other individuals and equality groups who do not wish to work full-time.
- 3.3 However, when considering the appropriate form of flexibility, we would also draw attention to our 2018 *Statement on Key Inequalities in Employment*<sup>17</sup>. We highlighted particular issues relating to the link between part-time working and low pay and precarious employment, such as zero hours contracts, in the context of the employment of women, lone parents with dependents, and carers.
- 3.4 Women continue to be more likely to be in part-time employment than men; in 2023, NISRA reported that 35% of employed females aged 16-64 were part-time, compared to 9% of males<sup>18</sup>. We have previously indicated<sup>19</sup> that, whilst one of a number of means by which women balance employment with childcare is through part-time employment, women working part-time were at risk of low pay and precarious employment, as part-time employment is typically associated with low pay, atypical contracts, the low wage economy, fragmented and unsocial hours and a higher risk of poverty.
- 3.5 We also highlighted that precarious employment, such as zero hour contracts, tends to be found in the hospitality and health and social care sectors, where a high proportion of women work. We also indicated that it has been reported that zero hours contracts are

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<sup>15</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), para 8.12.

<sup>16</sup> ECNI (2024) [Childcare and Early Learning: Policy Position Paper](#), paras 5.13-5.18.

<sup>17</sup> ECNI (2018) [Statement on Key Inequalities in Employment](#)

<sup>18</sup> NISRA (2023) [Labour Market Statistics 2023](#), Table 1.4b.

<sup>19</sup> ECNI (2018) [Statement on Key Inequalities in Employment](#)

associated with lower gross-weekly pay, fewer hours of work on average and may contribute to rates of under-employment.

- 3.6 Further, we identified inequalities in the sustainability of a lone parent's employment, associated with part-time working. Specifically, we found that lone parents with dependents are more likely to be in employment on a part-time basis than those with no dependents or couples with dependents. We stated that, whilst this is another means by which lone parents can balance employment with childcare, however, as identified with women, it can negatively impact on progression in employment, and that working part-time may place a lone parent at risk of low pay and precarious employment, as many part-time jobs are typically associated with the minimum wage and atypical contracts.
- 3.7 Women are more often employed with atypical contracts, particularly part time working where they are at risk of low pay and precarious employment, such as zero-hours contracts<sup>20</sup>.
- 3.8 It is of note that the CEDAW Committee in its Concluding Observations on the UK (2019)<sup>21</sup> called for steps to increase women's access to formal and secure employment; and to adopt measures to increase access of marginalised groups, such as minority ethnic women and disabled women to the labour market and alleviate their concentration in low paid jobs.
- 3.9 The Commission has recommended<sup>22</sup> **support for initiatives aimed at tackling the exploitation of migrant workers**
- 3.10 Our *Statement* identified as a key inequality that migrant workers were vulnerable to exploitation, which could impact on their ability to sustain employment and progress in employment. We highlighted that many migrant workers who are agency workers are confined to temporary and irregular work, including zero hour contracts.
- 3.11 The Commission's investigation into the role of the recruitment sector in the employment of migrant workers (2010) found that, often agency workers are: confined to temporary and irregular work; non-guaranteed weekly hours; and being employed under poorer terms and conditions than expected<sup>23</sup>.

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<sup>20</sup> ECNI (2018), [Women in Northern Ireland: CEDAW Shadow Report](#)

<sup>21</sup> UN CEDAW Committee (March 2019), [Concluding Observations on UK](#)

<sup>22</sup> ECNI (2014) [Racial Equality: Policy Priorities & Recommendations](#), Section 5.

<sup>23</sup> ECNI (2010) [The Role of the Recruitment Sector in the Employment of Migrant Workers](#).

- 3.12 Further, the *Statement* indicated that: ‘*Black Minority Ethnic (BME) parents have also highlighted the ‘short notice period given to work as a particularly frustrating aspect of zero-hours contracts’ and identified that the ‘lack of ability to make suitable childcare arrangements at short notice was a barrier to accepting employment or gaining additional hours’*<sup>24</sup>.

## ***Bogus self-employment***

### **Platform workers**

- 3.13 The Department will be aware that the European Parliament approved the text of the **EU Platform Work Directive**<sup>25</sup> in April 2024. The text is awaiting approval by the Council. The Platform Work Directive will address employment rights in the ‘gig economy’ and provide guidance as to when a worker in the gig economy should be treated as an employee and so entitled to greater protections.
- 3.14 It will be noted that the Directive includes requirements for Member states to ensure the rights and equality protections of platform workers are upheld, including in relation to the processing of personal data by means of automated monitoring or decision-making systems, and the proper oversight of any impact of automated monitoring and decision-making systems on equal treatment at work.
- 3.15 We therefore **recommend** that the Department monitors the EU Platform Work Directive, if approved by Council, and considers its implications, should NI law voluntarily align with this EU law, in terms of its impact on strengthening the rights of equality groups here.

## ***Employment Rights***

- 3.16 We note the Department’s statement that ‘providing decent working conditions requires employers to offer terms and conditions which meet all statutory requirements and make job offers which attract workers and retain them’. And that ‘it is equally important that both employers and workers fully understand the terms and conditions of that employment.’

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<sup>24</sup> ECNI (2018) [Statement on Key Inequalities in Employment](#) , page 96.

<sup>25</sup> [Proposal for the Directive of the European Parliament and of the Council on improving working conditions in platform work](#) (Council of the European Union, March 2024).

3.17 In this regard, it should be noted that the **EU Corporate Sustainability Reporting Directive** has equality implications in that large companies will have to report on matters including working conditions, equal treatment and other work-related rights (both for their own workers and for workers in the value chain), as well as rights of affected communities, consumers and end-users.<sup>26</sup> The Directive must be implemented by Member states by 6 July 2024. The Irish Government has already transposed the Directive via regulations (July 2024).<sup>27</sup> This Directive will therefore have implications for companies based in Ireland, as well as cross-border and all-island companies, that fall within its scope.

3.18 Also of note is the **EU Directive on Corporate Sustainability Due Diligence**.<sup>28</sup> The Directive aims to ensure large companies identify and address adverse human rights and environmental impacts of their actions inside and outside Europe. It has the potential to impact equality groups because it covers labour rights and better access to justice for victims as well as environmental degradation that impairs human rights. It must be transposed by Member states, including Ireland, by July 2026, meaning it will have implications for companies based in Ireland, as well as cross-border and all-island companies, that fall within its scope.

**We therefore recommend that the Department monitors the EU Directives on corporate sustainability and considers their implications, should NI law voluntarily align with these EU laws, in terms of their impact on strengthening the rights of equality groups here .**

### ***Agency workers***

3.19 We note the Department's proposal to remove a loophole which affects agency workers' rights to pay parity with other workers at the same place of work. This is intended to address the scenario where a company can pay agency workers at an inferior rate to those doing the same job at the same company.

3.20 Aligned to this aim of addressing pay parity, we would ask the Department to note the important role of pay transparency reporting, as well as other provisions in the EU Pay Transparency Directive.

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<sup>26</sup> [Commission Delegated Regulation \(EU\) 2023/2772](#) of 31 July 2023 supplementing Directive 2013/34/EU of the European Parliament and of the Council as regards sustainability reporting standards.

<sup>27</sup> Department of Enterprise, Trade and Employment, [Corporate Sustainability Reporting - DETE \(enterprise.gov.ie\)](#)

<sup>28</sup> [Directive \(EU\) 2024/1760](#) of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859.

This Directive aims to strengthen the application of the principle of equal pay for equal work or work of equal value, between men and women. The provisions in the Directive include permitting workers who bring equal pay claims to compare their situations to other workers who do not work for the same employer but where the pay conditions were from a single source. See page three for further details.

## 4 Pay and benefits

- 4.1 We note that the Department is examining areas of the ‘good jobs’ agenda relating to improving an individual’s overall pay and benefits. As above, the Commission’s considers that relevant provisions of the EU Pay Transparency Directive must be transposed by June 2026. This will have considerable positive consequences for pay and benefits in the context of tackling unequal pay between men and women in the workplace, if implemented in NI law.
- 4.2 **In relation to ensuring that tips and gratuities are managed and distributed in a fair and transparent manner, the Department will wish to consider the needs of particular equality groups who may be affected.** For instance, there were nearly six times as many women as men employed in caring, leisure and other service occupations in 2023<sup>29</sup>.

## 5 Voice and representation

- 5.1 **The Commission and other representative bodies, such as trade unions and other suitably qualified interest groups, should be empowered to bring a claim on behalf of named individuals, in relation to equality legislation.**
- 5.2 The Commission should also have a general standing to bring cases of strategic importance without, in appropriate circumstances, having to name complainants.
- 5.3 The Equality Commission currently does not have the power to bring legal proceedings in its own name on behalf of individuals who have experienced unlawful discrimination or harassment.
- 5.4 However, the Commission, both jointly with and separately from NIHRC, has powers to bring a legal action in its own name (own

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<sup>29</sup> 77 000 women, compared to 13 000 men. [See Labour Force Survey Annual Tables 2023](#), Occupation, Table 3.1a.

motion power) in relation to breach (or potential future breach) of Article 2 Windsor Framework or intervene in other legal action that engages Article 2 Windsor Framework. The Commissions can also assist persons in legal proceedings in respect of a breach (or potential future breach) of Article 2 Windsor Framework<sup>30</sup>.

- 5.5 The Commission has a longstanding recommendation<sup>31</sup> that it should have standing to bring cases on behalf of named individuals and that this standing should also be granted to trade unions and other suitably qualified organisations. A crucial element in the debate upon effective enforcement concerns the extent to which the system of judicial process should move beyond one predicated upon an individual bringing his or her own case<sup>32</sup>. Although the Commission has assisted many highly significant cases, with ramifications well beyond the facts of the particular case, there are still many examples of discrimination and inequality which are never addressed because individuals, frequently in highly vulnerable positions, do not wish to, or cannot afford, to litigate.
- 5.6 In highly strategic cases, the issue at stake is whether the policies and practices of an employer or service provider exhibit evidence of institutionalised or systemic discrimination. In such cases, the Commission is of the view that standing should be available even in the absence of a named 'victim'.
- 5.7 The European Parliament, during the passage of the Revised Equal Treatment Directive, proposed an amendment to allow for genuinely autonomous standing for organisations, as follows, "[associations, organisations and other legal entities] may, where national law permits, bring a collective action, in any judicial and/or administrative procedure, on their own initiative and aside from the particular circumstances of an individual case, in order to determine whether or not the principle of equal treatment ... is applied". A similar provision to allow the Commission and other suitably qualified organisations to bring cases in its own name will help tackle some of the most entrenched aspects of discrimination and inequality<sup>33</sup>.

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<sup>30</sup> Sections 78C - 78D of the [Northern Ireland Act 1998](#)

<sup>31</sup> ECNI (2004) [Response to OFMDFM Consultation Paper, 'A Single Equality Bill For Northern Ireland](#) paras 10.6-10.9.

<sup>32</sup> ECNI (2004) [Response to OFMDFM Consultation Paper, 'A Single Equality Bill For Northern Ireland](#), para 10.7.

<sup>33</sup> ECNI (2004) [Response to OFMDFM Consultation Paper, 'A Single Equality Bill For Northern Ireland](#) paras 10.10-10.11.

## ***Collective bargaining***

- 5.8 We note the Department has sought views on increasing levels of collective bargaining.
- 5.9 The Department has referred to the **EU Adequate Minimum Wages Directive** which requires Member states to promote collective bargaining. States with a coverage of less than 80% of collective bargaining will be required to develop an action plan to promote collective bargaining.<sup>34</sup> The Directive must be transposed into national law by Member states, including Ireland, by November 2024.

Specifically, we note the Department is seeking views on improving sectoral collective bargaining but has not put forward any proposals to do so. In this context, we **recommend** that, the Department considers the implications of the **EU Adequate Minimum Wages Directive**, should NI law voluntarily align with this Directive, as regards its impact on strengthening the rights of equality groups here.

## **6 Work-life balance**

### ***Flexible working***

- 6.1 We note the Department's intention to introduce new primary and subordinate legislation to remove the current 26-week qualifying period before a flexible working request can be made, thereby making this a right available to both new and existing employees and allowing an employee to make two statutory requests in any 12-month period. We also note the proposal to remove the requirement that the employee must explain as part of the statutory request what effect the change would have on the employer and how that might be dealt with.
- 6.2 We also note that the UK Government has signalled an intention to make 'flexible working the default from day-one for all workers, with employers required to accommodate this as far as is reasonable, to reflect the modern workplace'<sup>35</sup> in Great Britain. The Department should consider if any lessons can be learned from this approach.

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<sup>34</sup> [Directive \(EU\) 2022/2041](#) of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union 2022, Article 4.

<sup>35</sup> UK Government (2024) [King's Speech: Background Briefing](#), p. 21.

- 6.3 **The Commission continues to recommend<sup>36</sup> action to promote flexible working practices**, particularly in relation to childcare<sup>37</sup> and other caring roles, which particularly impact on women. We note that women are more likely than men to be working flexibly in Northern Ireland<sup>38</sup>. Likewise, over-65's who are working are more likely to be in flexible work than younger age groups<sup>39</sup>.
- 6.4 **Employers and training providers should be supported and encouraged to develop carer friendly policy and practices.** Actions should include the promotion of flexible working practices and the equal sharing of family roles / responsibilities between women and men.
- 6.5 **Provisions relating to flexible working should take account of the conditions that would facilitate parents and those providing care to enter, remain in, progress in and return to work or training.**
- 6.6 Parents and carers need employers who can be supportive, not just of the ongoing need for flexibility in trying to reconcile work and caring, but particularly in relation to unpredictable absences. This is particularly the case with lone parents, who are predominantly women, as the need for flexibility and emergency time off for the lone partner cannot be shared with a partner, and thus between two employers.
- 6.7 There is a need to maximise the flexibility offered by employers and to improve understanding of the position of parents, particularly mothers, and carers in the labour market and the role of childcare in this (including parents and carers who are in work, seeking work and not-seeking work).
- 6.8 Carers NI research<sup>40</sup> found that 58% of women with unpaid caring roles responding have given up employment or reduced their working hours due to the stress of juggling work and care.
- 6.9 ONS data<sup>41</sup> shows that the majority of parents in Northern Ireland with dependent children were employed in 2021 (64% full time and 19% part time). However, within that there are differences in the

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<sup>36</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), para 8.12.

<sup>37</sup> ECNI (2024) [Childcare and Early Learning: Policy Position Paper](#), paras 5.13-5.18.

<sup>38</sup> Labour Force Survey (2023) [Flexible Working, 2006 to 2022](#), Tables 1.1. In 2022, 61.5% of female employees aged 18 and over work flexibly, compared with 45% of men.

<sup>39</sup> Labour Force Survey (2023) [Flexible Working, 2006 to 2022](#), Tables 1.2. In 2022, 72% of employees 65 and over worked flexibly. For each of the younger age groups, the rate of flexible working fell between 47% and 55%.

<sup>40</sup> Carers NI (2024) [Career or care Women, unpaid caring and employment in Northern Ireland](#), p. 11.

<sup>41</sup> ONS (2021) [Families and the labour market, Northern Ireland](#)

proportions employed, and in the nature of employment. For example, 91% of all men with dependent children were employed, while only 80% of all women with dependent childcare were employed. Further, many more women worked part-time hours, with 31% of women with dependent children working part-time, compared with only 5% of men.

- 6.10 The ONS also found<sup>42</sup> that in 2021, 1.3% of men with dependent children were economically inactive due to looking after the family home in Northern Ireland, compared to 12.2% of women with dependent children.
- 6.11 Actions by employers to develop parent and carer friendly policy and practices, including through the promotion of flexible working practices, and to support parents and carers to remain in work, can bring considerable benefits to those individuals, as well as employers and the wider economy<sup>43</sup>.
- 6.12 A report (2016) into the gender pay gap in Great Britain has highlighted that flexible working can benefit all employees, men and women, as well as employers and the UK economy, and expressed concern that Government policies encouraging employers to create more opportunities for flexible working were not forthcoming<sup>44</sup>.
- 6.13 The Commission continues to **recommend** that the NI Executive and relevant NI Departments, including the Department for the Economy, should ensure that NI law voluntarily aligns with provisions of the **EU Work-Life Balance Directive** that strengthen equality and human rights and reflect international human rights standards and best practice. As such, we note those proposed measures that meet or go beyond those EU minimum standards in relation to flexible working and protections for those who request or avail of flexible working.
- 6.14 We have made clear that EU law should be considered minimum requirements, and we have encouraged government to adopt an approach when implementing EU law into NI law that goes beyond these minimum standards where this strengthens rights and reflects international human rights standards and best practice.

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<sup>42</sup> ONS (2021) [Families and the labour market, Northern Ireland](#) Table 1a

<sup>43</sup> Department of Health (2013) [Supporting Working Carers](#) The Benefits to Families, Business and the Economy, Final Report of the Carers in Employment Task and Finish Group

<sup>44</sup> HC Women and Equalities Committee (2016) [Gender Pay Gap](#) 2<sup>nd</sup> report of session 2015-2016.

## **Carer's Leave**

- 6.15 We note the Department's intention to introduce new primary and subordinate legislation which will create a new right to up to one week of unpaid leave for eligible employees who have caring responsibilities. We understand the Department is also considering if such leave should be paid.
- 6.16 The Commission has recommended<sup>45</sup> action to **consider the economic impact of the pattern of unpaid care work and address the undervaluation of unpaid care work**, including the provision of adult care, which is carried out predominately by women.
- 6.17 As above, we have also called for Government to **support and encourage employers to develop carer friendly policy and practices**, including through the promotion of flexible working practices and the equal sharing of family roles/responsibilities between women and men.
- 6.18 Our *Statement on Key Inequalities in Employment*<sup>46</sup> highlighted that carers who provide less than 49 hours of unpaid care were also more likely to work part-time, and this could negatively impact on career progression, with many carers taking a less qualified, lower paid job or turning down promotion to care.
- 6.19 The Commission continues to **recommend** that the NI Executive and relevant NI Departments, including the Department for the Economy, should ensure that NI law voluntarily aligns with provisions of the **EU Work-Life Balance Directive** that strengthen rights and align with international human rights standards and best practice. As such, we note the Department's proposed measures that relate to those EU minimum standards in relation to the right of carers' leave of five working days per year.<sup>47</sup>
- 6.20 However, we stress that EU law should be considered minimum requirements, and we would encourage government to adopt an approach when implementing EU law into NI law that goes beyond these minimum standards where this strengthens rights and reflects

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<sup>45</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), paras 8.1-8.12.

<sup>46</sup> ECNI (2018) [Statement on Key Inequalities in Employment](#)

<sup>47</sup> In terms of whether carer's leave should be paid or unpaid under the Directive, it will be noted that Recital 32 to the Directive states: " Although Member States are free to decide whether to provide a payment or an allowance for carers' leave, they are encouraged to introduce such a payment or an allowance in order to guarantee the effective take-up of the right by carers, in particular by men."

international human rights standards and best practice. Relationship between the employee and the person cared for

- 6.21 We note the intention to define carer as referring to an employees providing unpaid care to a person who may fall into a range of categories. This includes reference to the Disability Discrimination Act 1995 (DDA 1995).
- 6.22 The Commission recommends<sup>48</sup> **reform of the definition of disability under the DDA 1995, and the Department may wish to consider these issues in relation to carers' leave.**
- 6.23 The current definition of disability within the DDA 1995 defines a disabled person as 'a person with a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day-to-day activities'.
- 6.24 The DDA 1995 also states that an impairment is to be taken to affect the ability of a person to carry out normal day-to-day activities only if it affects that person in respect of one or more of the following:-
- mobility;
  - manual dexterity;
  - physical co-ordination;
  - incontinence;
  - ability to lift, carry or otherwise move every day objects;
  - speech, hearing or eyesight;
  - memory or ability to concentrate, learn or understand;
  - perception of the risk of physical danger;
  - taking part in normal social interaction; or
  - forming social relationships
- 6.25 The Commission recommends the removal of the list of capacities in total from the definition of 'disability' within the DDA 1995. The changes will make it easier for disabled people to fall within the definition of disability. This is also in line with changes to the definition which have been implemented in Great Britain.
- 6.26 However, we have also highlighted that equality law in Northern Ireland should go further than Great Britain, and have recommended

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<sup>48</sup> ECNI (2012) [Strengthening Protection for Disabled People: Proposals for Reform](#), pp. 9, 22.

a fundamental review of the definition of disability, in order to address a number of other deficiencies within the definition.

- 6.27 In particular, we recommended changes to the definition in order to reflect the 'social model' of disability. This is especially relevant in light of the fact that the UN Convention on the Rights of People with Disabilities (UNCRPD), which has been ratified by the UK Government, contains a non-exhaustive definition of disability which is based on the 'social model' of disability.
- 6.28 **The Department should clarify if 'child/ parent' will also include care for step-children and step-parents; and the rationale for adopting a time-scale of 3 months for someone who has an illness or injury (whether physical or mental) that requires, or is likely to require, care.**
- 6.29 **The Department should also clarify what is meant by 'old age' in the proposals.**

### ***Protection from Redundancy – Pregnancy and Family Leave***

- 6.30 We note the Department's intention to introduce further legal protections for pregnant employees and for those employees who have recently returned to work after a period of maternity, adoption, or six or more weeks of shared parental leave.
- 6.31 **The Commission continues to call for action to reduce sex discrimination in employment, particularly in the area of pregnancy and maternity discrimination<sup>49</sup>.** The Commission has made a range of recommendations to strengthen anti-discrimination law, including in relation to sex and pregnancy<sup>50</sup>.
- 6.32 Women frequently experience sex discrimination and harassment in the workplace, including discrimination due to pregnancy and maternity. In 2023/24, the Commission received 154 enquiries relating to pregnancy/ maternity discrimination, which made up 25.25% of all sex discrimination enquiries.
- 6.33 It is welcome that the Department has referred to our 2015 formal investigation<sup>51</sup> under the Sex Discrimination (Northern Ireland) Order 1976 (as amended) examined the employment experiences of

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<sup>49</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), paras 7.23-7.26.

<sup>50</sup> ECNI (2016) [Gender Law Reform Summary Report: Policy Priorities and Recommendations](#)

<sup>51</sup> ECNI (2016) [Expecting Equality-Summary Report: A Formal Investigation into the treatment of pregnancy workers and mothers in Northern Ireland workplaces](#)

pregnant workers and mothers in Northern Ireland. In our survey for this investigation, one in three women [36%] responding believed they had been treated unfairly or disadvantaged in their employment as a result of their pregnancy or having taken maternity leave.

### ***Paternity leave***

- 6.1 We note the Department's allow paternity leave to be taken as two blocks of a single week or as a single block of two weeks.
- 6.2 **The Commission recommends<sup>52</sup> action to encourage flexible working practices and the equal sharing of family roles/responsibilities between women and men**, including through the implementation of the Work and Families Act (Northern Ireland) 2015.
- 6.3 **We also call for<sup>53</sup> coordinated, comprehensive and coherent measures to counter gender based stereotypes and prejudicial attitudes from** an early age and across all areas of life, including in all stages of education and vocational training, work, and the media and social media, including advertising and marketing. These measures should include challenging stereotypes in relation to women's and men's gender roles at work and in the family, communities and wider society; through career advice and choices and the curriculum.
- 6.4 Responsibility for childcare continues to fall disproportionately on women<sup>54</sup>. Gender stereotyping and social attitudes regarding a mother's role in parenting and work undoubtedly impacts on the numbers of women in work, and the number of men working in childcare and early learning.
- 6.5 Family policy both reflects and perpetuates this division of labour<sup>55</sup>, with leave entitlements after the birth of a child that have historically been weighted towards mothers taking more time out of the labour market to care for children than fathers. We note that, despite the introduction of shared parental leave in 2015, uptake remains low in the UK<sup>56</sup>.

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<sup>52</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), Section 7, and 8.

<sup>53</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), Section 5.

<sup>54</sup> RSM (2023) [Review of Childcare Services in Northern Ireland](#), commissioned by DE, pp 137-138.

<sup>55</sup> McQuaid, R., Graham, H. and Shapira, M (2013) [Child care: Maximising the economic participation of women](#), ECNI.

<sup>56</sup> PWC (2023) [Women in Work 2023 – Closing the Gender Pay Gap for good: A focus on the motherhood penalty](#), pp. 25-26.

- 6.6 Gender stereotyping and prejudicial attitudes affect women and men throughout their lives, limits the options that are open to them and the choices that they can make in public, economic, social and family life.
- 6.7 The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee concluded in 2018, that there was a failure in Northern Ireland to combat stereotypes depicting women primarily as mothers, exacerbating discrimination against women, and in violation of CEDAW<sup>57</sup>. Subsequent legislation<sup>58</sup> has placed a duty on the Secretary of State for Northern Ireland to adopt a strategy to combat gender-based stereotypes regarding women's primary role as mothers, but to date this remains undelivered.
- 6.8 The CEDAW Committee has also recommended<sup>59</sup> action to provide further incentives to encourage men to take parental leave, such as non-transferrable leave, and encourage men to participate equally in childcare responsibilities.
- 6.9 We note that the consultation contains various proposals relating to improving legal protections for certain employees who have taken parental leave. The Commission, alongside the NIHRC, has previously noted in our policy recommendations on divergence of rights<sup>60</sup> that the **EU Work-Life Balance Directive** repeals and replaces the EU Parental Leave Directive.<sup>61</sup> Although this is not a directive listed under Annex 1 Windsor Framework, the Commissions<sup>62</sup> and the UK Government<sup>63</sup> have identified the EU Parental Leave Directive as falling within the scope of Windsor Framework Article 2.
- 6.10 We have highlighted that the failure by the NI Assembly to implement the provisions of the EU Work-Life Balance Directive which do not already exist in domestic legislation would result in NI

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<sup>57</sup> CEDAW (2018) [Inquiry Report](#), CEDAW/C/OP.8/GBR/1, paras 73-74.

<sup>58</sup> [Section 9](#) of the Northern Ireland (Executive Formation etc) Act 2019.

<sup>59</sup> CEDAW (2019) [Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland](#), CEDAW/C/GBR/CO/8, para 46.

<sup>60</sup> Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, 'Policy Recommendations: European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland' (ECNI, NIHRC and IHREC, 2023), at para 4.69

<sup>61</sup> Directive 2010/18/EU, 'Council Directive implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC', 8 March 2010.

<sup>62</sup> NI Human Rights Commission and Equality Commission for NI, 'Working Paper: The Scope of Article 2(1) of the Ireland/ Northern Ireland Protocol' (NIHRC and ECNI, 2022).

<sup>63</sup> NI Office, 'UK Government commitment to no diminution of rights, safeguards and equality of opportunity in Northern Ireland' (NIO, 2020).

continuing to mirror the more limited obligations of the EU Parental Leave Directive.

- 6.11 In this consultation the Department has referenced the EU Work Life Balance Directive and the implementation of it in Ireland via the Work Life Balance and Miscellaneous Provisions Act. It is our view that implementing provisions of the Directive, such as those on non-transferable parental leave, would avoid a potential divergence of rights on the island of Ireland and could positively contribute to addressing some of the key barriers to the full and equal participation of women in employment by encouraging an equal sharing of parental leave.

## 7 Wider Employment Issues

- 7.1 The Department will wish to consider other issues in relation to employment, and ‘good jobs’.

### ***Wider Barriers for Particular Groups***

- 7.2 The above sections have referred to the particular barriers and enablers of several groups, as relevant to the specific issues. However, it is important that the needs of particular equality groups are considered throughout the development of this legislation, and in wider work by the Department, including targeted support where appropriate.

- 7.3 The below exemplifies some of these issues, but is non-exhaustive.

### **Disability**

- 7.4 **There is a need to ensure support for disabled people to access and remain in the workplace, and the provision of training and programmes that are accessible and inclusive for all to get into, or stay in, work.**
- 7.5 We recommend that **the Department should ensure provision of long-term funding arrangements for existing and new disability employment projects<sup>64</sup>.**
- 7.6 People with a disability are more likely to be not working and not actively looking for work (economically inactive) than people without disabilities; consequently, they are much less likely to be in

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<sup>64</sup> IMNI (2023) [Jurisdictional ‘Parallel’ Submission on the implementation, in Northern Ireland, of the recommendations by the Committee on the Rights of Persons with Disabilities in its 2016 report on an Inquiry, carried out under Article 6 of the Optional Protocol, into the United Kingdom](#), pp. 11, 14-16.

employment than people without disabilities. In 2023, NISRA reported that people aged 16-64 with disabilities had an employment rate of 42%, compared to 83% for those without disabilities<sup>65</sup>. They also reported that there was an economically inactivity rate of 55% for disabled people<sup>66</sup>.

- 7.7 The UN Committee on the Rights of Persons with Disabilities<sup>67</sup>, recommended that the UK in close collaboration with organisations of persons with disabilities, '*Develop and decide upon an effective employment policy for persons with disabilities aimed at ensuring decent work for all persons with disabilities*', and '*Ensure that reasonable accommodation is provided to all persons with disabilities who require it in the workplace*'.

### Age

- 7.8 **The Departments for the Economy and Education should work in partnership to deliver co-ordinated actions to reduce long-term unemployment amongst older people<sup>68</sup>.**

- 7.9 Targeted action is needed to tackle perceived and actual barriers facing older people in returning to, and remaining in, work – including with regard to stereotypes; life-long learning and education; training and development opportunities; and pathways to work.

- 7.10 The Commission recommends co-ordinated action to provide **effective targeted action and support to reduce the proportion of young people who are Not in Education, Employment or Training (NEET)<sup>69</sup>** and young people affected by the disruption of their education or suspension or termination of employment during the COVID-19 pandemic<sup>70</sup>. The Commission has noted<sup>71</sup> the potential for the pandemic, and policy responses to it, to exacerbate existing inequalities.

### Gender

- 7.11 The Commission has recommended<sup>72</sup> action to **eliminate occupational and industrial segregation, encourage men and women in non-traditional roles, including in STEM related**

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<sup>65</sup> NISRA (2023) [Labour Market Statistics 2023](#), Table 1.11a.

<sup>66</sup> NISRA (2023) [Labour Market Statistics 2023](#), Table 1.11b.

<sup>67</sup> CRPD (2017) [Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland](#) CRPD/C/GBR/CO/1, para 57.

<sup>68</sup> Equality Commission NI (2017): Age Equality: Policy Priorities and Recommendations – Full Report

<sup>69</sup> ECNI (2017) [Age Equality: Policy Priorities and Recommendations](#)

<sup>70</sup> ECNI (2020) [COVID-19 and Education: Equality Considerations](#)

<sup>71</sup> ECNI (07.07.20) [Data is a key component in tackling the impacts of COVID-19 pandemic](#)

<sup>72</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), pp. 19-27.

**industries, and challenge gender stereotypes.** Men and women experience industrial segregation within the labour market with a gender imbalance within some industry sectors<sup>73</sup>.

7.12 Further, men are more likely than women to enter into apprenticeships and there is also a gender imbalance in certain types of apprenticeships: for example, women are under-represented in apprenticeships relating to building and construction, engineering and transport operations<sup>74</sup>.

7.13 We also recommend **action to address the low rates of entrepreneurship and self-employment and high rates of economic inactivity experienced by women**<sup>75</sup>.

7.14 The sections above refer significantly to the impact of childcare, particularly on mothers. There is a clear relevance to ‘Good Jobs’ work. For instance, An Employers for Childcare survey (2023)<sup>76</sup> found that many parents responding, particularly mothers, changed their working arrangements due to the cost of childcare, and that childcare stress impacts on their productivity in work.

7.15 **We recommend that the Department supports the development and delivery of the Executive’s Early Learning and Childcare Strategy**<sup>77</sup>. As above, this should include supporting and encouraging employers to develop carer friendly policy and practices, including maximising flexibility.

## Race

7.16 The Commission recommends<sup>78</sup> support for initiatives aimed at **reducing ethnic minority disadvantage in employment; raising awareness of the rights of migrant workers and maximizing migrant workers access to the labour market.**

7.17 We have also recommended **Traveller specific, long-term initiatives to improve employment opportunities**, and greater focus on including Travellers in mainstream employment training provision including support in employment and training.

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<sup>73</sup> NISRA (2023) [Labour Force Survey](#) Table 2.1a. Reported 14% of employed men aged 16-64 were employed in construction, compared to 2% of women. 51% of women employed worked in Public Administration, Education and Health compared to 19% of men.

<sup>74</sup> Ballantine, J et al (2021) [Gender Budgeting: Working Paper 2 Case Study: Apprenticeships in Northern Ireland](#), ARK Working Papers.

<sup>75</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), pp. 19-27.

<sup>76</sup> Employers for Childcare (2023) [Northern Ireland Childcare Survey 2023](#), p. 48, 53.

<sup>77</sup> For further information, see [www.equalityni.org/Childcare](http://www.equalityni.org/Childcare)

<sup>78</sup> ECNI (2014) [Racial Equality: Policy Priorities & Recommendations](#), Section 5.

- 7.18 We recommend **action to support the Roma community into employment by supporting self-employment**; providing first work experience and vocational and on-the-job training and by providing access to lifelong learning and skills development.
- 7.19 As part of a broader integration strategy<sup>79</sup>, the Commission recommends **increased access to employment and volunteering opportunities for refugees** and ensuring that employability strategies and mainstream services benefit and are accessible for, refugee users. Consideration should also be given to the provision of mentoring opportunities for asylum seekers and refugees so as to increase their employability and eventual integration into the labour market.

### ***Welcoming and Inclusive Workplace***

- 7.20 Employment remains the single largest area of enquiry to the Commission's discrimination advice line with 70% (68%) of enquiries relating to this field<sup>80</sup>.
- 7.21 The Commission published research in 2020 on welcoming and inclusive workplaces<sup>81</sup>. One fifth of NI workers who responded to the online questionnaire reported personally experienced unwanted behaviour at work in the previous 12 months. Of these unwanted behaviours, 27% were on the grounds of sex, 24% were about religion and 20% about politics. One quarter of employees responding had witnessed unwanted behaviour at work.
- 7.22 The research also found that disabled people, carers, people with Other / No religion and LGBTQ+ people were less likely to feel that their workplace culture was welcoming and inclusive across most statements.
- 7.23 We recommend that the Department acts to ensure **welcoming and inclusive workplaces for all, with freedom from prejudice and harassment at work**.

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<sup>79</sup> ECNI (2022) Response to the consultation by The Executive Office on the draft Refugee Integration Strategy 2022-2027, paras 4.54-55.

<sup>80</sup> ECNI (2024) [Annual Reports and Accounts 2023-24](#), p. 21.

<sup>81</sup> See [ECNI - Research and investigations into employment and equality in Northern Ireland \(equalityni.org\)](#) (accessed 06/09/24).

## **8 Conclusion**

- 8.1 In general, we would welcome ~~any~~ the potential contribution that the 'Good Jobs' Bill can make to furthering equality and avoiding the emergence or widening of inequality.
- 8.2 We request that the Department should give full consideration to our recommendations in refining the Bill. If further discussion would be useful, please do not hesitate to contact us at [publicpolicy@equalityni.org](mailto:publicpolicy@equalityni.org)

**Equality Commission for Northern Ireland  
September 2024**

## **9 Annex A: Role and Remit of the Equality Commission for Northern Ireland**

- 9.1 The Equality Commission for Northern Ireland ('the Equality Commission') is an independent public body established under the Northern Ireland Act 1998.
- 9.2 The Equality Commission is responsible for implementing the legislation on age, fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation and disability. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998, and the disability duties under the Disability Discrimination Act 1995.
- 9.3 The Equality Commission has been designated to act as an 'independent mechanism' jointly with the Northern Ireland Human Rights Commission, to promote awareness of, and monitor the implementation of the United Nations Convention on the Rights of Persons with Disabilities with regard to Government's obligations in relation to Northern Ireland
- 9.4 Further, the EU (Withdrawal Agreement) Act 2020 empowers the Commission, along with the Northern Ireland Human Rights Commission, to monitor, advise and report on, and enforce the UK Government's adherence to its commitment as set out under Article 2 of Windsor Framework (formerly the Ireland/Northern Ireland Protocol). This commitment is to ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from the UK's withdrawal from the Union, including in the area of protection against discrimination.
- 9.5 In general terms, our statutory remit provides that we are to:
- promote equality of opportunity and affirmative action
  - work towards the elimination of unlawful discrimination and harassment
  - keep relevant legislation under review
  - promote good relations between persons of different racial groups and good disability practice
  - oversee the effectiveness of statutory equality duties on public authorities.

9.6 For further information see [Promoting Equality, Challenging Discrimination: A short guide to the role and services of the Equality Commission](#)