

*These notes refer to the Work and Families Act (Northern Ireland)
2015 (c.1) which received Royal Assent on 8th January 2015*

Work and Families Act (Northern Ireland) 2015

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

3. Statutory paid and unpaid leave for working parents, as well as the right to request flexible working, historically have operated in Northern Ireland in the same way as in Great Britain. Administration of certain aspects of paid leave is carried out across both Great Britain and Northern Ireland by Her Majesty's Revenue and Customs ("HMRC"). As entitlements have developed over time, stakeholders in Northern Ireland have generally expressed support for the continuation of these arrangements.
4. It was appropriate to evaluate whether this should continue to be the position in light of the United Kingdom Government's commitment to introduce in Great Britain new entitlements for working parents. These included the right to share statutory pay and leave following the birth or adoption of a child and extension to all employees with appropriate length of service of the right to request flexible working. The Department for Employment and Learning ("the Department") therefore, following Executive agreement, took forward public consultation seeking the views of stakeholders on this important question.
5. The Work and Families Act (Northern Ireland) 2015 ("the Act") takes forward the findings of that consultation. It provides a legislative framework enabling Northern Ireland leave and pay entitlements to continue to match those available to working parents in Great Britain. The Act also facilitates extension of the right to request flexible working to all employees with appropriate service. Finally, the Act introduces a minor technical amendment in support of a programme, developed as part of the Department's employment law review, to consolidate working time regulations.
6. The Act sets out a legislative framework allowing for the voluntary sharing of leave and pay entitlement between parents following the birth or adoption of a child (shared parental leave and pay). It goes on to make consequential adjustments to other rights for working parents to ensure that they appropriately interface with the new provisions. It also abolishes the right to additional paternity leave and pay, which the new system replaces and builds upon.

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7. Provision is made allowing foster parents who are a child's intended adoptive parents to access adoption pay and leave, and intended parents in surrogacy arrangements to avail of paternity and adoption leave and pay.
8. The Act provides for statutory adoption pay to be paid at 90% of earnings for the first six weeks. It also facilitates paid time off work for primary adopters to attend up to five introductory meetings before a child is placed with them for adoption; and unpaid time off for secondary adopters to attend two such meetings. A similar right to take unpaid time off work is provided for the partners of new mothers to attend ante-natal appointments.
9. The Act facilitates extension of the current right to request flexible working to all employees having an appropriate length of service with their employer.
10. Finally, it makes a technical amendment facilitating work to consolidate regulations dealing with working time.