
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further consequential amendments to primary and secondary legislation for the purposes of implementing Council Directive [2000/78/EC](#) of 27th November 2000 which establishes a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p.16) so far as it relates to discrimination on the grounds of age.

Regulation 1 provides for citation, commencement and interpretation.

Regulation 2 amends the provisions of Schedule 11 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and provides that entitlement to statutory sick pay will in certain cases not be prevented from arising for employees who are over pensionable age and not entitled to incapacity benefit.

Regulation 3 amends Article 137 of the Employment Rights (Northern Ireland) Order 1996, so that dismissal for exercising, or seeking to exercise, the right to be accompanied, or to accompany another, at a meeting under paragraph 9 of Schedule 5 to the Employment Equality (Age) Regulations (Northern Ireland) 2006, will be unfair. It also makes a minor amendment to correct a drafting error in relation to the numbering of the paragraphs in Article 137.

Regulation 4(2) amends regulation 3 of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982 in consequence of the amendment of Schedule 11 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 made by regulation 2 of these Regulations.

Regulations 4(3), 5 and 6 amend regulation 16 of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982, regulation 17 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987 and regulation 32 of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002 respectively to clarify the circumstances in which those under the age of 16 may or may not, be treated as if they had been employed earners.

A Regulatory Impact Assessment has not been produced for these Regulations as the amendments will not place any additional administrative burdens on business.