

Explanatory Notes.

The Background and Aim of the Bill

This Bill aims to introduce job sharing for MPs.

Over recent decades the practice of job sharing has been introduced into many fields of public administration, private sector companies, professions and civil society organisations.

There is considerable research evidence to demonstrate that job sharing is not only possible and practicable but also benefits both the individuals involved and the organisations that they serve.

More recently the proposal that the role of a Member of Parliament could be job shared has been proposed to enable more people to become MPs who may not be able to at present because of their disabilities or their caring responsibilities.

It has also been suggested that job sharing could be a way of attracting into Parliament people who may wish to contribute to our society by representing their community as the local MP but who also want to continue to contribute to society by working in their chosen field or profession.

The Bill's Proposals

The Bill has been drafted with the assistance and advice of constitutional lawyers, Gordon Nardell QC and Karon Monaghan QC, and of course the Clerks of The House.

The Bill is an enabling Bill that establishes the principle of job sharing for MPs, deals with the key questions of election, voting rights and death or disqualification of a Member. This leaves further detail of implementation to secondary legislation subject to the approval of the House of Commons.

Elections

The Bill proposes that the Parliamentary Constituencies Act 1986 is amended to allow two people who have agreed to a sharing arrangement to stand for election in a constituency on the basis that if elected they will share the representation of the constituency between them and if elected serve in Parliament on that basis.

Voting

Each of the two Members elected for a constituency would be able to cast a half vote in votes in the House.

Where the two members agreed and informed the Speaker or person presiding during a vote, one of the job sharers would be able to cast a single vote.

Death or Disqualification

If a Member dies or becomes disqualified from membership of the House, both will be treated as having ceased to be Members.

Practical Questions

Members have raised practical questions about the operation of a job share. Not all of these are suitable to be addressed in primary legislation but would usually be the subject of secondary legislation or the Standing Orders of the House.

The main questions raised have been as follows:

Would the two job sharers have to be from the same party?

It is proposed that this would be the case and that this would be covered in secondary legislation.

What happens if the job sharers disagree on an issue and wish to vote accordingly?

As the job sharers entered into a sharing arrangement before the election and were from the same party, one would expect them to agree on many of the votes but where there is a difference then they can each exercise their right to use their half vote according to their judgement or conscience.

What happens if one of the job sharers left the party under whose banner he or she was elected?

At present there is no provision for forcing a Member who crosses the floor of the House to resign and contest a by-election and so there would be no such provision for a job sharer. It would mean that those constituents who voted for the job sharers on the basis of their party would at least be left with someone representing them with half a vote.

What happens if one of the job sharers resigns dies or is disqualified?

Because the job sharers were elected on the basis of a job sharing arrangement, both will be treated as having ceased to be MPs.

Some electors may be happy with the performance of one of the job sharers but not the other and therefore would not want to vote for both. What would happen?

The job sharers are standing as a team. The elector will still have one vote and would not be able to split that vote. The elector will have to decide whether to cast that vote for the job sharing team on the basis of a judgement of the overall performance of the two job sharers together. This is little different from the current situation in that an elector has to make a judgement on the overall performance of the individual MP and will often judge that he/she agrees with the views of the MP on some issues and not others or that the MP performs well at some tasks and not others. The elector will take many factors into account in casting their vote as at present.

What happens if one of the job sharers becomes a minister and is covered by collective responsibility?

A job sharer would be able to fulfil a ministerial role to the extent that the time the job sharer has to devote to this role. In appointing ministers the Prime Minister would take this into account. This could lead to job sharing for ministers. With regard to collective responsibility, the job sharer assuming ministerial responsibilities would naturally cast his/her half vote in line with collective responsibility and behave according to this doctrine.

Wouldn't it be more expensive having two Members per constituency?

No, because the job sharers would share offices, facilities and staff. The Parliamentary expenses of job sharing MPs would be managed by IPSA under the Parliamentary Standards Act 2009 in the same way as for a single MP.

Finally, What is the aim of promoting this Bill?

Many Members and external commentators have expressed the view that the composition of the House of Commons should better reflect our society. There have been real improvements in this respect in recent years with more women, more people from diverse cultural backgrounds and more people with disabilities being elected.

Nevertheless we should take the opportunity to explore every avenue we can to assist in promoting greater access to people who would like to serve as Members of Parliament. This is not positive discrimination but simply introducing practical administrative change to facilitate wider participation.

The main thrust of this proposal has come from organisations that represent people with disabilities and carers, who feel that undertaking the role of MP on a fulltime basis would not be possible in the light of their very specific conditions or their specific responsibilities.

As the majority of carers in our society are women, this proposal would also assist in increasing the representation of women in Parliament.

Others have felt that by continuing in their work or profession on a part time basis whilst job sharing as an MP they could bring wider experience to Parliament.

Overall this relatively minor, modernising reform could improve the representativeness of the Commons.