

Equality Commission

FOR NORTHERN IRELAND

## **Equality Commission NI response to the [Consultation on strengthening Statutory Sick Pay by the Department for Communities](#)**

### **Background**

In partnership with the Department of Work and Pensions, The Department is seeking views on plans to strengthen statutory sick pay entitlements.

In recognition that no one should be forced to choose between their health and financial hardship, the UK government has committed to strengthening Statutory Sick Pay (SSP) by extending SSP eligibility to those earning below the Lower Earnings Limit (LEL) to make it available to all employees and removing the waiting period so that SSP is paid from the first day of sickness absence.

The changes introduced within the Employment Rights Bill will mean that for some lower earners, including those earning below the Lower Earnings Limit, their rate of Statutory Sick Pay will be calculated as a percentage of their earnings instead of the flat weekly rate. The consultation seeks views on what this percentage should be, to ensure it provides a fair earnings replacement when these employees need to take time off work.

The proposed changes in this consultation apply to England, Wales and Scotland only. Decisions relating to changes to the SSP arrangements in Northern Ireland rest with the devolved administration. Views from Northern Ireland are welcomed and will be shared with the Department for Communities.

Response submitted to: [ssp.team@dwp.gov.uk](mailto:ssp.team@dwp.gov.uk)

## **ECNI Questionnaire Response**

**Q1 Thinking about employees earning below the current weekly rate of Statutory Sick Pay (£116.75 per week), what percentage of their average weekly earnings should they receive through the Statutory Sick Pay system?**

The Equality Commission for Northern Ireland (the Commission) has not identified a definitive view on what the percentage rate should be set at.

**Q1.2 Why do you think the percentage rate of earnings should be set to this level?**

The Commission has not identified a definitive view; however, we note that the Government had previously recommend a minimum of 80% in the 2019 Health is Everyone's Business consultation.<sup>1</sup>

## **ECNI Additional Comments**

The Commission welcomes the commitment to strengthen Statutory Sick Pay by removing the existing requirements to serve waiting days and extending eligibility to those earning below the Lower Earnings Limit.

The Commission notes that the Government anticipate that the removal of waiting days will have a positive benefit for employees with long-term health conditions who may sometimes require time off work to manage their condition to prevent it from worsening.

The provision of support to employees with long term health conditions to help them remain part of the labour market is consistent with obligations under the Article 27 and 28 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which requires State Parties to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.<sup>2</sup>

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<sup>1</sup> [Health is everyone's business: proposals to reduce ill health-related job loss](#), para 98.

<sup>2</sup> **Article 27** recognises the right of persons with disabilities to work and employment, on an equal basis with others. **Article 28** recognises the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing.

We also note that the Government anticipate that removal of the Lower Earnings Limit will particularly benefit younger people and women who are disproportionately impacted by the current limit.

### **Rate of Statutory Sick Pay**

The UK's sick pay regime is less generous than those of other comparable countries. In the majority of EU countries, the proportion of an individual's wages that are covered by sickness benefits varies between 70 per cent and 100 per cent.<sup>3</sup>

The Commission is aware that a coalition of charities led by Citizen's Advice recently wrote to the Government urging ministers to consider increasing the rate of statutory sick pay.<sup>4</sup>

Employees can experience a significant drop in earnings after taking only a few days of sick leave<sup>5</sup>. This can have significant impacts for employees and their dependants, most especially in the context of the increased cost of living crisis. Citizen's Advice report evidence of people returning to work before they've fully recovered, or simply working through injury and illness, with documented public health ripple effects.<sup>6</sup>

Research commissioned by the Centre for Progressive Change (CPC) estimate that more than half (52%) of people who rely on SSP are living in poverty and that 45% of new claims to disability-related benefits come from employees that had taken a period of sick leave before claiming. CPC indicate that evidence from other countries, and from during the pandemic, shows that aside from the benefits to employees, more generous sick pay systems increase productivity, reduce both time-off sick and presenteeism and lead to better public health outcomes, because people are not spreading illness by coming into work sick.<sup>7</sup>

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<sup>3</sup> [Sick pay that works | TUC](#)

<sup>4</sup> [Charities urge MPs to increase statutory sick pay](#)

<sup>5</sup> For example: an employee working 35 hours per week on the National Living Wage (£11.44 per hour) would earn £400 per week. If they become ill and qualify for SSP then they receive the flat rate of £116.75, which equates to a 70% drop in income for that week.

<sup>6</sup> WPI Economics / Centre for Progressive Change (2023): [Making Statutory Sick Pay Work](#), p5.

<sup>7</sup> Ibid.

Whilst socio-economic disadvantage is not a specified ground under the equality law in NI, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion.<sup>8</sup>

The Commission has also recommended that the NI Executive take social protection action to: protect the most vulnerable from the adverse impact of welfare reform, particularly mindful of impact on people with disabilities and women, and minority ethnic communities (including asylum seekers and refugees).<sup>9</sup>

Disabled people are more likely to experience poverty than non-disabled people<sup>10</sup> and an additional three million non-disabled people in poverty in the UK live in a household where someone is disabled, meaning that, overall, nearly half of the 14 million people in poverty in the UK are affected by disability. Poverty is especially high among families where there is a disabled adult at nearly 33%. If there is also a disabled child, the poverty rate is 40%, over twice the rate where there is no disability.<sup>11</sup>

## **Self-Employed**

Self-employed people are not covered by the statutory definition of “employee” and are therefore not eligible for SSP. ONS data indicates that 4.23 million people in the UK are self-employed.<sup>12</sup> Many of them will be working in some of the lowest-paid and least secure parts of the economy.<sup>13</sup>

The House of Commons Work & Pensions Committee have recommended that the Government should establish a contributory sick pay scheme for self-employed people to provide them with the same level of income protection as would be available under SSP.<sup>14</sup>

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<sup>8</sup> ECNI (2020): [Summary of policy positions relating to poverty and socio-economic disadvantage](#).

<sup>9</sup> ECNI (2016): [Social Protection \(Welfare Reform\): Priorities and Recommendations](#).

<sup>10</sup> Reed & Portes (2019): [Cumulative impact assessment of tax & social security reforms in NI](#), p101.

<sup>11</sup> Joseph Rowntree Foundation (2020): [UK Poverty 2019/20](#), p. 7.

<sup>12</sup> House of Commons Library (2024): [UK labour market statistics](#), p 9.

<sup>13</sup> House of Commons Work & Pensions Committee (2024): [Statutory Sick Pay Fourth Report](#), para 6.7

<sup>14</sup> Ibid

## **Healthy Workplaces**

The Royal Society for Public Health estimate that 47% of the UK workforce is without access to essential health support, such as routine health checks. It found that people working in lower paid industries like agriculture and hospitality are disproportionately represented in the figures and most likely to miss out on support. This is despite working in sectors that are shown to be least healthy for workers.<sup>15</sup>

The Society are calling for a universal 'right to a healthy workplace' for all employees and have recommended that the Government to set a mandatory national Health and Work Standard, setting a minimum level of support which employees should be entitled to.<sup>16</sup>

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<sup>15</sup> The Royal Society for Public Health (2023): [Securing the right to a healthy workplace](#), p 5.

<sup>16</sup> Ibid

## **Appendix 1 - The Equality Commission Northern Ireland**

[The Equality Commission for Northern Ireland](#) (the Commission) is an independent non-departmental public body established under the Northern Ireland Act 1998. We have a statutory remit to:

- promote equality of opportunity and affirmative action;
- work towards the elimination of unlawful discrimination and harassment;
- keep relevant legislation under review;
- promote good relations between persons of different racial groups and good disability practice;
- oversee the effectiveness of statutory equality and good relations duties on public authorities.

The Commission and the NI Human Rights Commission form the 'Independent Mechanism for Northern Ireland' (IMNI) which is tasked, under Article 33.2 of the [UN Convention on the Rights of Persons with Disabilities](#), with promoting, protecting and monitoring implementation of the Convention in Northern Ireland. Together with the Equality and Human Rights Commission (GB) and Scottish Human Rights Commission we form the United Kingdom's Independent Mechanism (UKIM).<sup>17</sup>

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<sup>17</sup> For further information on the Convention see: <https://www.equalityni.org/uncrpd/>