

# The Domestic Abuse (Safe Leave) Act - Update

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The Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022 makes provision for an entitlement to paid safe leave for victims of domestic abuse. Whilst it was assented to and enacted on 12<sup>th</sup> May 2022, this piece of legislation merely paves the way for the Department of Economy to make Regulations entitling employees to “safe leave”. As there is no Assembly sitting in Stormont at present, these Regulations have not yet been drafted. The Act sets out the scope for the Regulations which are required under Article 112EG Employment Rights (Northern Ireland) Order 1996. It provides a guide to what we can expect to see in the subsequent Regulations and employers should start to consider at this stage how best to prepare for when the Regulations are in force.

## What is “safe leave”?

- Permitted absence from work on leave for the purpose of dealing with issues related to domestic abuse such as; obtaining legal advice, finding alternative accommodation, obtaining health care or mental health support, obtaining welfare support and/ or protecting family members.

## Who is entitled to “safe leave”?

- Any employee who is a victim of domestic abuse i.e. who has been subjected to abusive behaviour by a person to whom they are connected. (To be further defined by Regulations.)
- Safe leave is also extended as a right to workers.

## What does this mean for employers?

### Do's

- Employers must allow employee or worker victims at least 10 days leave in each leave year (this does not have to be a single continuous period).
- Employers can set **reasonable** conditions such as when leave can be taken and the notice to be given however, this must be reasonably practicable.

### Don'ts

- Employers cannot set conditions/ eligibility criteria for safe leave and this should be granted regardless of the length of service.

## What does this mean for employees?

- Any employee that has availed of safe leave is entitled to the same terms and conditions of employment as those that would have existed but for the leave e.g. remuneration.
- Employees are entitled to return to a job of a specified kind and are still entitled to any other leave e.g. maternity leave, paternity leave, adoption leave, shared parental leave and parental leave.

## What happens if employers don't comply with the Regulations?

- Failure to comply with any of the regulations or failure to allow an employee to take safe leave will enable the employee to present a complaint to an industrial tribunal.
- The Regulations are to set out the remedies available to the industrial tribunal - watch this space.

If you need any assistance in relation to any issues arising please contact our Team below:

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