



Department for the
Economy
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An Roinn
Geilleagair

Equality Screening Template – Section 75 of Northern Ireland Act 1998

Please complete the coversheet details below:

Policy title: Proposals to reform existing rights and entitlements of employees to flexible working

Decision (delete as appropriate)

Policy screened out **without** mitigation or an alternative policy adopted

Contact: Gareth Dillon

Date of completion: June 2024

Content

Part 1. Policy scoping – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

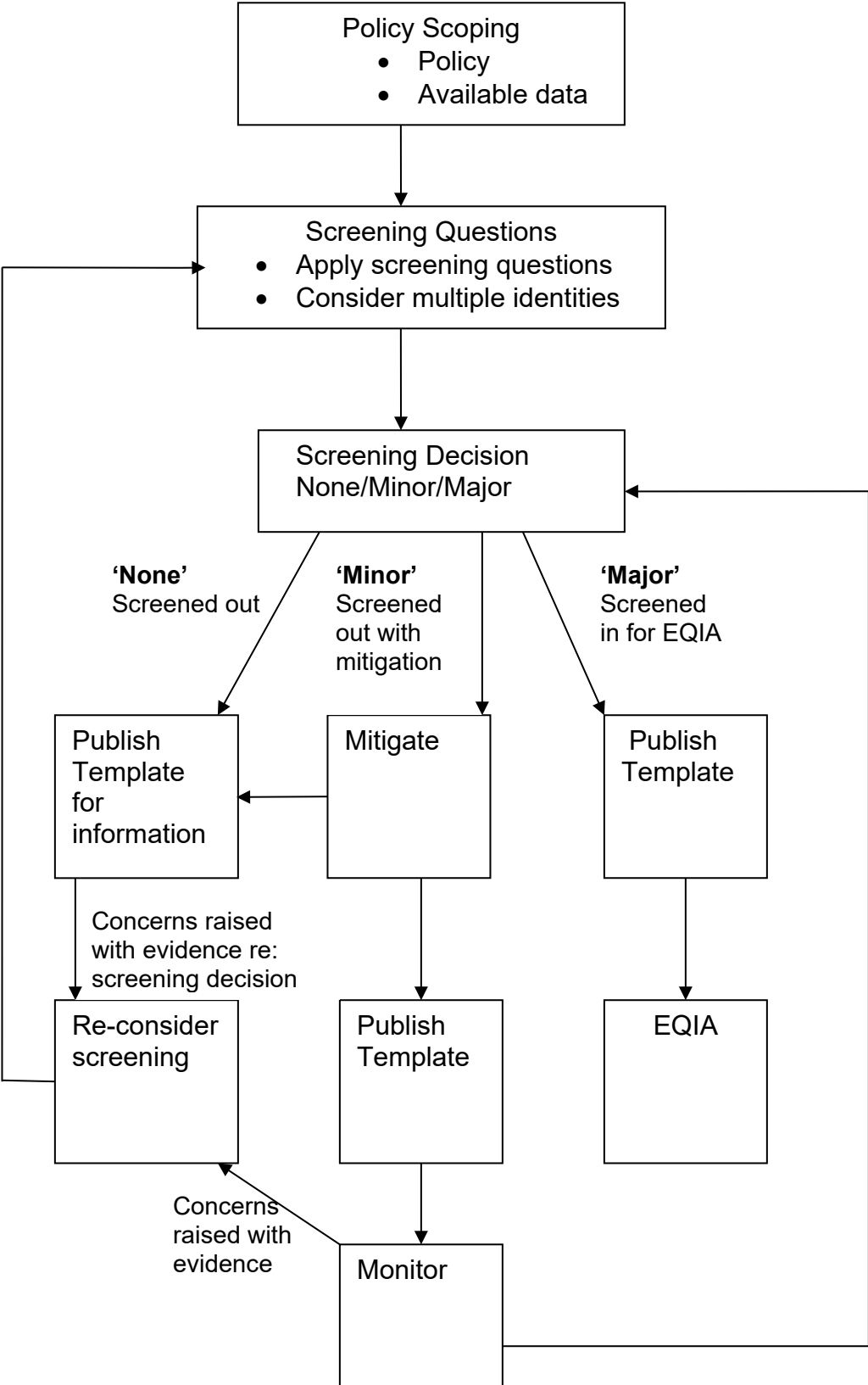
Part 2. Screening questions – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

Part 3. Screening decision – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Part 4. Monitoring – provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

Part 5. Approval and authorisation – verifies the public authority's approval of a screening decision by a senior manager responsible for the policy.

Flowchart for the equality screening process and decision.



Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Proposals to reform existing rights and entitlements of employees to flexible working.

Is this an existing, revised or a new policy?

This is a revised policy.

What is it trying to achieve? (intended aims/outcomes)

The objective of the new legislation will be to enhance current rights and entitlements to flexible working for employees by:

- **allowing an employee to make two statutory requests in any 12-month period (the current entitlement being one such request);**
- **removing the current 26 week qualifying period before a flexible working request can be made, thereby making this a right available to new and existing employees; and**
- **removing the requirement that the employee must explain in the statutory request what effect the change would have on the employer and how that might be dealt with.**

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

Any eligible employee in any of the s75 categories might potentially be expected to benefit from this revised policy / entitlement.

Who initiated or wrote the policy?

This policy was initiated by the Department for the Economy.

Who owns and who implements the policy?

The Department for the Economy.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they (please delete as appropriate)

Legislative: This policy will be implemented through primary and subordinate legislation.

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

The policy will impact upon:

**Employees and their employers;
Voluntary & community sector/trade unions;
Other public sector organisations; and
NICS officials.**

Other policies with a bearing on this policy

- what are they? **N/A**

- who owns them? **N/A**

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief evidence / information:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. A public consultation exercise will be launched in due course on a future Employment Bill.

Political Opinion evidence / information:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. A public consultation exercise will be launched in due course on a future Employment Bill.

Racial Group evidence / information:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. A public consultation exercise will be launched in due course on a future Employment Bill.

Age evidence / information:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would

be adversely affected by this, or the number of people who would potentially benefit. Having said that, the policy is mainly targeting employees, therefore it is reasonable to expect that the majority of people availing of the benefits will be from the working population age demographic. We have not identified any evidence that anyone outside of the working population age demographic would be adversely impacted by this policy. A public consultation exercise will be launched in due course on a future Employment Bill.

Marital Status evidence / information:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. A public consultation exercise will be launched in due course on a future Employment Bill.

Sexual Orientation evidence / information:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. A public consultation exercise will be launched in due course on a future Employment Bill.

Men & Women generally evidence / information:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. Having said that, we are aware that a greater percentage of female employees, 61.5%, indicated in response to the ASHE survey that they worked flexibly compared to male respondees, 46.9%. A public consultation exercise will be launched in due course on a future Employment Bill.

Disability evidence / information:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We are aware that We haven't identified any evidence to suggest that people within

this category would be adversely affected by this, or the number of people who would potentially benefit. Having said that we are aware from the Labour Force Survey that 62.6% of employees with a disability worked flexibly compared with 52.1% of employees without a disability between January and December 2022. A public consultation exercise will be launched in due course on a future Employment Bill.

Dependants evidence / information:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. Having said that we are aware from the Labour Force Survey that 58.5% of employees with a dependents worked flexibly compared with 50.3% of employees without between January and December 2022. A public consultation exercise will be launched in due course on a future Employment Bill.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief

There are no anticipated different needs, experiences and priorities as a result of this policy with regard to this category.

Political Opinion

There are no anticipated different needs, experiences and priorities as a result of this policy with regard to this category.

Racial Group

There are no anticipated different needs, experiences and priorities as a result of this policy with regard to this category.

Age

There are no anticipated different needs, experiences and priorities as a result of this policy with regard to this category. Having said that, the policy is mainly targeting employees of working age, therefore it is reasonable to expect that the majority of people availing of the benefits will be from that age demographic. We don't anticipate that addressing the needs of those within the targeted group will impose a negative impact on those outside of it.

Marital status

There are no anticipated different needs, experiences and priorities as a result of this policy with regard to this category.

Sexual orientation

There are no anticipated different needs, experiences and priorities as a result of this policy with regard to this category.

Men and Women Generally

There are no anticipated different needs, experiences and priorities as a result of this policy with regard to this category. Having said that, flexible working is capable of addressing specific needs of individuals in order that they can remain within or enter the workforce. A statutory right to make a flexible working request from the first day of employment may assist those with primary caring responsibilities, who are predominantly women, to balance their work and personal commitments.

Disability

There are no anticipated different needs, experiences and priorities as a result of this policy with regard to this category. Having said that, flexible working is capable of addressing specific needs of individuals in order that they can remain within or enter the workforce. A statutory right to make a flexible working request from the first day of employment may assist those with disabilities to agree with their employer the adjustments necessary to meet their needs.

Dependants

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category. Having said that, flexible working is capable of addressing specific needs of individuals in order that they can remain within or enter the workforce. A statutory right to make a flexible working request from the first day of employment and to make two such requests within a rolling 12 month period may assist those with dependents for whom they care to better balance their work and personal commitments.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the Screening Questions 1-4, which follow.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are

concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group, i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

Details of the likely policy impacts on **Age**:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. Having said that, the policy is mainly targeting employees of working age, therefore it is reasonable to expect that the majority of people availing of the benefits will be from that age demographic.

We don't anticipate that addressing the needs of those within the targeted group will impose a negative impact on those outside of it.

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

Details of the likely policy impacts on **Disability**:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

Details of the likely policy impacts on **Dependants**:

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. We haven't identified any evidence to suggest that people within this

category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Political Opinion –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Racial Group –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Age –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Marital Status –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Sexual Orientation –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Men and Women generally –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Disability –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Dependants –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**:

N/A

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**:

N/A

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**:

N/A

What is the level of impact? None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

No

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Religious Belief –

If Yes, provide details:

If No, provide reasons: Not applicable to this policy proposal.

Political Opinion –

If Yes, provide details:

If No, provide reasons: Not applicable to this policy proposal.

Racial Group –

If Yes, provide details:

If No, provide reasons: Not applicable to this policy proposal.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. It benefits only those within a working age demographic. The policy intention is to have a positive impact upon eligible employees.

Notwithstanding this the policy is not anticipated to have an adverse impact on the affected age demographic or on those outside of it or on those in any of the other categories.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

Policy screened out **without** mitigation or an alternative policy adopted.

The policy has no, discernible adverse impacts on any of the Section 75 categories as detailed above. The proposal is designed to have a positive impact on employees if they request flexible working arrangements to be considered by their employer. It benefits only those within a working age demographic. The policy intention is to have a positive impact upon eligible employees and is not envisaged to have any adverse impact on others.

The Department intends to hold a public consultation which will help to determine if the policy proposal is appropriate and how it should be implemented. In reaching a final policy decision, further equality impact insight gained through the consultation process will be taken into account. Any unanticipated equality impacts which may arise following the introduction of legislation resulting from this policy proposal will be assessed as they arise, and further addressed as the need arises.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

N/A

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be

found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

Timetabling and prioritising N/A

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion – Rating (1-3)

Effect on equality of opportunity and good relations -

Social need -

Effect on people's daily lives -

Relevance to a public authority's functions –

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details.

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

The Department intends to hold a public consultation which will help to determine if the policy proposal is appropriate and how it should be implemented. In reaching a final policy decision, further equality impact insight gained through the consultation process will be taken into account. Any unanticipated equality impacts which may arise following the introduction of legislation resulting from this policy proposal will be assessed as they arise, and further addressed as the need arises.

Part 5 - Approval and authorisation

Screened by: Gareth Dillon

Position/Job Title: Head of Employment Relations and Work life Balance Branch
Business Area/ Branch: Employment Relations Policy & Legislation: Work-Life Balance

Date: 25 May 2024

Approved by: Colin Jack

Position/Job Title: Head of Business & Employment Regulation Division.
Business Area/Branch: Business & Employment Regulation Division.

Date: 21 June 2024

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.