



**Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas**  
Irish Human Rights and Equality Commission

**Minutes of the Irish Human Rights and Equality Commission  
(Nineteenth Ordinary Plenary Meeting)  
17 May 2017**

**Present:** Emily Logan, Chief Commissioner (EL); Teresa Blake (TB); Frank Conaty (FC); Heydi Foster-Breslin (HFB); Liam Herrick (LH); David Joyce (DJ); Mark Kelly (MK); Sunniva McDonagh (SMD); Professor Siobhán Mullally (SM); Dr. Mary Murphy (MM); Professor Ray Murphy (RM); Orlagh O’Farrell (OOF); and Kieran Rose (KR).

**Apologies:** Dr. Fidèle Mutwarasibo (FM); and Betty Purcell (BP)

**In Attendance:** Laurence Bond, Director (LB); Ruth Gallagher, Head of Policy, (RG) (Agenda items: 3.1,3.2,3.3,3.4), Deirdre Toomey (DT) (Agenda items: 3.3); Dónal Rice (DR) (Agenda items: 3.3); Michael O’Neill, Head of Legal (MON) (Agenda items: 4.1,4.2); Kevin De Barra (KDB).

The Nineteenth Ordinary Meeting of the Commission took place between 10:30 and 14:30 on 17 May 2017 at 16 – 22 Green Street, Dublin 7.

**SECTION 1.0**

**1.1 Closed Session**

A closed session of the Commission was held at the start of the meeting. The item brought to the open meeting was the approval by the Commission of the appointment of IHREC’s new Director, Laurence Bond, following an open and independently run competition by the Public Appointments Service.

LB and KDB joined the meeting.

**1.2 Declarations of Interest**

There were no declarations of interest made in relation to any items on the agenda.

**1.3 Agreement of Agenda**

The Commission congratulated LB on his new role as Director, and agreed the agenda which had been circulated in advance.

*DJ joined the meeting.*

**1.4 Minutes of previous Commission Meeting (11.04.2017)**

The Minutes of the Eighteenth Ordinary Commission Meeting of the 11 April 2017 were agreed as amended, proposed by MK and seconded by RM. It was noted that, as per the recently agreed procedure, these minutes would be published on the Commission’s website.

### **1.5 Matters arising, not otherwise dealt with on the Agenda**

In relation to Actn\_18\_15, it was agreed that an update on matters pertaining to the International Protection Act, 2015, would be sought from RG when she joined the meeting to discuss other policy matters.

### **1.6 Chief Commissioner Key Correspondence, Meeting and Events**

A summary of key correspondence to the Chief Commissioner along with a summary of recent events and meetings was tabled. EL provided further information and an update on related actions undertaken since the last meeting.

*TB joined the meeting.*

## **SECTION 2.0**

### **2.1 Director's Report**

The Director's Report had been circulated in advance of the meeting and was taken as read. LB answered questions in relation to the content of the report, and updated Commission Members on recent activity beyond the dates of the report. The Commission discussed a memorandum of 12 May 2017 submitted by LB in relation to the draft employee handbook and emerging HR issues relating to mobility, learning and development, policy implementation and line management. The Commission agreed about the importance of having coherent HR policies in order to support effective people management and a high performing workforce within the IHREC and advised the Director that the content of the draft employee handbook should be revised as appropriate, and made readily available to staff. The Commission agreed that now that the post of the Director had been filled, recruitment for the remaining vacancies should be prioritised. [Actn\_19\_01]

The Director briefed members in relation to a settlement agreed in April 2017 in an ESA disability case in which the Commission had provided legal assistance pursuant to S.40 of the IHREC Act 2014. Noting the confidentiality agreement which had been entered into on this matter, the Commission requested that a memo be prepared outlining the reasons for the agreed confidentiality in this case, and any strategic impact of the outcome. [Actn\_19\_02]

The date of 22 June 2017 was confirmed as the date of the next meeting of the Joint Committee between the Irish Human Rights and Equality Commission and the Northern Irish Human Rights Commission, with a venue in Dublin to be confirmed.

Referring to the update in the Director's Report relating to funding from Atlantic Philanthropies, the Commission noted the increasing urgency of this matter, given that funding may have to be returned to Atlantic Philanthropies who are shortly due to discontinue their operations in Ireland. In addition, the Commission reiterated its stance that alternative options should now be prioritised to ensure that the activity originally envisaged for this funding be carried out, especially that which relates to the work of the Joint Committee, as part of normal work planning. [Actn\_19\_03]

*The meeting broke from 12:00 – 12:10, at which point RG joined the meeting.*

## **SECTION 3.0**

### **3.1 UN Committee Against Torture**

A draft submission to the UN Committee Against Torture, which had been circulated in advance was discussed. Members were invited to submit feedback by 31 May 2017. A final draft will be tabled for sign-off at the next ordinary Plenary meeting on 28 June 2017. [Actn\_19\_04]

The Commission noted that the UN Committee Against Torture will hold its 61<sup>st</sup> session from 24 July 2017 – 11 August 2017. During this session, the Committee will consider the second periodic report of Ireland on 27 and 28 July 2017. The Committee will meet with the IHREC for a one-hour private meeting on 26 July 2017.

### **3.2 Submission to Citizens' Assembly**

The Commission considered a draft document in relation to a proposed submission to the Citizens' Assembly in its consideration of how to respond to the title of 'the challenges and opportunities of an ageing population' determined by the Citizens' Assembly. The Commission endorsed the submission, subject to final drafting changes agreed at the meeting. [Actn\_19\_05]

### **3.3 Presentation on Public Sector Duty**

DT and DR joined the meeting, and presented an overview of the current work focus and activity underway in relation to S.42 Public Sector Duty. The presentation outlined key areas of implementation of this statutory function under the headings of: guidance; communication and engagement; capacity building; cross-organisational approach; and consolidation, monitoring and enforcement. The Commission commended the significant progress that has been achieved in raising awareness amongst public bodies of their legal obligation to eliminate discrimination, promote equality of opportunity and protect human rights. In the context of the current housing crisis, the Commission commended the specific efforts undertaken to engage with the Local Government Management Agency and local authorities. Further discussion ensued, and the Commission suggested that future development work in relation to this function might include:

- a) a focus on contracts for services initiated by Public Sector Bodies;
- b) further engagement with the Department of Social Protection;
- c) piloting of other forms of service-user models.

*HFB, DT, and DR left the meeting.*

### **3.4 International Protection Act, 2015**

RG updated members in relation to the available mechanisms to address key concerns, in particular on family reunification, in relation to the commencement of the International Protection Act 2015, and it was agreed that this matter would be discussed in further detail by the Policy and Legislation Committee. [Actn\_19\_06]

*RG left the meeting and MON joined the meeting.*

## **SECTION 4.0**

### ***4.1 Code of Practice: Age Discrimination***

The Commission considered a memorandum of 02 May 2017 submitted by MON in relation to the preparation of a draft code of practice on age discrimination and retirement. The Commission agreed with the approach proposed in the memorandum that guidance be prepared in relation to the use of fixed-term contracts after the normal retirement age, and that this be reviewed at the next Plenary meeting. [Actn\_19\_07]

### ***4.2 Discriminatory Advertising Proceedings***

The Commission considered a memorandum of 08 May 2016 in relation to the proceedings initiated by the Commission under section 23 of the Equal Status Acts 2000 – 2015 in respect of discriminatory advertising on the housing assistance, family status and age grounds as against certain property advertisers. The Commission requested that it be kept abreast of any significant developments in relation to this matter as they arise.

## **SECTION 5.0**

### ***5.1 FOI Publication Scheme***

Pursuant to Section 8 of the Freedom of Information Act, 2014 the Commission approved a publication scheme to reinforce its commitment to make information pertaining to organisational structure, functions/services, decision-making, finance, procurement and FOI routinely available as part of its normal business activities. This scheme commits that the Commission will prepare and publish as much information as possible in an open and accessible manner on a routine basis outside of FOI, having regard to the principles of openness, transparency and accountability as set out in Sections 8(5) and 11(3) of the FOI Act, 2014.

### ***5.2 Corporate Governance Assurance Agreement***

The Commission discussed a final draft Corporate Governance Assurance Agreement, worked on over a number of months, which sets out how the Commission and the Department of Justice and Equality seek to engage in relation to a number of key matters. Subject to final agreed drafting changes, the Commission approved the adoption of this agreement.

### ***5.3 Finance Committee***

The Commission adopted a revised Terms of Reference for its Finance Committee, which determine the authority, responsibility, and specific duties of this committee. Arising from the revised terms of reference, as the Committee will no longer include the Director and the Head of Corporate Services as members, it was agreed that MM would join this Committee.

### ***5.4 Audit and Risk Committee***

The Commission noted the annual report from the Audit and Risk Committee which reported on the key activities undertaken by this Committee in 2016. The Commission adopted a revised Terms of Reference for its Finance Committee, which determine the authority, responsibility, and specific duties of this committee. Arising from the revised terms of reference, which allow the Chief Commissioner be a member of the Audit and Risk Committee, it was agreed that EL would now join this Committee in place of KR.

Noting the increased number of Committees, including S.18 Advisory Committees, it was suggested that a memo in relation to the composition of all Commission committees be prepared to provide oversight of the level of resources required to service them. [Actn\_19\_08]

**SECTION 6.0**

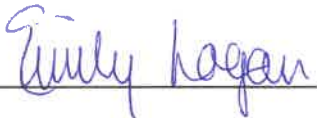
**6.1 Any Other Business**

In reference to Actn\_17\_12, it was agreed that a further meeting would be arranged between LB and TB to discuss how the human rights of women prisoners might be supported by the Commission’s work plan. [Actn\_19\_09]

**6.2 Date of Next Meeting**

The 20<sup>th</sup> Ordinary Meeting of the Irish Human Rights and Equality Commission will take place on the 28 June 2017 at 10:30. Noting the dates for Commission meetings later in the year, it was reconfirmed that meetings would take place on both 20 September 2017 and 06 December 2017, and that consideration would be given as to whether it would be feasible to also hold a meeting in October/November given that the term of certain members was due to conclude on 21 October 2017.

There being no other business, the meeting concluded at 14:30.

Signed: 

Date: 28 June 2017

**Emily Logan, Chief Commissioner**

*Summary of all action points*

No.	Action Point	By Date	By Whom
<b>Actn_19_01</b>	Finalise a suite of clear and coherent HR policies and make readily available to staff, and continue to prioritise recruitment of all remaining vacancies.	Ongoing	LB
<b>Actn_19_02</b>	Prepare a memo outlining the background of the ESA disability case in which the Commission had provided legal assistance, outlining the reasons for the agreed confidentiality in this case, and any strategic impact of the outcome.	Next Plenary	MON
<b>Actn_19_03</b>	Explore methods to support the work of the Joint Committee as part of normal work planning.	Q2/Q3	LB
<b>Actn_19_04</b>	Draft submission to the UN Committee Against Torture to be tabled for sign-off at the next ordinary Plenary meeting on 28 June 2017.	Next Plenary	RG
<b>Actn_19_05</b>	Finalise and submit document to the Citizens' Assembly in its consideration of how to respond to the challenges and opportunities of an ageing population.	May 2017	RG
<b>Actn_19_06</b>	Policy and Legislation Committee to consider the key concerns, in particular on family reunification, in relation to the commencement of the International Protection Act 2015.	May 2017	P&L Committee
<b>Actn_19_07</b>	Prepare guidance in relation to the use of fixed-term contracts after the normal retirement age, for review by Commission.	Next Plenary	MON
<b>Actn_19_08</b>	Prepare a memo in relation to the composition of all Commission committees to provide oversight of the level of resources required to service them.	Future meeting	LB
<b>Actn_19_09</b>	A further meeting to be held between LB and TB to discuss how the human rights of women prisoners might be supported by the Commission's work plan.	Next Plenary	LB/TB