

## EQUALITY COMMISSION FOR NORTHERN IRELAND

### Recommendations: Programme for Government (PfG) and Budget

May 2016

#### 1 *Executive Summary*

1.1 The Equality Commission has set out below its recommendations in relation to the next Programme for Government (PfG) and Budget. Equality of opportunity and good relations must be central to all public policy development and implementation, no less so at a time of reduced public spending. Many key inequalities experienced by Section 75 equality groups<sup>1</sup> remain persistent and hard to tackle. We consider that the PfG and Budget provide a key mechanism to maximise equality of opportunity and good relations outcomes.

#### *Recommendations*

1.2 We **recommend** that:

- there is a **clear commitment** in the PfG, underpinned by the inclusion of robust, outcome focused action measures, to addressing key inequalities experienced by the Section 75 equality groups, as well as to promoting good relations<sup>2</sup>;
- the PfG makes it explicit that promoting equality of opportunity and good relations are **cross-cutting themes** across all Government strategies, policy development and actions.

1.3 We **recommend** that the PfG includes actions to:

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<sup>1</sup> Section 75 of the Northern Ireland Act 1998 places a duty on public bodies to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; men and women; persons with a disability and persons without; and persons with dependants and persons without.

<sup>2</sup> Section 75 also places a duty on public bodies to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

### ***Social Attitudes***

- challenge prejudicial attitudes, behaviour and hate crime, so as to ensure that workplaces, services, public spaces and communities are free from harassment and/or discrimination across the equality grounds;

### ***Education***

- ensure a move to a system of education which routinely teaches pupils together via a shared curriculum in shared classes, and where sharing impacts meaningfully and substantively on every learner;
- mainstream equality in education, including in the curriculum, teacher training and the policies/practices of schools and wider education bodies; and tackle prejudice based bullying;
- address education inequalities, including those experienced by Irish Travellers; Protestant working class boys; disabled children/young people;
- address gender stereotyping in education; and remove the barriers facing looked after children and young carers;

### ***Employment***

- support women's economic participation, including through access to appropriate, accessible and affordable childcare;
- address the exploitation of migrant workers and the concentration of some minority ethnic workers in low paid employment;
- support disabled people to access and remain in the workplace;
- ensure training and programmes to enable people to access and progress in work that is accessible and inclusive for all;

### ***Access to Social Protection***

- protect the most vulnerable from the adverse impact of welfare reform, particularly mindful of the impact on people with disabilities and women, minority ethnic communities (including asylum seekers and refugees);
- identify/ commit to specific measures which will mitigate the adverse impact of welfare reform, or any alternate policies which might better achieve the promotion of equality of opportunity;

### ***Housing, Accommodation & Communities***

- develop safe, shared communities based on equality, dignity and respect;
- ensure that everyone has access to a safe, secure home and enjoys the right to independent living, including for people with disabilities and older people;
- address the housing needs of particular equality groups, such as Irish Travellers, and minority ethnic communities (including migrant workers and refugees);

### ***Health, Social Care and Well Being***

- identify and remove barriers to health, social care and well being experienced by particular Section 75 equality groups, including older people; Lesbian, Gay, Bisexual (LGB) people; Irish Travellers and other minority ethnic communities; and people with disabilities;
- ensure investment in health care so as to address the specific needs of equality groups, including the health care needs of people with disabilities; and young people's mental health needs;

### ***Participation in Public Life and Decision making***

- increase the participation of women in political/public life and decision making, including peacebuilding;
- promote the participation of other under-represented Section 75 groups in public life, including people with disabilities, LGB people, older people, and minority ethnic communities;

### ***Reform of Equality law***

- reform and strengthen equality law across a number of equality grounds, including age (as regards the provision of goods, facilities and services), race, disability, sex, fair employment, and sexual orientation;
- reform wider areas of the law that impact on Section 75 equality groups<sup>3</sup>;

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<sup>3</sup> For example, changes to law so as to permit same-sex marriage in Northern Ireland.

### ***Address Gaps in Equality Data***

- address key gaps in equality data, including on the grounds of gender identity, sexual orientation, and race;
- rectify the lack of data disaggregation in relation to ethnicity, disability and gender;

### ***Develop & Implement Equality Strategies***

- ensure that effective equality/ good relations strategies and action plans are implemented and updated across the full range of anti-discrimination grounds;
- set out a timetabled commitment to take this key work forward- including as regards a Gender Equality Strategy; a Racial Equality Strategy; a Disability Strategy; a Sexual Orientation Strategy; a Children and Young Person's Strategy; an Active Ageing Strategy, as well as a Strategy to promote good relations (*Together: Building a United Community*: TBUC);

### ***Compliance with International Conventions***

- address key shortfalls in Northern Ireland so as to ensure compliance with obligations in international human rights conventions, including the UN Convention on the Rights of People with Disabilities (UNCRPD)<sup>4</sup>.

## **2 *Budget proposals: Actions to meet equality/ good relations requirements***

2.1 In the preparation of budget proposals, Departments and other public authorities should ensure that they are fulfilling their statutory equality and good relations duties.

2.2 The Commission has set out in guidance how Section 75 duties and equality scheme commitments apply to the budget processes<sup>5</sup>. Equality scheme arrangements and tools - i.e. screening and equality impact assessment (EQIA) - provide a means for Departments and other public authorities to assess the likely impacts of the budget proposals.

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<sup>4</sup>As well as obligations in other international Conventions, such as the UN Convention on the Elimination of all forms of Racial Discrimination (UNCERD), the UN Convention for the Elimination of Discrimination against Women (CEDAW), the UN Convention on the Rights of the Child (UNCRC), and the Framework Convention for the Protection of National Minorities (FCNM).

<sup>5</sup> [Section 75 and Budgets: a short guide for public authorities](#), ECNI, 2015

### 3 **Introduction**

3.1 The Equality Commission for Northern Ireland has set out below its recommendations in relation to the next Programme for Government (PfG) of the Northern Ireland Executive. The Commission has welcomed the opportunity to engage with OFMDFM in relation to its recommendations. Further details on the scope of the Commission's remit and duties is contained in Annex 1.

### 4 **Recommendations**

#### ***Need for a clear commitment to promote equality and good relations.***

4.1 The Commission **recommends** that:

- there is a **clear commitment** in the PfG, underpinned by the inclusion of robust, outcome focused action measures, to addressing key inequalities experienced by the Section 75 equality groups<sup>6</sup>, as well as to promoting good relations<sup>7</sup>;
- the PfG makes explicit that promoting equality of opportunity and good relations are **cross-cutting themes** across all Government strategies, policy development and actions.

4.2 Equality of opportunity and good relations must be central to all public policy development and implementation<sup>8</sup>, no less so at a time of reduced public spending<sup>9</sup>. The needs of people who experience inequality are no less pressing, and often are exacerbated, in difficult times. We consider that the PfG and Budget provide a key mechanism to maximise equality of opportunity and good relations outcomes.

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<sup>6</sup> Section 75 of the Northern Ireland Act 1998 places a duty on public bodies to have due regard to need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; men and women; persons with a disability and persons without; and persons with dependants and persons without.

<sup>7</sup> Section 75 also places a duty on public bodies to have regard to desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

<sup>8</sup> Section 75 is intended to be transformative; to change the practices of government and public authorities so that equality of opportunity and good relations are central to policy making and implementation. [See Section 75: Keeping it effective- Final Report](#), November 2008, ECNI

<sup>9</sup> True equality is not delivered by treating everyone exactly the same but by treating all fairly. Decision makers who have to work with greatly reduced budgets have tough choices to make and people are sure to be disadvantaged as a result. It is even more important, in that context, that all possible steps are taken to protect the most vulnerable in our society and to ensure that the impact on them is a key consideration where cuts in services are being considered. *Section 75 and Budgets: a short guide*, ECNI, 2015 – [www.equalityni.org/Section\\_75\\_and\\_Budgets\\_short\\_guide.pdf](http://www.equalityni.org/Section_75_and_Budgets_short_guide.pdf)

- 4.3 Whilst we both recognise and welcome the progress that has been made to address inequalities experienced by Section 75 equality groups, many key inequalities remain persistent and hard to tackle. There are also a number of new and emerging inequalities, for example, inequalities experienced by trans people, that need addressed.
- 4.4 It is essential that there is a high level, visible commitment in the PfG to addressing these inequalities and improving outcomes for Section 75 equality groups across a range of areas.
- 4.5 Further, whilst socio-economic disadvantage is not a specified ground under the equality legislation, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion<sup>10</sup>. We continue to stress the need for urgent action to address poverty and social exclusion experienced by a range of equality groups.
- 4.6 We had welcomed the inclusion of the underpinning principles of equality and sustainability in the current *PfG 2011-15*; as well as the commitment that all policies and programmes across Government would be built upon the values of equality, fairness, inclusion and good relations<sup>11</sup>.
- 4.7 A clear commitment in the PfG, underpinned by the inclusion of robust, outcome focussed actions to addressing key inequalities, is consistent with:
- the public sector equality duties on public bodies, including Government Departments, under Section 75 of the Northern Ireland Act 1998 and the Disability Discrimination Act 1995<sup>12</sup>;
  - existing strategic objectives and outcomes set out in the Executive's equality and good relations strategies, including on gender, disability, age, race, and *Together: Building a United Community Strategy* (TBUC)<sup>13</sup>;
  - UK Government obligations under international human rights instruments, including the UN Convention on the Rights of People with Disabilities (UNCRPD), the UN Convention on the Elimination of all forms of Racial Discrimination (UNCERD), the UN Convention for the Elimination of Discrimination

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<sup>10</sup> See ECNI [Statement on Key Inequalities in Northern Ireland 2007](#)

<sup>11</sup> See ECNI [Response to draft Programme for Government 2011-2015](#), February 2012

<sup>12</sup> In particular, to have due regard to the need to promote the participation of disabled people in public life and to promote positive attitudes towards disabled people.

<sup>13</sup> [Together: Building a United Community Strategy](#), TBUC Strategy, 2013

against Women (CEDAW) ) and the Framework Convention for the Protection of National Minorities (FCNM);

- the recent UN Sustainable Development Goals (2015) which have been adopted by the UK Government and which include goals and targets on tackling poverty and reducing inequalities, and a specific goal on achieving gender equality<sup>14</sup>.

- 4.8 Further, there are clear economic and social benefits to promoting equality and good relations. Inequalities, for example, between men and women impose a heavy toll on the economy and result in the under utilisation of talent<sup>15</sup>. On the other hand, economic and business benefits can be gained from enhancing gender equality.
- 4.9 In addition, as recognised by *Together: Building a United Community* Strategy (TBUC), improved community relations results in both economic benefits, such as increased tourism and investment opportunities, as well as social benefits, such as an improved quality of life for everyone<sup>16</sup>.
- 4.10 It is important to note that the other devolved administrations, Wales and Scotland, have set out clear commitments to promoting equality and eliminating discrimination, and building inclusive communities, underpinned by robust actions, in their respective Programmes for Government<sup>17</sup>.

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<sup>14</sup> For example, there is a goal on “gender equality”, including targets on ending all forms of discrimination against women and girls and ensuring women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. There is also a goal on “reduced inequalities”, including targets to ensure equal opportunity and reduce inequalities of outcome, and by 2030 to empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status .See [UN Sustainable Development Goals](#), September 2015

<sup>15</sup> For example, as highlighted in the [EU Strategy for equality between women and men 2010-2015](#)

<sup>16</sup> [Together: Building a United Community Strategy](#) , TBUC Strategy , 2013

<sup>17</sup> See, for example, the *Welsh PfG 2011-2015* which contains a separate section on “Equality” with the overarching aim to “create a fair society free from discrimination, harassment and victimisation with cohesive and inclusive communities”.The aim was underpinned by a series of measures designed to advance equality of opportunity and tackle discrimination . [Welsh Programme for Government 2011-2015](#), p29.

See also A [Stronger Scotland, the Government Programme for Scotland 2015-16](#) which recognises the need to do more to address the underlying causes of inequality and contains a range of measures designed to tackle inequalities including gender pay inequality, addressing gender stereotypes, improving childcare and action on gender balance and public boards.



## ***Social Attitudes***

- 4.11 The Commission **recommends** that the PfG includes actions designed to:
- challenge prejudicial attitudes, behaviour and hate crime so as to ensure that workplaces, services, public spaces and communities are free from harassment and/or discrimination across the equality grounds.
- 4.12 This includes the need to address sectarianism and racism within the workplace<sup>18</sup>; to tackle the significant attitudinal barriers to employment for people with disabilities<sup>19</sup>; and to challenge the negative attitudes towards Irish Travellers, Eastern European Migrant Workers and other minority ethnic individuals<sup>20</sup>, as well as Lesbian, Gay and Bisexual (LGB) people and trans individuals<sup>21</sup>.
- 4.13 It also includes action aimed at tackling hate crime experienced by Section 75 groups, including sectarian, racist, homophobic, transphobic, and disability hate crime<sup>22</sup>.
- 4.14 Our recommendations are consistent with a number of existing *good relations outcomes* that are linked to the implementation of '*Together: Building a United Community*'; namely; the "increased use of shared space and services; "young people engaged in bringing the community together" ; "improved attitudes between young people from different backgrounds"; "shared space is accessible to all"; "a reduction in the prevalence of hate crime and intimidation"; and "a community where places and spaces are safe for all"<sup>23</sup>.

## ***Action to mainstream equality in education and ensure shared education***

- 4.15 The Commission **recommends** that the PfG includes actions designed to:

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<sup>18</sup> See, for example, recommendations in *ECNI Racial Equality Position Paper 2014* [www.equalityni.org/RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org/RacialEquality_PolicyPosition2014.pdf)

<sup>19</sup> For example, an ECNI commissioned equality awareness survey in Northern Ireland found that 26% of respondents stated that they would mind having a person with mental ill health as a colleague. See *Equality Awareness Survey 2011* ECNI – [www.equalityni.org/Do-You-Mean-Me-equality-awareness-and-attitudes](http://www.equalityni.org/Do-You-Mean-Me-equality-awareness-and-attitudes)

<sup>20</sup> Ibid

<sup>21</sup> See for example, *ECNI Racial Equality Position Paper 2014* [www.equalityni.org/RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org/RacialEquality_PolicyPosition2014.pdf); and *ECNI Sexual Orientation Equality Policy Position Paper 2013* – [www.equalityni.org/Promoting-SO-Equality-policy-position](http://www.equalityni.org/Promoting-SO-Equality-policy-position) and

<sup>22</sup> For example, in 2014/15 there were 1,043 sectarian hate crimes and 921 racially motivated hate crimes and 207 homophobic hate crimes. Racial hate crimes have doubled since 2011/12. See OFMDFM [Good Relations Indicators: 2015 Update](#).

<sup>23</sup> See outcomes set out in OFMDFM [Good Relations Indicators: 2015 Update](#). See also [Together: Building a United Community Strategy](#), TBUC Strategy, 2013



- ensure a move to a system of education which routinely teaches pupils together via a shared curriculum in shared classes; where sharing impacts meaningfully and substantively on every learner<sup>24</sup>;
- ensure that equality is mainstreamed in the curriculum<sup>25</sup>; in teacher training; and in the policies and practice of schools and wider education bodies<sup>26</sup>;
- ensure a safe learning place and the absence of bullying in educational establishments on any Section 75 grounds;
- address the education inequalities faced by certain groups of learners; such as Irish Travellers; Protestant working class boys; disabled children and young people; as well as measures to address issues such as gender stereotyping; and to remove the barriers facing looked after children and young carers<sup>27</sup>.

4.16 The Commission is of the view that every child should have access to a good quality school experience, can reach their full potential and that schools promote the inclusion and participation of all<sup>28</sup>.

4.17 We consider that all children and young people must be valued equally and believe that they should be allowed the opportunity to develop to their full potential. The role of the education system should be to foster and facilitate that development<sup>29</sup>.

4.18 We consider that sharing in education, across the full range of equality grounds has the potential to improve educational access and attainment for pupils from a diverse range of backgrounds and abilities<sup>30</sup>.

4.19 We have consistently raised concerns about the bullying of, for example, Lesbian, Gay, Bisexual (LGB), minority ethnic, disabled, and trans pupils in schools. We have called for steps designed to

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<sup>24</sup> See *ECNI Response to Department of Education Shared Education: draft policy and legislation consultation*, ECNI, 2015 – [www.equalityni.org/SharedEducation\\_pdf](http://www.equalityni.org/SharedEducation_pdf)

<sup>25</sup> To include Relationships & Sexuality Education (RSE) and teaching to prevent gender based violence; and promote positive attitudes, for example, towards to trans, LGB, disabled or ME people

<sup>26</sup> *Every Child an Equal Child: Statement on key inequalities in education and a strategy for intervention*, ECNI, 2008 – [www.equalityni.org/Key-inequalities-in-education-Every-child-an-equal-child](http://www.equalityni.org/Key-inequalities-in-education-Every-child-an-equal-child)

<sup>27</sup> *Ibid*

<sup>28</sup> *Ibid*

<sup>29</sup> *Ibid*

<sup>30</sup> In *Every Child an Equal Child* (2008) we welcomed the growth of integrated and shared education as a means of breaking down barriers and of providing a further choice for parents and children. *Ibid*

tackle prejudice-based bullying in schools and improve monitoring and recording of these incidents<sup>31</sup>.

- 4.20 We have also drawn attention to the non-attendance, drop-out rates and poor educational outcomes experienced by Irish Travellers<sup>32</sup>. We have recommended measures to address the educational underachievement of boys, including Protestant working class boys, as well as looked after children and young people<sup>33</sup>. Further, we have highlighted that steps should be taken to address the factors that inhibit girls' life experiences, such as gender stereotyping as regards subject choice, the curriculum and careers guidance<sup>34</sup>.
- 4.21 Further, a recent report on *Education Inequalities in Northern Ireland* (2015)<sup>35</sup> commissioned by the Equality Commission has also highlighted that many children in Northern Ireland continue to experience persistent educational inequalities because of barriers which are linked to disability, gender, religion and other equality grounds. These inequalities are magnified for children coming from social and economically disadvantaged backgrounds.
- 4.22 Our recommendations are consistent with a number of *strategic objectives* that OFMDFM has already identified relating to addressing educational inequalities. OFMDFM has, in addition, identified indicators designed to track progress in relation to these educational inequalities .
- 4.23 For example, the *Gender Equality Strategy 2006-2016* includes the strategic objective "*to ensure women and men, including girls and boys, shall have equal access to education and life long learning*"<sup>36</sup>. There are also indicators relating to the gender gap between males and females as regards working age qualifications, school leavers' qualifications and subject choice; higher and further education progress and subject choice<sup>37</sup>.
- 4.24 Further, the *Disability Strategy 2012-2015* includes the strategic objective to "*increase the opportunities for people with disabilities to attain skills and qualifications through access to appropriate training*

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<sup>31</sup> See ECNI Response to Department of Education, *Addressing Bullying in Schools*, ECNI, 2015 – [www.equalityni.org/DENI-BullyingConsultation\\_Feb-2014-pdf](http://www.equalityni.org/DENI-BullyingConsultation_Feb-2014-pdf)

<sup>32</sup> See ECNI Racial Equality Position Paper 2014 – [www.equalityni.org/RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org/RacialEquality_PolicyPosition2014.pdf)

<sup>33</sup> See *Every Child an Equal Child: key inequalities in education*, ECNI, 2008 – [www.equalityni.org/Key-inequalities-in-education-Every-child-an-equal-child](http://www.equalityni.org/Key-inequalities-in-education-Every-child-an-equal-child)

<sup>34</sup> [ECNI Shadow Report CEDAW](#)

<sup>35</sup> See Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#)

<sup>36</sup> See [Gender Equality Strategy 2006-2016](#)

<sup>37</sup> See [OFMDFM Gender Equality Statistics 2015](#)

and lifelong learning opportunities". OFMDFM has developed baseline indicators to track progress of this objective<sup>38</sup>.

### **Action to promote equality in workplaces and support economic participation of S75 groups**

4.25 The Commission **recommends** that the PfG includes actions designed to:

- reduce discrimination in employment, including due to pregnancy and maternity<sup>39</sup> and disability<sup>40</sup>;
- support women's economic participation, including through access to appropriate, accessible and affordable childcare, promoting flexible working, and encouraging men to share responsibility for childcare<sup>41</sup>; as well as addressing the concentration of women in part time, low paid work and mitigating the impact of rebalancing the economy<sup>42</sup>;
- address the exploitation and forced labour of migrant workers and the concentration of some minority ethnic workers in low paid employment<sup>43</sup>.
- support people with disabilities in terms of accessing and remaining in the workplace<sup>44</sup>.
- ensure training and programmes to enable people to get into or stay in work that are accessible and inclusive for all<sup>45</sup>.

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<sup>38</sup> See OFMDFM *Disability Strategy 2012 -2015 Baseline indicators Set*, 2013. It is also in the process of developing indicators relating to the educational attainment gap of disabled pupils and students, including in post primary education, special schools, and in higher education. See OFMDFM consultation on Disability Strategy 2012-2015 Annual Indicator consultation 2014, November 2014

<sup>39</sup> For example, discrimination enquiries to the Commission give an indication of current levels of discrimination. It is of note that over a quarter of enquiries (26.7% ( 923)) made to the Commission in 2014/15 related to sex discrimination. Almost 20% of enquiries (184) related to pregnancy and maternity. The CEDAW Committee has also highlighted the need to address the persistent discrimination against pregnant women in employment. [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013

<sup>40</sup> Enquiries to the Equality Commission across each of the discrimination grounds reveals that the highest number relate to disability discrimination in employment, representing 38% in 2013-14 and 34% in 2014-15.

<sup>41</sup> See ECNI Childcare position paper 2013 – [www.equalityni.org\\_Childcare\\_PolicyPosition\\_Mar13.pdf](http://www.equalityni.org_Childcare_PolicyPosition_Mar13.pdf)

<sup>42</sup> [ECNI Shadow Report CEDAW](#)

<sup>43</sup> See ECNI Racial Equality Position paper 2014

[www.equalityni.org\\_RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org_RacialEquality_PolicyPosition2014.pdf)

<sup>44</sup> See ECNI response to Disability Strategy 2011 – [www.equalityni.org\\_IMNI-response-to-OFMDFM-Disability-Strategy-2011](http://www.equalityni.org_IMNI-response-to-OFMDFM-Disability-Strategy-2011)

<sup>45</sup> To include, for instance, access to employment and training for women ( [ECNI Shadow Report CEDAW](#) ), specific initiatives for Travellers and Roma ([www.equalityni.org\\_RacialEquality\\_PolicyPosition2014](http://www.equalityni.org_RacialEquality_PolicyPosition2014)) and measures to close the employment gap for people with disabilities ([www.equalityni.org\\_IMNI\\_CRPD\\_ParallelJurisdictionalReport\\_WorkingPaper](http://www.equalityni.org_IMNI_CRPD_ParallelJurisdictionalReport_WorkingPaper)), as well as measures to mainstream equality in employment.

- 4.26 Equality of opportunity and good relations should not be marginal when faced with challenging economic circumstances; they should be central to all public policy development and implementation<sup>46</sup>. A specific focus for the Commission is economic independence, specifically mindful of the needs of women<sup>47</sup>.
- 4.27 It is important that economic policies ensure that the most vulnerable are protected and the response to constraints on public expenditure should not exacerbate inequalities.
- 4.28 Our recommendations are consistent with a number of *strategic objectives and outcomes* already identified by OFMDFM and set out in a number of equality strategies.
- 4.29 This includes, for example, the *Gender Equality Strategy 2006-2016*<sup>48</sup> which contains the strategic objective “*to ensure the economic security of both men and women*” and “*to achieve equal value for paid work done by women and men, and promote their equitable participation in the paid and unpaid labour force*”. OFMDFM has developed indicators to track progress in relation to these objectives<sup>49</sup>.
- 4.30 Further, the *Disability Strategy 2012 -2015*<sup>50</sup> contains the strategic objective to “*work towards increasing the number of people with disabilities entering all levels of employment and safeguard the rights of those disabled people already in work*”<sup>51</sup>.
- 4.31 In addition, they are consistent with the strategic aim set out in the recent *Active Ageing Strategy 2016- 2021*, “*to support older people to develop to the fullest of their potential and well-being through flexible practices in the workplace and appropriate training and reskilling...*”<sup>52</sup>.
- 4.32 The removal of barriers to work, including those experienced by women, people with disabilities, older people and minority ethnic

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<sup>46</sup> [Realising Outcomes from Section 75: a guide for public authorities](#), ECNI, 2011

<sup>47</sup> [ECNI Shadow Report CEDAW](#)

<sup>48</sup> Namely “*to ensure the economic security of both men and women*” and “*to achieve equal value for paid work done by women and men, and promote their equitable participation in the paid and on paid labour force*”. OFMDFM has developed indicators to track progress in relation to these objectives.

<sup>49</sup> See [Gender Equality Strategy 2006-2016](#)

<sup>50</sup> See Strategic Objective 15 “[Disability Strategy 2012 -2015](#)”

<sup>51</sup> Reducing the high levels of economic inactivity of people with disabilities and those with caring responsibilities (predominantly women) is also consistent with the strategic objectives and targets set by the Department for Employment and Learning and the Department for Enterprise Trade and Investment in their recent joint *Enabling Success Strategy* [Enabling Success, a strategy to tackle economic inactivity in Northern Ireland](#), April 2015, DEL & DETI

<sup>52</sup> [Active Ageing Strategy 2016- 2021](#)

workers, will contribute to realising Northern Ireland's full economic potential with improved employment opportunities for all.

***Action to protect most vulnerable and mitigate adverse impact of welfare reform***

4.33 The Commission **recommends** that the PfG includes actions:

- to protect the most vulnerable from the adverse impact of welfare reform, particularly mindful of the impact on people with disabilities and women, and the barriers experienced by minority ethnic communities (including asylum seekers and refugees);
- to identify and commit to specific measures which will mitigate the adverse impact of welfare reform on the promotion of equality of opportunity, or any alternate policies which might better achieve the promotion of equality of opportunity<sup>53</sup>.

4.34 We have, for example, raised concerns about the potential impact of welfare reform proposals on people with disabilities<sup>54</sup> and women<sup>55</sup>. In addition, while many of the top priorities for older people are income related<sup>56</sup>, older people are also shown not to fully access benefits and take up programmes.

4.35 Further, minority ethnic communities, including asylum seekers and refugees, can also experience barriers to accessing social protection and services<sup>57</sup>. We have recommended that, as part of a broader Refugee Integration Strategy<sup>58</sup>, the Executive takes action to address the problems experienced by asylum seekers during transition from one form of public support to another; ensures that asylum seekers receive appropriate support from arrival until voluntary departure or compulsory removal from the UK, and

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<sup>53</sup> We note that a recent report on welfare reform mitigation sets out a strategy designed to mitigate the impact of welfare reform proposals. See [Welfare reform working group mitigations Report](#) January 2016, E Evason

<sup>54</sup> For example, the Commission has highlighted that the proposed transition from the Disability Living Allowance (DLA) to the new Personal Independence Payment (PIP) will result in loss of income for many disabled people. See [IMNI Parallel Jurisdictional Report Working Paper](#), July 2014. See also [ECNI policy position on welfare reform](#) and ECNI [Response to EQIA on Welfare Reform](#), 2011

<sup>55</sup> For example, the Commission has highlighted that paying the Universal Credit to the main earner following joint claim and joint assessment. The Commission raised concerns that the arrangements may disproportionately affect women. [www.niassembly.gov.uk ad-hoc equalitycommissionbriefing](#). The Commission has also See [ECNI Shadow Report CEDAW](#) and response to Department for Social Development *Proposals on welfare Reform*, ECNI, 2013 – [www.equalityni.org DSD-Proposals-on-Welfare-Reform-Response-2013](#)

<sup>56</sup> Priorities for example, include cost of food and energy, not enough money and keeping warm. See *Northern Ireland Pensioners' Parliament Report*, as quoted in response to *Active Ageing Strategy*, ECNI, 2014 – [www.equalityni.org .OFMDFM-Older-Peoples-strategy-2014](#)

<sup>57</sup> See ECNI Racial Equality position paper 2014 [www.equalityni.org RacialEquality\\_PolicyPosition2014.pdf](#)

<sup>58</sup> Ibid



assesses the barriers faced by asylum seekers and refugees in accessing benefits, including the accessibility of services<sup>59</sup>.

***Action to develop safe and shared communities and ensure independent living***

- 4.36 The Commission **recommends** that the PfG includes actions designed to:
- develop safe, shared communities based on equality, dignity and respect;
  - ensure that everyone has access to a safe, secure home and enjoys the right to independent living, including for people with disabilities and older people; and addresses the housing needs of particular equality groups, such as Irish Travellers, and minority ethnic communities (including migrant workers and refugees).
- 4.37 We recommend the inclusion of actions in the PfG designed to develop safe, shared communities based on equality, dignity and respect. Shared communities should include shared housing, as well as shared education, and shopping and facilities, such as leisure facilities<sup>60</sup>.
- 4.38 As outlined above<sup>61</sup>, there is a need to eradicate prejudicial attitudes and stereotypes in order to create communities that are safe for all, removing discrimination, prejudice and hate crime.
- 4.39 We have also highlighted the need to ensure that everyone has access to a safe, secure home and enjoys the right to independent living, including for people with disabilities<sup>62</sup> and older people<sup>63</sup>.
- 4.40 We also recommend actions that address the needs of particular equality groups, such as Irish Travellers, minority ethnic communities (including migrant workers and refugees) who experience insecurity of tenure and overcrowding<sup>64</sup>, and who experience poorer conditions.

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<sup>59</sup> Ibid

<sup>60</sup> See ECNI [Response](#) to draft Programme for Cohesion, Sharing and Integration 2010 and [Response](#), A *Shared Future*, ECNI, 2003

<sup>61</sup> See section above on 'Social Attitudes'.

<sup>62</sup> See for example, recommendations in ECNI Response to Disability Strategy, 2011 – [www.equalityni.org/IMNI-response-to-OFMDFM-Disability-Strategy-2011](http://www.equalityni.org/IMNI-response-to-OFMDFM-Disability-Strategy-2011)

<sup>63</sup> See ECNI Response to *Active Ageing Strategy*, ECNI, 2014 – [www.equalityni.org/OFMDFM-Older-Peoples-strategy-2014](http://www.equalityni.org/OFMDFM-Older-Peoples-strategy-2014)

<sup>64</sup> See ECNI recommendations in ECNI Racial Equality position paper 2014 – [www.equalityni.org/RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org/RacialEquality_PolicyPosition2014.pdf)

- 4.41 In addition, as outlined above<sup>65</sup>, we recommend the provision of accessible, affordable, high quality childcare that should, alongside providing for the child, additionally seek to promote equality of opportunity for parents and benefit wider society and the economy<sup>66</sup>.
- 4.42 Further, we recommend that community planning mechanisms, including the implementation of community plans by local councils, should ensure that equality and good relations are mainstreamed in public policy<sup>67</sup>.
- 4.43 Our recommendation to develop safe, shared communities based on equality, dignity and respect is consistent with a number of existing *good relations outcomes* that are linked to the implementation of 'Together: Building a United Community'<sup>68</sup>.
- 4.44 The need to combat racism and race hate crime has also been recently recognised in the Executive's *Racial Equality Strategy 2015-2025*<sup>69</sup>.
- 4.45 Our recommendations are also consistent with the strategic objectives set out in the *Disability Strategy 2012- 2015* to "ensure that people with disabilities and their families have appropriate accommodation and adequate support to live independently"; and to "ensure that people with disabilities are treated equally by the law, have access to justice and can live safely in their own community"<sup>70</sup>.
- 4.46 In addition, they are consistent with the strategic aim set out in the recent *Active Ageing Strategy 2016- 2021*, "to achieve active independent living by older people..."<sup>71</sup>. It is also consistent with the associated *outcome* that "older people live independently for as long as they can, free from poverty and in suitable, safe homes".

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<sup>65</sup> See section above on 'Employment'

<sup>66</sup> See ECNI *Childcare position*, ECNI, 2013 – [www.equalityni.org/Childcare-policy-position-Maximising-the-economic](http://www.equalityni.org/Childcare-policy-position-Maximising-the-economic)

<sup>67</sup> See *Embedding Equality and Good Relations in Local Government, principles paper*, ECNI, 2008 – [www.equalityni.org/Principles-local-govt-reform.pdf](http://www.equalityni.org/Principles-local-govt-reform.pdf)

<sup>68</sup> Namely; the "increased use of shared space and services; "young people engaged in bringing the community together" ; "improved attitudes between young people from different backgrounds"; "shared space is accessible to all"; "a reduction in the prevalence of hate crime and intimidation"; and "a community where places and spaces are safe for all". See outcomes set out in OFMDFM *Good Relations Indicators: 2015 Update*. See also *Together: Building a United Community Strategy* , TBUC Strategy , 2013

<sup>69</sup> *Racial Equality Strategy 2015-2025*

<sup>70</sup> *Disability Strategy 2012 -2015*

<sup>71</sup> *Active Ageing Strategy 2016- 2021*



## **Action to remove barriers to Health and Social Care and well being and address specific needs of S75 groups**

4.47 The Commission **recommends** that the PfG includes actions that will:

- identify and remove barriers to health and social care experienced by particular Section 75 equality groups such as older people<sup>72</sup>, LGB people<sup>73</sup>, Irish Travellers and other minority ethnic communities<sup>74</sup>. These include barriers relating to prejudice, information, language, culture and, particularly for rural people, lack or affordability of transport.
- ensure investment in health care to address the specific needs of people with disabilities, including the sexual health and maternity needs of disabled women; as well as young people's mental health needs and the high suicide rates among men, Irish Travellers, and young people<sup>75</sup>;
- ensure that any ban on blood donations by men who have sex with men (MSM) is based on clear scientific evidence and the extent and duration of the ban is appropriate to the level of risk identified<sup>76</sup>;
- progress the Commission's call for a full consultation into abortion law in Northern Ireland<sup>77</sup>;
- ensure the collection, by the DHSSPS, of system wide data across the Section 75 categories; and that appropriate account is taken of people's multiple identities<sup>78</sup>.

4.48 Health and social care is fundamental to people's quality of life and general well being. A number of factors can contribute to health inequalities including socio-economic and environmental

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<sup>72</sup> Response to *Active Ageing Strategy*, ECNI, 2014 – [www.equalityni.org/\\_OFMDFM-Older-Peoples-strategy-2014](http://www.equalityni.org/_OFMDFM-Older-Peoples-strategy-2014)

<sup>73</sup> See *ECNI Sexual Orientation Policy Position Paper 2013* [www.equalityni.org\\_Promoting-SO-Equality-policy-position](http://www.equalityni.org_Promoting-SO-Equality-policy-position)

<sup>74</sup> See *ECNI Racial Equality Position Paper* – [www.equalityni.org\\_RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org_RacialEquality_PolicyPosition2014.pdf)

<sup>75</sup> See *ECNI Statement on Key Inequalities in Northern Ireland 2007* *ECNI Racial Equality Position Paper* – [www.equalityni.org\\_RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org_RacialEquality_PolicyPosition2014.pdf) and *ECNI Shadow Report CEDAW*

<sup>76</sup> In particular, the Commission has recommended that a ban on blood donations from any group, including LGB individuals, must be based on clear scientific evidence and the extent and duration of the ban must be appropriate to the level of risk identified. It has also stated that the current position of a lifetime ban on blood donations by MSM individuals resident in Northern Ireland is inconsistent with the Department's practice of accepting donated blood from Great Britain, where MSM individuals are permitted to donate blood after a 12 month deferral. See *ECNI Sexual Orientation policy position paper 2013* – [www.equalityni.org\\_Promoting-SO-Equality-policy-position](http://www.equalityni.org_Promoting-SO-Equality-policy-position)

<sup>77</sup> See *ECNI Response to Department of Justice consultation Criminal Law on abortion – lethal foetal abnormality and sexual crime*, ECNI, 2015 – [www.equalityni.org\\_Dept-of-Justice-Criminal-Law-on-Abortion](http://www.equalityni.org_Dept-of-Justice-Criminal-Law-on-Abortion)

<sup>78</sup> *ECNI Response* to the DHSSPS *The Right Time, the Right Place: an expert examination of the application of health and social care governance arrangements for ensuring the quality of care provision in Northern Ireland (the Donaldson report)*, ECNI, 2015

circumstances<sup>79</sup>; lifestyle and health behaviour; and access to effective health and social care<sup>80</sup>.

4.49 The Commission has, for example, highlighted barriers to accessing health and social care, including ageist attitudes experienced by older people<sup>81</sup>, as well as stereotypes that portray older people as cared for, rather than care givers<sup>82</sup>. We have also highlighted barriers that children and young people face in accessing age - appropriate health care<sup>83</sup>.

4.50 Our recommendations are consistent with the strategic aim set out in the recent *Active Ageing Strategy 2016- 2021*; namely “to support and promote the health and well-being of people as they get older and to achieve access by older people, free from age discrimination, to best practice high-quality health and social care services, tailored to individual need, including appropriate domiciliary care supporting those with long term conditions.” They are also consistent with the associated outcome that “older people are healthier for longer”<sup>84</sup>.

### ***Actions to promote the participation of under-represented Section 75 groups in public/political life and decision making***

4.51 The Commission **recommends** that the PfG includes actions to promote the participation of under-represented Section 75 groups in public and political life and decision making, including through:

- ensuring their meaningful and active engagement and participation in policy decision making<sup>85</sup>;
- taking measures, including temporary special measures, to increase women’s participation in politics, public life and decision making, including peacebuilding<sup>86</sup>;
- steps, in furtherance of the disability duties on public bodies, to promote the participation of people with disabilities in public life;

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<sup>79</sup> Such as employment, housing, education, transport etc

<sup>80</sup> See DHSSPS (2004) *Equalities and Inequalities in Health and Social Care in Northern Ireland*, as cited in ECNI [Statement on Key Inequalities in Northern Ireland 2007](#)

<sup>81</sup> See ECNI [Strengthening protection for all ages: Ending Age Discrimination in the provision of goods and services Proposals for Reform](#), 2012 and Strengthening protection for children and young people.

<sup>82</sup> ECNI Response to *Active Ageing Strategy*, ECNI, 2014 – [www.equalityni.org/\\_OFMDFM-Older-Peoples-strategy-2014](http://www.equalityni.org/_OFMDFM-Older-Peoples-strategy-2014)

<sup>83</sup> ECNI [Strengthening protection for children and young people](#), 2013

<sup>84</sup> [Active Ageing Strategy 2016- 2021](#)

<sup>85</sup> *Short Guide to Public Sector Equality and Disability duties*, ECNI, 2014 –

[www.equalityni.org/PublicSectorEqualityandDisabilityDuties-ShortGuide.pdf](http://www.equalityni.org/PublicSectorEqualityandDisabilityDuties-ShortGuide.pdf)

<sup>86</sup> [ECNI Shadow Report CEDAW](#)

- action to encourage the visibility and participation of LGB people, older people and minority ethnic people in public life<sup>87</sup>.

4.52 In order to deliver the PfG, it is necessary to ensure that all people and perspectives are represented and can participate equally; whether in consultation on public policy, in economic and public life and decision making, including peace building, and in politics.

4.53 Our recommendations are consistent with a number of strategic objectives and outcomes already identified by OFMDFM equality strategies.

4.54 For example, the *Gender Equality Strategy 2006-2016* includes the strategic objective to “*ensure the active and equal participation of women and men at all levels of civil society, economy, peace building and government*”<sup>88</sup>.

4.55 In addition, the *Disability Strategy 2012- 2015* contains strategic objectives that aim to “*increase people with disabilities opportunity to influence policies and programmes in Government*” and “*improve interaction between all sectors to achieve the social inclusion of people with disabilities*”.<sup>89</sup>

4.56 Further, they are consistent with the strategic aim set out in the recent *Active Ageing Strategy 2016- 2021*, “*to achieve the active participation of older people in all aspects of life*” and the associated outcome that “*older people are involved in their family and community and in civic life*”<sup>90</sup>.

### ***Action to reform and strengthen equality law***

4.57 The Commission **recommends** that the PfG:

- includes actions to reform and strengthen equality law across a number of equality grounds; including age (goods, facilities and services); race; disability; sex; fair employment; sexual orientation; and reform wider areas of the law that impact on Section 75 equality groups; for example, changes to law so as to permit same-sex marriage in Northern Ireland.

<sup>87</sup> *Short Guide to Public Sector Equality and Disability duties*, ECNI, 2014 – [www.equalityni.org/Public\\_Sector\\_Equality\\_and\\_Disability\\_Duties-Short\\_Guide.pdf](http://www.equalityni.org/Public_Sector_Equality_and_Disability_Duties-Short_Guide.pdf), ECNI response to disability strategy [www.equalityni.org/IMNI-response-to-OFMDFM-Disability-Strategy-2011](http://www.equalityni.org/IMNI-response-to-OFMDFM-Disability-Strategy-2011) and ECNI Sexual Orientation Position Paper 2013 [www.equalityni.org/Promoting-SO-Equality-policy-position](http://www.equalityni.org/Promoting-SO-Equality-policy-position), ECNI Racial Equality Position Paper 2014 – [www.equalityni.org/RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org/RacialEquality_PolicyPosition2014.pdf)

<sup>88</sup> [Gender Equality Strategy 2006-2016](http://www.equalityni.org/Gender_Equality_Strategy_2006-2016)

<sup>89</sup> [Disability Strategy 2012 -2015](http://www.equalityni.org/Disability_Strategy_2012-2015)

<sup>90</sup> [Active Ageing Strategy 2016- 2021](http://www.equalityni.org/Active_Ageing_Strategy_2016-2021)

- 4.58 We are of the view that the introduction of single equality legislation would best harmonise and simplify the protections available in Northern Ireland. It is of note that equality legislation in other parts of the UK has already been streamlined and strengthened through the introduction of single equality legislation - namely the Equality Act 2010.
- 4.59 In the absence of single equality legislation, we recommend that the PfG contains a clear timetabled commitment to strengthen existing legislation in a number of key areas<sup>91</sup>.
- 4.60 These include reform of the:
- age discrimination legislation (in the provision of goods, facilities and services);
  - race equality legislation<sup>92</sup>;
  - disability discrimination legislation<sup>93</sup>;
  - sex equality legislation (as regards public functions)<sup>94</sup>;
  - fair employment legislation (as regards exception on recruitment of teachers and fair employment monitoring)<sup>95</sup>;
  - sexual orientation equality law<sup>96</sup>; and
  - wider changes to the law that impact on Section 75 groups, for example, changes to law so as to permit same-sex marriage in Northern Ireland<sup>97</sup>.
- 4.61 We had also previously identified the need to introduce legislation to prohibit *age discrimination in goods, facilities and services* as a priority area for reform<sup>98</sup>. We had therefore welcomed the commitment by the Executive in its *Programme for Government 2011-15* to extend age discrimination legislation to the provision of goods, facilities and services<sup>99</sup>.

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<sup>91</sup> Detailed positions in relation to the Commission's recommendations can be found on the website – <http://www.equalityni.org/Home>

<sup>92</sup> [ECNI \(2014\): Race law reform proposals](#)

<sup>93</sup> [ECNI \(2012\): Strengthening Protection for Disabled People](#)

<sup>94</sup> [ECNI \(2009\) Proposals for Legislative Reform](#), and draft proposals for reform of sex discrimination law [ECNI \(2015\): Gender Position Paper](#)

<sup>95</sup> [ECNI \(2009\) Proposals for Legislative Reform](#) and [ECNI \(2014\): Race law reform proposals](#)

<sup>96</sup> [ECNI \(2013\): Sexual Orientation Policy Position](#) Paper.

<sup>97</sup> Ditto

<sup>98</sup> [ECNI \(2009\) Proposals for Legislative Reform](#)

<sup>99</sup> Executive's [PfG 2011-2015](#)

- 4.62 Whilst we welcome the recent consultation on legislation to introduce age discrimination legislation to cover the provision of goods, facilities and services (GFS) to cover ages 16 and over<sup>100</sup>, this legislation was not introduced before the end of the last Assembly's mandate. We have also recommended that this legislation gives protection to people of *all* ages.
- 4.63 We *recommend* that there is a commitment in the next PfG to extend age discrimination legislation to the provision of goods, facilities and services.
- 4.64 There are a number of clear reasons why equality law in Northern Ireland should be reformed and strengthened.
- 4.65 First, as recognised by OFMDFM in the *Racial Equality Strategy 2015-2025*, legislation plays an essential role in tackling inequalities, and "*sets out principles that should govern behaviour and the minimum standards of behaviour that must be observed*"<sup>101</sup>. We welcome the fact that the need for reform of the race equality legislation has also been recognised by OFMDFM<sup>102</sup>.
- 4.66 Secondly, the need for law reform of Northern Ireland equality law has been heightened by developments in Great Britain (GB), including the introduction of the Equality Act 2010. This has meant that there are now significant gaps between equality law in GB and Northern Ireland. These differences mean that in a number of key areas, individuals in Northern Ireland have less protection against discrimination and harassment than people in other parts of the United Kingdom<sup>103</sup>.
- 4.67 In addition, our recommendations are consistent with a number of existing commitments in OFMDFM equality strategies. For example, the *Gender Equality Strategy 2006-2016*, contains a commitment to tackle the root causes of gender inequalities including through "*improving protection against discrimination by improving legislative measures and keeping their effectiveness under review*"<sup>104</sup>.
- 4.68 In addition, they are consistent with the strategic aim set out in the recent *Active Ageing Strategy 2016- 2021*, to protect older people's "*human rights and entitlement to equality of treatment and to*

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<sup>100</sup> See [OFMDFM consultation on prohibiting age discrimination in the provision of goods and services \(GFS\) July 2015](#)

<sup>101</sup> [Racial Equality Strategy 2015-2025](#)

<sup>102</sup> The *Racial Equality Strategy 2015-2025* contains a commitment to carry out a review of the race equality legislation with a view to new legislation being in place by 2017/18; as well as a commitment to review the Fair Employment legislation. [Racial Equality Strategy 2015-2025](#)

<sup>103</sup> See ECNI [Gaps in equality law between Great Britain and Northern Ireland 2015](#)

<sup>104</sup> See [Gender Equality Strategy 2006-2016](#)



*challenge the pervasive ageism and age discrimination in our society*”<sup>105</sup>. It is also consistent with the associated *outcome* that “*that older people’s dignity and human rights are effectively safeguarded*”.

### **Action to address the key gaps in equality data**

- 4.69 The Commission **recommends** that the PfG includes actions:
- to address the key gaps in equality data, including on the grounds of gender identity, sexual orientation, and race; and the lack of data disaggregation in relation to ethnicity, disability and gender.
- 4.70 The Commission has highlighted the lack of specific data across a number of themes in relation to a range of equality grounds, including gender identity, sexual orientation, and race; as well as multiple identity and the lack of data disaggregation in relation to some equality grounds, such as ethnicity, disability and gender<sup>106</sup>.
- 4.71 As noted above, the Commission has recommended that the DHSSPS ensures the collection of system wide data across the Section 75 categories, and that appropriate account is taken of people’s multiple identities<sup>107</sup>.
- 4.72 The PfG should include actions, particularly by Departments and other public bodies, to address key gaps in equality data – including to ensure that data is available across the full range of equality grounds, and in respect of people’s multiple identities.
- 4.73 The absence of key equality data means that it is difficult for the Executive, Departments and others to assess the nature and extent of key inequalities, as well as to track progress in achieving agreed equality and good relations outcomes. The importance, for example, of ensuring robust ethnic monitoring has been recently highlighted by OFMDFM in its *Racial Equality Strategy 2015-2025*<sup>108</sup>.

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<sup>105</sup> [Active Ageing Strategy 2016- 2021](#)

<sup>106</sup> For example, race and sexual orientation [www.equalityni.org Promoting-SO-Equality-policy-position](#) position papers and response to disability strategy [www.equalityni.org IMNI-response-to-OFMDFM-Disability-Strategy-2011](#) as well as [ECNI Shadow Report CEDAW](#)

<sup>107</sup> ECNI [Response](#) to the Department of Health, Social Services and Public Safety *The Right Time, the Right Place: an expert examination of the application of health and social care governance arrangements for ensuring the quality of care provision in Northern Ireland (the Donaldson report)*, ECNI, 2015

<sup>108</sup> It contains a commitment to carry out a review of the race equality legislation with a view to new legislation being in place by 2017/18; as well as a commitment to review the Fair Employment legislation. OFMDFM [Racial Equality Strategy 2015-2025](#)

### ***A timetabled commitment as regards development and implementation of Equality & GR strategies***

4.74 The Commission **recommends** that the PfG includes actions to address key inequalities including:

- the need to ensure effective equality and good relations Strategies and associated action plans are created, implemented and updated across a range of equality grounds<sup>109</sup>. The PfG should include a timetabled commitment to take this key work forward.

4.75 Further actions to address key inequalities include the need to ensure that effective equality and good relations strategies and associated action plans are in place, implemented and reviewed across a range of equality grounds: including a Gender Equality Strategy, a Racial Equality Strategy, a Disability Strategy, a Children and Young People's Strategy, a Sexual Orientation Strategy , an Active Ageing Strategy, and a strategy to advance equality of opportunity and good relations on the grounds of religion and political opinion (*Together: Building a United Community*)<sup>110</sup>.

4.76 We recommend that the PfG includes a timetabled commitment to take this key work forward. OFMDFM will be aware of the importance of developing and implementing effective equality and good relations strategies that set out clear visions, strategic aims and objectives and outcomes and that are underpinned by robust monitoring and evaluation frameworks.

4.77 It is however clear that, despite their importance, there have been significant delays in the development of some key equality strategies, including, for example, the Sexual Orientation Strategy .

### ***Action to address key gaps in compliance with International Conventions***

4.78 The Commission **recommends** that the PfG includes clear commitments to

- address key shortfalls in Northern Ireland so as to ensure compliance with obligations in international human rights conventions, including the UN Convention on the Rights of People with Disabilities (UNCRPD).

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<sup>109</sup> Including a Gender Equality Strategy, a Racial Equality Strategy, a Disability Strategy, a Sexual Orientation Strategy, a Children and Young People's Strategy, an Active Ageing Strategy, as well as *Together: Building a United Community*.

<sup>110</sup> [Together: Building a United Community Strategy](#) , TBUC Strategy , 2013



- 4.79 The PfG should also include clear commitments to ensure comprehensive input into State Party submissions; and to take action to address key gaps so as to ensure compliance with regards to the UNCRPD; as well as other international Conventions such the UN Convention on the Elimination of all forms of Racial Discrimination (UNCERD); the UN Convention for the Elimination of Discrimination against Women (CEDAW); the UN Convention on the Rights of the Child (UNCRC); and the Framework Convention for the Protection of National Minorities (FCNM).
- 4.80 In 2010, we highlighted<sup>111</sup> that there were key gaps, in terms of policies and programmes aligned to a number of UNCRPD Articles, that needed addressed. In 2014, we further detailed these gaps, as well as shortcomings in terms of the implementation of policies and programmes<sup>112</sup>.
- 4.81 In addition, in our *Shadow Report* on CEDAW in 2013<sup>113</sup>, we highlighted a range of areas that we considered needed addressed with regards to women’s equality in Northern Ireland. Significantly, in its most recent Concluding Observations (2013), the UN CEDAW Committee expressed concerns about the implementation of CEDAW across the UK<sup>114</sup>. The Committee also included specific recommendations relating to Northern Ireland.
- 4.82 Further, in our 2011 FCNM Shadow Report we raised, *inter alia*, the importance of addressing inconsistencies in race equality legislation and gaps in protection; our proposals for reform of the fair employment legislation; and the need to address inequalities faced by migrant workers<sup>115</sup>.

## **5 Actions to meet equality and good relations requirements in developing and delivering the PfG and Budget**

- 5.1 Meeting equality and good relations requirements in developing and delivering the PfG and Budget requires leadership and commitment at the highest levels and throughout public policy making.

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<sup>111</sup> The Commission benchmarked gaps in 2010 in *Disability Programmes and Policies: how does Northern Ireland measure up* – [www.equalityni.org/UNCRPDmonitoringimplementationFullReport](http://www.equalityni.org/UNCRPDmonitoringimplementationFullReport)

<sup>112</sup> *Jurisdictional parallel report on implementation of NI Working Paper*, IMNI, July 2014 –

[www.equalityni.org/IMNI/CRPD/ParallelJurisdictionalReport/WorkingPaper](http://www.equalityni.org/IMNI/CRPD/ParallelJurisdictionalReport/WorkingPaper)

and *UNCRPD-UKIM List of Issues*, 2014 – [www.equalityni.org/UNCRPD/UKIM-List-of-issues-Interim-report](http://www.equalityni.org/UNCRPD/UKIM-List-of-issues-Interim-report)

<sup>113</sup> [ECNI Shadow Report CEDAW](http://www.equalityni.org/ECNI/ShadowReport/CEDAW)

<sup>114</sup> [Concluding Observations on UK, CEDAW Committee](http://www.equalityni.org/ECNI/ConcludingObservationsonUK),

<sup>115</sup> 2011 ECNI [FCNM Shadow Report](http://www.equalityni.org/ECNI/FCNM/ShadowReport)

- 5.2 We have set out in recent guidance (2015) how Section 75 duties and equality scheme commitments apply to the budget processes<sup>116</sup>.
- 5.3 As highlighted in this guidance, in the preparation of budget proposals, Departments and other public authorities should ensure that they fulfil their statutory equality and good relations duties<sup>117</sup>.
- 5.4 Through its functions, the Department of Finance and Personnel, must comply with the statutory equality duties, and apply its equality scheme arrangements. In addition, Departments and other public authorities have functional responsibility not only for contributing to the preparation of budget proposals, but also the allocation of individual budget settlements. Similarly, they must fulfil these functions and make decisions having given the required consideration under the statutory equality duties.
- 5.5 Through application of their equality scheme arrangements, specifically through the methodologies for assessing the likely impacts of the budget proposals (i.e. through the tools of screening and equality impact assessment (EQIA)), Departments and other public bodies will be able to fulfil their statutory equality duties.
- 5.6 Applying equality scheme arrangements will ensure transparency and accountability in decision making. It will also provide evidence from an assessment that is sufficient for the decision-maker to give the appropriate consideration, both to the need to promote equality of opportunity and the desirability of promoting good relations.
- 5.7 In addition, both screening and EQIA methodologies prompt for the identification of mitigation and alternative policies. In circumstances of budget reductions, measures to mitigate adverse impacts and alternative policies which might better achieve the promotion of equality will be important for consideration.
- 5.8 Decisions to change, reduce or withdraw services, particularly in times of budget reduction, whether on a temporary, interim or pilot basis, should be treated as “policies” for the purposes of equality scheme commitments.
- 5.9 Departments need to consider not only their function of setting a budget for their operations, but also how that budget impacts to change their policies and service delivery.

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<sup>116</sup> [Section 75 and Budgets: a short guide for public authorities](#), ECNI, 2015

<sup>117</sup> Under Section 75, public authorities, in carrying out their functions, must have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations.

- 5.10 We recommend that early options are presented with screening or that options appraisal has incorporated screening.<sup>118</sup>
- 5.11 We also recommend that Departments and other public bodies embed equality of opportunity and good relations in their *procurement practices*. As highlighted in good practice guidance<sup>119</sup> (2008) by the Commission and the Central Procurement Directorate, equality of opportunity must be considered at the outset of any procurement process and then throughout the life of the project, with particular attention being given decision-making moments.
- 5.12 In addition, an expert paper on *equality responsive budgeting* (2013)<sup>120</sup> commissioned by the Equality Commission has highlighted that “*it is vital that all levels of government adopt an equality responsive approach to budgeting making as a means of fulfilling Section 75 duties*”.
- 5.13 Finally, there should be coherence and coordination within, and between, Departments and across Government. This applies to all Government strategies, policies and actions.

## **Equality Commission**

**May 2016**

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<sup>118</sup> As due regard/regard must be paid at the time of the decision, an assessment of impacts must precede the decision and the information from that assessment been known to the decision-maker.

<sup>119</sup> [Equality of opportunity and sustainable development in public sector procurement \(2008\)](#), ECNI and the Central Procurement Directorate, 2008

<sup>120</sup> [Equality Responsive Budgeting - An expert paper \(2013\)](#), Sheila Quinn

## **6            *Annex 1: The Equality Commission for Northern Ireland***

1. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
  
2. The Commission's remit also includes overseeing the statutory duties on designated public bodies under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
  
3. The Commission's general duties include:
  - working towards the elimination of discrimination;
  - promoting equality of opportunity and encouraging good practice;
  - promoting positive / affirmative action
  - promoting good relations between people of different racial groups;
  - overseeing the implementation and effectiveness of the statutory duty on public bodies;
  - keeping the legislation under review.
  
4. The Equality Commission, together with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of the Convention in Northern Ireland.