

Equality Commission

FOR NORTHERN IRELAND

Equality for **all**



Strengthening Equality Bodies

Session 3: Enhancing powers of equality bodies

Evelyn Collins, Chief Executive

22 September 2015, Madrid



Equality Commission for Northern Ireland

- established 1999 as multi-ground equality body
- history of anti-discrimination legislation and separate equality bodies – religion and political opinion (1976); gender (1976); race (1997)
- responsibilities for disability (2000), sexual orientation – employment (2003); sexual orientation – goods and services (2006); age – employment (2006)



Equality Commission for Northern Ireland

- scope – employment and training, education, goods, facilities and services, housing – except on age
- promotional type body
- specific duties under Fair Employment Act 1989, as amended, not dealt with here
- separate tribunal system for employment discrimination complaints; civil courts hear goods, facilities and services cases



Powers and duties - general

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



Promote equality of opportunity (1)

Widely defined in practice, includes:

- advisory services
- conferences/seminars
- training
- provision of information including publications
- promotion of good practice and positive action
- media/communications work
- publicity campaigns



Promote equality of opportunity (2)

Also includes:

- policy influencing role
- research and education



Work to eliminate discrimination

Legal assistance to complainants

The Commission can grant assistance if the application comes within the statutory grounds as specified in the relevant legislative provisions ie:-

- (a) the case raises a question of principle
- (b) it is unreasonable to expect the person to deal with the case unaided
- (c) or by reason of any other special consideration



Strategic enforcement

- The Commission has developed a Policy to guide its decision making in the exercise of its statutory discretion on legal assistance – Policy for the provision of advice and assistance
- Decisions to assist (or not) each case is decided on its own merits and on the extent to which it meets the overall strategic objectives of the Commission



Factors taken into account

- clarifying the law/making new case law
- raising public awareness regarding individual complaints and about the protection afforded by the law
- making impact in terms of bringing about changes in discriminatory practices and procedures
- cost of assistance to be commensurate with the benefit to be gained in pursuit of the statutory objectives of the Commission



Work to eliminate discrimination (2)

Investigations – two types

- belief – focus on eliminating discriminatory practices or policies by a ‘named person’
- general – currently one on pregnancy discrimination



Keeping the law under review

Need for reform:

- separate strand based legislation – need single equality act, with harmonisation and levelling upwards
- particular gap with no protection against age discrimination in the area of goods, facilities and services
- gaps between rest of UK and Northern Ireland since Equality Act 2010 in Britain



Equality duties on public authorities

Specific roles for Commission:

- advice and assistance to public authorities and others
- approve Equality Schemes
- investigate complaints of breaches of Schemes



Conclusions

- important to act within our powers and duties
- important to use our powers and duties in balanced and responsible way to effect change for individuals, within organisations and at the wider societal level



Contact details

Equality Commission for Northern Ireland
Equality House
7 – 9 Shaftesbury Square
Belfast BT2 7DP
Northern Ireland

www.equalityni.org

email: information@equalityni.org

tel: +44(0)90500600