

Coalition of Carers Organisations

Response to the Employment Rights Bill Consultation

September 2024

The Coalition of Carers Organisations

The Coalition of Carers Organisations is a collective of community and voluntary sector groups and trade unions that support and advocate for unpaid carers in Northern Ireland.

Carers in Northern Ireland

There are over 220,000 people providing unpaid care for sick or disabled family members and friends in Northern Ireland. The majority are of working age, and many want and often need employment opportunities.¹

Continuing employment whilst providing unpaid care can provide - an identity outside of the caring role: the ability to continue a career: social connections: opportunity to save for older age: and crucially a wage to meet the high costs of supporting someone during the ongoing cost of living crisis.

Unpaid carers should have the same opportunities in the labour market as everyone else in Northern Ireland, but far too often, the demands of caring and a lack of support to balance that role with employment means that is not the case.

Carers NI's research shows that 1 in 3 people with caring roles in Northern Ireland have left employment because of caring; 26% have cut their working hours; and 16% have taken on less qualified jobs or turned down promotion.² In addition to the impact this has on individual carers this represents a significant loss of skills to the Northern Ireland economy.

Barriers to employment are a significant driver of financial strain among unpaid carers. Research from the Carer Poverty Commission shows that being unemployed is the single strongest predictor of carer poverty in Northern Ireland. More than half (55%) of local carers who are out of work are living below the poverty line, compared to 28% of the carer population as a whole and 14% of carers who are in work.³

Whilst a range of measures are required to make it easier for people to balance employment and unpaid caring, workplace support, such as flexible working and carer's leave, is a crucial element.

It is critical that this support is provided on a statutory basis to ensure equity of provision across Northern Ireland. Leaving provision to the discretion of employers would continue the lottery of support that currently exists.

The Coalition of Carers Organisations are pleased to see unpaid carers recognised within the Employment Rights Bill as a key group who need and would benefit from additional employment rights.

¹ NISRA. Census 2021

² Carers NI (2023). State of Caring survey Northern Ireland 2023

³ Carer Poverty Commission NI (2023). Policy measures to tackle poverty among unpaid carers in Northern Ireland

Answers in relation to the specific consultation questions are detailed below.

Section D: Work- Life Balance

Flexible Working

D1: Do you agree that an employee should be entitled to make up to two statutory flexible working requests within a 12-month period?

Strongly agree.

The caring journey can fluctuate in terms of intensity of caring as the needs of the cared for person changes. The ability to make two requests for flexible working arrangements will improve carers' ability to respond to changes in their personal circumstances.

D2: Do you agree that an employee should only make a second flexible working request when an employer has considered a previous request, including when an appeal against the outcome of that request has been made?

Agree.

However, it is essential these requests are processed as quickly as possible.

D3: Do you believe an employee should be entitled to make a flexible working request from the first day of their employment?

Strongly agree.

This is essential. A carer's need for flexible working is often present from day 1 of employment and the ability to make a flexible working request from day 1 can be the difference between a carer being able to take on paid employment and not.

D4: Do you agree that an employee should no longer be required to explain the effect a flexible working request would have on their employer when making such a request?

Strongly agree.

D5: Additional Information

Carers in Great Britain attained these rights from April 2024 via the Employment Relations (Flexible Working) Act 2023. Implementation of these rights in Northern Ireland will give local carers parity with their counterparts in the rest of the UK.

Carer's Leave

D6: We would welcome your views on whether carer's leave should be a paid right; and, if so, who should be responsible for making the payment and what the rate of pay should be. In answering these questions, we would be grateful if you would provide reasoning for your responses and identify any issues or benefits with your suggested approach.

Members of the Coalition of Carers Organisations believe that carer's leave should be a statutory right paid for by Government. The benefit should be paid at an employee's full wage. No one should be financially penalised for caring for a sick or disabled person.

Providing carer's leave as a paid statutory right will ensure all carers are able to avail of this critical workplace support without the fear of losing essential wages. It will also ensure equity of provision across all employers.

International evidence provides a strong case that supporting carers via the provision of paid carer's leave would not only improve carers' own physical and mental wellbeing and finances but would also bring far-reaching benefits to the government and the economy.⁴

Increasing the number of carers able to enter or remain in the labour market will result in higher tax receipts, lower benefit spending, and lower costs to business through saving in recruitment and training.⁵

Modelling by Carers NI estimates that providing five days of fully paid carer's leave for employees in Northern Ireland would cost the Executive between £10.3–£15.2 million per year. Even if this reform had minimal impact on employment rates (only preventing 1% of carers from leaving employment), the Executive could still save at least £4.3 million per year in Carer's Allowance payments, while the UK Exchequer could retain £5.9 million each year in income tax and National Insurance contributions.⁶ This is a conservative estimate as the number of employees which could be prevented from leaving employment by this policy is likely to be considerably more than 1%.

Paid carer's leave is often quoted by carers as the single most important way in which they can be supported to remain in employment. In the UK, 33% of carers who left work or reduced their hours said paid leave would have helped them to remain in employment or not reduce their hours.⁷

Women account for nearly 60% of all unpaid carers in Northern Ireland. They are more likely to care earlier in life and to leave the workplace to care.⁸ Statutory paid carer's leave will help women to better balance employment and care and help to close the gender gap in participation in the labour market, giving a more equal society.

D7: Do you agree that the definition of caring relationships for the purpose of Carer's Leave should mirror that used for dependant relationships?

Strongly agree.

D8: Do you agree a carer providing care for an individual with physical or mental health problems likely to last for more than three months, or a disability, or who requires care for a reason connected with their old age should be entitled to Carer's Leave?

Strongly agree.

D9: Do you agree the reasons for taking Carer's Leave should be broadly defined?

Strongly agree.

D10: Do you agree that caring for a person with short-term care needs and childcare (other than where the child has a disability or other long-term caring needs) should be out of scope for Carer's Leave?

Strongly agree.

⁴ Carer Poverty Commission NI (2024). Policies to address unpaid carer poverty: an evidence review

⁵ As above

⁶ Carers NI (2024). Delivering carer's leave in Northern Ireland. Policy options and cost modelling

⁷ Carers UK (2024). Carers' employment rights today, tomorrow and in the future

⁸ Carer Poverty Commission NI (2024). Career or Care

Whilst we agree with this in general, we feel it is important to be clear that carers caring for end-of-life cases, where the care may be given for a short period of time, should not be excluded from receiving carer's leave.

D11: Do you agree that the leave should be available to be taken as individual days or half days up to one whole week (both options to be pro-rated for part-time employees)?

Strongly agree.

The ability to take the leave as whole, half days or even hours will make the policy as effective as possible. This recognises the purpose of the leave. When taking time out, for example, to take a cared for person to a hospital appointment, a half day or several hours may suffice.

D12: Do you agree that an individual should be required to give their employer notice ahead of taking Carer's Leave?

Agree.

We agree to this in principle where it is possible for the carer to give notice. However, there will be situations when it is not possible to give notice. Appointments for the cared for person can be at short notice and, given the current pressure on our health and social services, cannot be rearranged or altered. This inability to give notice at times must be recognised and appropriate protection built into the legislation to ensure this does not present a barrier to carers being able to avail of carer's leave.

D13: Do you agree an employee exercising their right to request or take unpaid Carer's Leave should have the same protections as those taking other forms of statutory leave?

Strongly agree.

D14: Additional Information

We note the statement (page 113) that two people can claim carer's leave for the same person. We see this as positive as the caring role can be shared and this will allow greater flexibility.

We would however ask that the Department reconsiders the situation where a carer is providing care for more than one person. For example, a carer looking after two children with additional needs. The number of appointments and other caring duties arising from this will be greater and we would suggest that carers, such as these, should be able to claim additional carer's leave reflecting the additional demand on their time.

Additional Questions (page 149)

Legislation to support carers in the workplace currently lags behind the rest of the UK and Europe. We would ask that these workplace protections are progressed as a matter of urgency to ensure local carers have parity with their counterparts.

To ensure good awareness amongst carers and across business roll out of these rights should be accompanied by an information campaign.

Conclusion

Members of the Coalition of Carers Organisations welcome the workplace protections proposed within this consultation.

Delivering these will help unpaid carers in Northern Ireland to fully participate in the labour market, preventing people from being forced out of employment because of the demands of caring. They will also help carers balance their caring role and employment improving their own health and wellbeing and finances.

The rights proposed in this bill would give carers parity with their counterparts across the UK.

However, there is also a real opportunity to go further. To lead the way and offer paid carer's leave as a statutory right ensuring that no one is ever financially penalised for taking time away from employment to care and that all carers can take up vital workplace support.

There is strong evidence to support the benefits of this approach, not only to individuals but to business and state. Whilst there will be a cost, we believe this will be significantly mitigated by the economic benefits.

This consultation response is supported by the following members of the Coalition:

Action for Children

Age NI

Angel Eyes NI

Brain Injury Matters

Carers NI

Huntington's Disease Association NI

Macmillan Cancer Support

Marie Curie

Mencap

MS Society

Parkinson's UK Northern Ireland

Womens Support Network

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