



Northern Ireland
Assembly

Domestic Abuse (Safe Leave) Bill
Annotated Marshalled List of Amendments
Consideration Stage
Wednesday 9 March 2022

Amendments tabled up to 9.30am Wednesday, 2 March 2022 and selected for debate

The Bill will be considered in the following order-
Clauses and Long Title

Amendment 1 [Made]

Clause 1, Page 1, Line 9

Leave out ‘safe leave under this Article’ and insert ‘leave under this Article for the purpose of dealing with issues related to the domestic abuse (referred to in this Chapter as “safe leave”)’

Minister for the Economy

Amendment 2 [Made]

Clause 1, Page 1

Leave out lines 10 to 17 and insert -

‘(2) For the purposes of this Chapter, an employee is a victim of domestic abuse if—

- (a) the employee is being, or has been, subjected to abusive behaviour by a person to whom the employee is connected, and
- (b) such other conditions as may be specified are satisfied.

(3) The regulations must include provision as to the meaning of being subjected to abusive behaviour, and as to the criteria for being connected to another person, for the purposes of paragraph (2); and the regulations may do so by reference to provisions of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 or by applying other statutory provisions (with or without modifications).'

Minister for the Economy

Amendment 3 [Made]

Clause 1, Page 1

Leave out lines 18 and 19

Minister for the Economy

Amendment 4 [Made]

Clause 1, Page 1, Line 20

Leave out '(4)' and insert '(1)'

Minister for the Economy

Amendment 5 [Made]

Clause 1, Page 2, Line 6

At end insert -

'(f) such other matters as may be specified in the regulations.'

Minister for the Economy

Amendment 6 [Made]

Clause 1, Page 2

Leave out lines 8 and 9 and insert -

'the period of safe leave to which an employee who is a victim of domestic abuse is entitled is at least 10 days in each leave year (whether or not taken as a single continuous period), with "leave year" having the meaning given in, and being calculated in accordance with, the regulations.'

Minister for the Economy

Amendment 7 [Made]

Clause 1, Page 2, Line 10

Leave out from ‘leave’ to ‘Article’ on line 11 and insert ‘safe leave’

Minister for the Economy

Amendment 8 [Made]

Clause 1, Page 2, Line 16

Leave out ‘a day as’

Minister for the Economy

Amendment 9 [Made]

Clause 1, Page 2, Line 17

After ‘conditions’ insert ‘, or enable an employer to impose conditions,’

Minister for the Economy

Amendment 10 [Made]

Clause 1, Page 2, Line 21

Leave out ‘under that Article’

Minister for the Economy

Amendment 11 [Made]

Clause 1, Page 2, Line 25

Leave out ‘under that Article’

Minister for the Economy

Amendment 12 [Made]

Clause 1, Page 2, Line 30

Leave out ‘under that Article’

Minister for the Economy

Amendment 13 [Made]

Clause 1, Page 2

Leave out lines 33 to 36 and insert -

‘(2) In paragraph (1)(a), “terms and conditions of employment” includes—

(a) terms and conditions about remuneration, and

(b) any other matters connected with an employee’s employment whether or not they arise under the contract of employment.

(2A) Provision under paragraph (1)(a) must, in particular, provide that it is for the employer of an employee who is absent on safe leave to pay the employee remuneration in respect of the period of safe leave.’

Minister for the Economy

Amendment 14 [Made]

Clause 1, Page 2, Line 37

Leave out from ‘under’ to ‘112EA’ on line 38

Minister for the Economy

Amendment 15 [Made]

Clause 1, Page 2, Line 39

Leave out ‘leave under that Article’ and insert ‘safe leave’

Minister for the Economy

Amendment 16 [Made]

Clause 1, Page 3, Line 12

Leave out ‘leave under that Article’ and insert ‘safe leave’

Minister for the Economy

Amendment 17 [Made]

Clause 1, Page 3

Leave out lines 15 to 17

Minister for the Economy

Amendment 18 [Made]

Clause 1, Page 3, Line 17

At end insert -

‘Enforcement

112ECA.—(1) Regulations under Article 112EA may make provision for the consequences of—

- (a) the prevention or attempted prevention by an employer of the exercise by an employee of the entitlement to be absent from work on safe leave;
 - (b) a failure by the employer to comply with the requirement to pay remuneration by virtue of Article 112EB(2A);
 - (c) a failure to comply with any other provision of the regulations.
- (2) Provision under paragraph (1) may, in particular—
- (a) enable an employee to present a complaint to an industrial tribunal, and
 - (b) include provision as to the remedies available to an industrial tribunal where it finds a complaint presented by virtue of this Article to be well-founded.
- (3) Provision under paragraph (1) made in connection with provision under Article 112EC(1) may include provision for a dismissal to be treated as unfair for the purposes of Part 11.’

Minister for the Economy

Amendment 19 [Made]

Clause 1, Page 3, Line 20

Leave out ‘(as well as employees)’ and insert ‘who are not employees’

Minister for the Economy

Amendment 20 [Made]

Clause 1, Page 3

Leave out line 22 and insert -

- ‘(a) may make provision applying, modifying or excluding a provision of the regulations, in such circumstances as may be specified and subject to any conditions specified, in relation to a worker;
- (aa) may, so far as is necessary for the purpose of making provision by virtue of sub-paragraph (a), make provision applying, modifying or excluding a provision of this Order; and’

Minister for the Economy

Amendment 21 [Made]

Clause 1, Page 3

Leave out lines 29 to 32

Minister for the Economy

Amendment 22 [Made]

Clause 1, Page 3

Leave out line 33

Minister for the Economy

Amendment 23 [Made]

Clause 1, Page 3, Line 39

Leave out 'leave under Article 112EA' and insert 'safe leave'

Minister for the Economy

Amendment 24 [Made]

Clause 1, Page 4, Line 2

Leave out 'leave under Article 112EA' and insert 'safe leave'

Minister for the Economy

Amendment 25 [Made]

Clause 1, Page 4, Line 3

Leave out from '(including' to 'enactments)' on line 4

Minister for the Economy

Amendment 26 [Made]

Clause 2, Page 4, Line 8

Leave out subsection (1) and insert -

'(1) The Department for the Economy must, in so far as it is practicable for the Department to do so, make a report on the operation of regulations under Article 112EA of the Employment Rights (Northern Ireland) Order 1996—

- (a) as soon as practicable after the first anniversary of the commencement of the first regulations under that Article, and
- (b) at least once in every three years after the making of the previous report on the operation of the regulations.

(1A) The Department must publish each report made under this section and lay a copy of it before the Assembly.

(1B) In making a report under this section, the Department must consult such persons or organisations as it considers appropriate.’

Minister for the Economy

Amendment 27 [Made]

Clause 2, Page 4, Line 10

Leave out subsection (2)

Minister for the Economy

Amendment 28 [Made]

Clause 3, Page 4, Line 15

Leave out ‘give’ and insert ‘issue’

Minister for the Economy

Amendment 29 [Made]

Clause 3, Page 4, Line 16

Leave out ‘this Act’ and insert ‘Article 112EA of the Employment Rights (Northern Ireland) Order 1996’

Minister for the Economy

Amendment 30 [Made]

New Clause

After clause 3 insert -

‘Power to make consequential etc. provision

3A.—(1) The Department for the Economy may by regulations make provision in consequence of, or for giving full effect to, this Act.

(2) Regulations under this section may—

- (a) amend, repeal, revoke or otherwise modify a provision of the Employment Rights (Northern Ireland) Order 1996 (including a provision inserted by this Act) or any other statutory provision (within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954));
- (b) include transitional, transitory or saving provision in connection with the coming into operation of provision made by the regulations.

(3) Regulations under this section are subject to negative resolution, except as mentioned in subsection (4).

(4) Regulations under this section which contain (whether alone or with other provision) provision that amends the text of Northern Ireland legislation or an Act of Parliament are not to be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(5) The power conferred by this section is not restricted by any other provision of this Act.’

Minister for the Economy

Amendment 31 [Made]

Clause 4, Page 4, Line 20

Leave out ‘Section 1 comes’ and insert ‘Sections 1 to 3 come’

Minister for the Economy

Amendment 32 [Made]

Clause 4, Page 4, Line 22

After ‘on’ insert ‘the day after’

Minister for the Economy