

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

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1 Safe leave for victims of domestic abuse

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

New Article 112EG

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

New Article 112EH

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

New Article 112EI

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

New Article 112EJ

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

New Article 112EK

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

New Article 112EL

Allows the regulations introducing safe leave to make supplementary provision.

Section 2 Reports>:

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

Section 3 Guidance:

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

Section 4 Power to make consequential etc. provision:

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

Section 5 Commencement:

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

Section 6 Short title:

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