

**MINIMUM CONDITIONS OF EMPLOYMENT (BLUE FLU)  
AMENDMENT BILL 2005 (E 81)**

**EXPLANATORY MEMORANDUM**

*(Introduction by Troy Buswell MLA)*

**Clause 1      Short title**

Provides for the Act to be cited as the *Minimum Conditions of Employment (Blue Flu) Amendment Bill 2005*.

**Clause 2      Commencement**

This clause provides for this Act to come into operation on the day on which it receives Royal Assent.

**Clause 3      The Act amended**

This clause provides that the amendments in this Act are to the *Minimum Conditions of Employment Act 1993*.

**Clause 4      Section 22 amended**

The Principal Act is to be amended by adding subsections to section 22.

Subsection (2) intends to differentiate between genuine sick leave and the mass, co-ordinated taking of “sick leave” – also known as “blue flu” – which is in effect industrial action. This is done to avoid any of the penalties attached to taking industrial action. Therefore the requirements for proof of sickness for this orchestrated “sick leave” absenteeism will be higher.

Subsection (3) contains a penalty for employees who attempt to disguise industrial action as sick leave.

Subsection (4) contains the definition of “industrially motivated” action.