



Implementing the Public Sector Equality and Human Rights Duty

NOVEMBER 2017
CONFERENCE REPORT



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



FOREWORD



Emily Logan

CHIEF COMMISSIONER,
IRISH HUMAN RIGHTS AND
EQUALITY COMMISSION

Foreword

Since the enactment of the Irish Human Rights and Equality Commission Act 2014, the Public Sector Equality and Human Rights Duty has placed a positive obligation on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of their staff and the people to whom they provides services.

The Irish Human Rights and Equality Commission works to raise awareness of the Duty and to share information and learnings with public bodies, guiding them on how they can best meet their obligations in this regard. By doing so, we hope to help public bodies realise the meaningful and impactful changes to service provision and policies envisioned by the Duty, which will positively affect the lives of their staff and the public whom they serve.

In November 2017, the Commission hosted two major conferences on the Duty. The purpose of these was to assist public bodies to understand their statutory obligations under Section 42 of the *2014 Act*, to network and to share good practice. We were extremely encouraged that almost 300 people from public sector bodies and civil society organisations from across Ireland convened to consider what the Duty means in practice for their organisation and how they can begin to implement it into their work.

The Duty, in addition to being a statutory obligation, offers real opportunities for public bodies to show leadership by taking a proactive approach to equality and human rights. This can have real outcomes for both people availing of services and for staff. Implementing the Duty allows public bodies to reflect on, and enhance, their organisational culture and values, and to inform their policies and practices across the functions of the organisation. This is particularly significant as public bodies are grappling with the challenges and opportunities arising from transforming public services in the context of advances in communication and technology and increased diversity within society and within their organisations.

Importantly, the Duty aligns with public sector values and the vision and aspirations of public sector reform. These are set out in the Department of Public Expenditure and Reform's Strategy *Our Public Service 2020* which includes important themes such as

Delivering for Our People, Innovating Our Future and Developing Our People and Organisations.

With this conference report, the Irish Human Rights and Equality Commission hopes to share the learnings that were identified at the events, and convey the energy and excitement surrounding the Public Sector Equality and Human Rights Duty. We at the Commission are committed to assisting the public sector as it begins the process of implementation and look forward to seeing the Duty become a central tenet of public service in Ireland.

Emily Logan,
Chief Commissioner
Irish Human Rights and Equality Commission



Keynote Panel Discussions

The events featured interactive, high-level panel discussions, with speakers bringing international, national and rights-holder perspectives. Chaired by Emily Logan, Chief Commissioner of the Irish Human Rights and Equality Commission, the panels discussed why is it important for public bodies to have a focus on equality and human rights and the key factors influencing successful implementation of the Duty in other jurisdictions. Emphasising the the relevance of the Duty across different functions of public sector organisations, the keynote panels highlighted how the Duty can support the realisation of organisational mission and values, and make a real difference to people's lives.

KEYNOTE SPEAKER



Paul Dempsey

ASSISTANT SECRETARY,
REVENUE

Paul Dempsey, Assistant Secretary, Revenue

As Revenue is one of the pilot sites for the Public Sector Equality and Human Rights Duty being supported by the Commission, Paul Dempsey had insights to share from the perspective of a public body actively implementing the duty into its work.

- Fairness and efficiency are key to the work of Revenue, and part of its mission statement. In much in a similar fashion, **human rights and equality contribute to the effectiveness of the organisation**. Central to this is the ethos of treating customers without favouritism or discrimination, which ensures an essential trust.
- Some of the actions being taken at Revenue at the early stages of implementation.
 - **“Tone from the top”** - the duty was explicitly endorsed by management
 - **“Core to what we do”** - implementation meant the duty being integrated into existing policies and structures, rather than creating separate and new structures
 - **Finding champions from across the organisation** - the establishment of a cross-divisional working group

KEYNOTE SPEAKER



Seamus Taylor

LECTURER IN SOCIAL POLICY,
MAYNOOTH UNIVERSITY

“

It is in the dullness of daily delivery that change happens: going from fair to good, to good to great. Stick with it.

”

Seamus Taylor, Social Studies, Maynooth University

Seamus has experience implementing an equality duty into the work of the Crown Prosecution Service in the UK, and is now doing the same at Maynooth University.

- Many **public sector values** – integrity, fairness, independence, service-commitment – already align with purpose of the duty.
- Up until now equality and human rights law has been focussed on the individual, and recourses of action for individuals when they have been wronged. This is reactive in nature. The duty however, changes things. This is **a deep-set and structural approach to equality and human rights** which can be achieved through forward-thinking, planning, assessing issues.
- Three compelling reasons to begin implementation of the Public Sector Equality and Human Rights Duty stand out:
 1. **the ethical reason** – it is the right thing to do
 2. **the legal reason** – public bodies are obliged to do so
 3. **the business case** – equality and human rights are good for organisations and efficacy, and ensure that public money is spent in the most equitable way possible. Risk management also benefits. Working with the duty could bring about a situation where public bodies are seeing less complaints, because they have anticipated problems that may arise, and proactively ensured the best policies and service delivery.
- The advice of the Commission has been to **Assess, Address, Report** – this aligns closely with the statutory requirements of the duty.
- Maynooth University is currently undertaking the process of mainstreaming the duty across the organisation. This offers a chance for greater coherence in Maynooth University's equality work, as well as a chance to reflect.
- **Prioritising issues** is key. An assessment should be carried out by identifying whether an issue is of high, low or no relevance to equality and human rights. When assessing relevance, it is helpful to think of the “people impact” as the defining feature.

- Once this assessment is complete, look at the core functions of service provision and HR in the organisation, and devise a manageable list for the next five years: a prioritisation approach.
- The duty encourages **inclusive policy making**. When bringing about a policy, there should be an “inclusive design phase” which includes diverse groups in the early stages via consultation, rather than conducting an equality impact assessment afterwards.
- In combatting pushback, visible leadership and the value of evidence are invaluable.

KEYNOTE SPEAKER



Dilys Jovenat

WALES COMMITTEE,
EQUALITY AND HUMAN RIGHTS
COMMISSION WALES

Dilys Jouvenat, Wales Committee, Equality and Human Rights Commission

Wales

Dilys Jouvenat is the former Equality, Diversity and Social Justice Team Manager with Rhondda Cynon Taf County Borough Council, the second largest local authority in Wales.

- Wales has had an equality duty for public bodies in place since 2010. At the early stages of implementation the task seems daunting. A **strategic and supported approach** has meant that seven years later, the duty is seen to be embedded into the work of public bodies.
- The importance of **working with other public bodies** to understand where and how best to begin implementation should be stressed. It can be helpful for public bodies to stop and assess what services they provide or policies they have that currently meet the requirements of the duty and are designed to eliminate discrimination and ensure equality.
- Data collection has a vital importance. This facilitates the creation of **evidence-based policies** and approaches.
- **Consultation**, speaking with the people who use public services, was the best way of understanding how your services can be improved to ensure equality.

KEYNOTE SPEAKER



Dr Carol Baxter

ASSISTANT SECRETARY,
DEPARTMENT OF JUSTICE
AND EQUALITY

Carol Baxter, Assistant Secretary Department of Justice and Equality

Carol Baxter is an Assistant Secretary in the Department of Justice and Equality.

- The Duty is **a crucial responsibility**, which builds on previous work of public bodies, giving examples from the area of disability and the previous public sector equality learning network.
- In the Department of Justice and Equality, **a cross-function approach** has been important to implementing the Duty. It quickly became apparent that working collaboratively across the organisation was necessary and to achieve this a working group was established.
- The duty has become **a very useful tool** in making improvements to policies and services. Some of the areas in which the Department has already begun to utilise the requirements of the duty include the asylum application process, and funding programmes. Further, the Department is now threading the Duty into strategies and policies. For example it is referred to in the National Strategy on Women and Girls.
- **Evidence and consultation** were emphasised as being critical for implementation of the Duty. Public bodies are often operating in a manner which is reactive to priority problems. Often this can mean that meaningful consultation and assessment are precluded. As a result, public bodies can risk replicating their own assumptions, and building policies lacking a solid evidence-base.
- The Duty should be **beneficial to service users, but also for staff and morale**. It lets public servants know what they are doing is worthwhile.

KEYNOTE SPEAKER



Martin Collins

CO-DIRECTOR,
PAVEE POINT

“

“The Public Sector Equality and Human Rights Duty does have the potential to be transformative in terms of human relations, in terms of respect for human rights and equality, and in respect of diversity”.

”

Martin Collins, Co-Director, Pavee Point Traveller and Roma Centre

Martin Collins is the Co-Director of Pavee Point Traveller and Roma Centre, and has been an important voice in civil society for over 30 years.

- Travellers and people from ethnic minorities face discrimination in accessing services from both the private and public sector. **Discrimination in the public sector** is often unconscious and through thoughtlessness. The proactive approach of the Duty to anticipate issues has great potential to improve the experiences of many accessing public services.
- Achieving the massive potential promised by the duty requires a **collaborative approach**, working with civil society. A participatory approach is needed. The consultation by the Department of Justice on the National Traveller and Roma Inclusion Strategy is a good example of civil society working in a participatory way with a public sector organisation.
- The Public Sector Equality and Human Rights Duty is about creating **cultural and institutional change**. This could be achieved in part by introducing equality impact assessments and more structured equality training. Crucially, the Duty requires visible leadership at an early stage from the senior teams of public bodies.

KEYNOTE SPEAKER



Kristi long

EQUALITY AND
DIVERSITY ADVISER,
NHS EDUCATION FOR
SCOTLAND

Kristi Long, Equality and Diversity Adviser, NHS Education for Scotland

Kristi is an Equality and Diversity Adviser for NHS Education for Scotland, working on issues pertaining to equality and diversity in workforce development and inclusive education.

- The Duty has an inherently strategic approach – **Assess, Address, Report**. It is clear what the duty requires public bodies to do.
- Part of implementation could be achieved by **thinking in terms of the outcomes** a public body wants to see. Outcomes should be defined, and understood to be achieved at a relevant level within a set time-scale.
- **Mainstreaming** equality and diversity in a workforce is envisioned by the duty. One way of doing this is to look at performance management and personal review. The delivery of equality or diversity in the context of a particular role is one way of approaching this, as well as asking: what the particular objectives might be; what needs to flow down a department; what needs to be delivered in a service?
- **Staff development** processes have a role to play in achieving the goals of the duty. Education and training can help staff understand what can be otherwise difficult or complex topics, and make issues tangible and real.



Workshops

Hands-on workshops provided attendees with the opportunity to dig deeper into the issues that face their organisations and empowered them to begin the process of implementing the duty.

In order to set the context, the workshops included presentations from different organisations. The presentations were based on pilot projects that the Commission is undertaking with two local authorities (Monaghan County Council and Cork City Council), University College Cork, The Probation Service, Community Action Network and a project funded under the 2016 grant scheme with Longford Community Resources Ltd.

In general, the workshops were chaired by a representative from a rights holder organisation to ensure that discussion among participants took account of both the public body and rights holder perspective in discussion. Feedback, based on the questions set out below, was as follows.

What supports do you think would assist your organisation to implement the Duty?

Data and Evidence

Leadership and commitment from Government Departments

Awareness raising of the Public Sector Equality and Human Rights Duty

Leadership and organisational buy-in

Organisational structures being put in place

Engagement with civil society to identify and understand equality and human rights issues

Staff champions for equality and human rights

Support from IHREC to raise awareness, gain commitment, share ideas and provide guidance and tools

Training and capacity building to develop shared understanding of equality and human rights

A diverse workforce

Personnel, financial resources and time commitments.

Toolkits and guidance

Sanctions and non-compliance mechanisms

Imagine 5 years from now: What positive differences would implementing the Duty have for your organisation, for persons to whom it provides services and for staff?

Enhanced awareness of equality
and human rights

Service delivery informed by
engaging with service users

Inclusive, accessible services

Organisational culture reflecting
equality and human rights

Diversity of service users
understood

Staff feeling valued and
supported

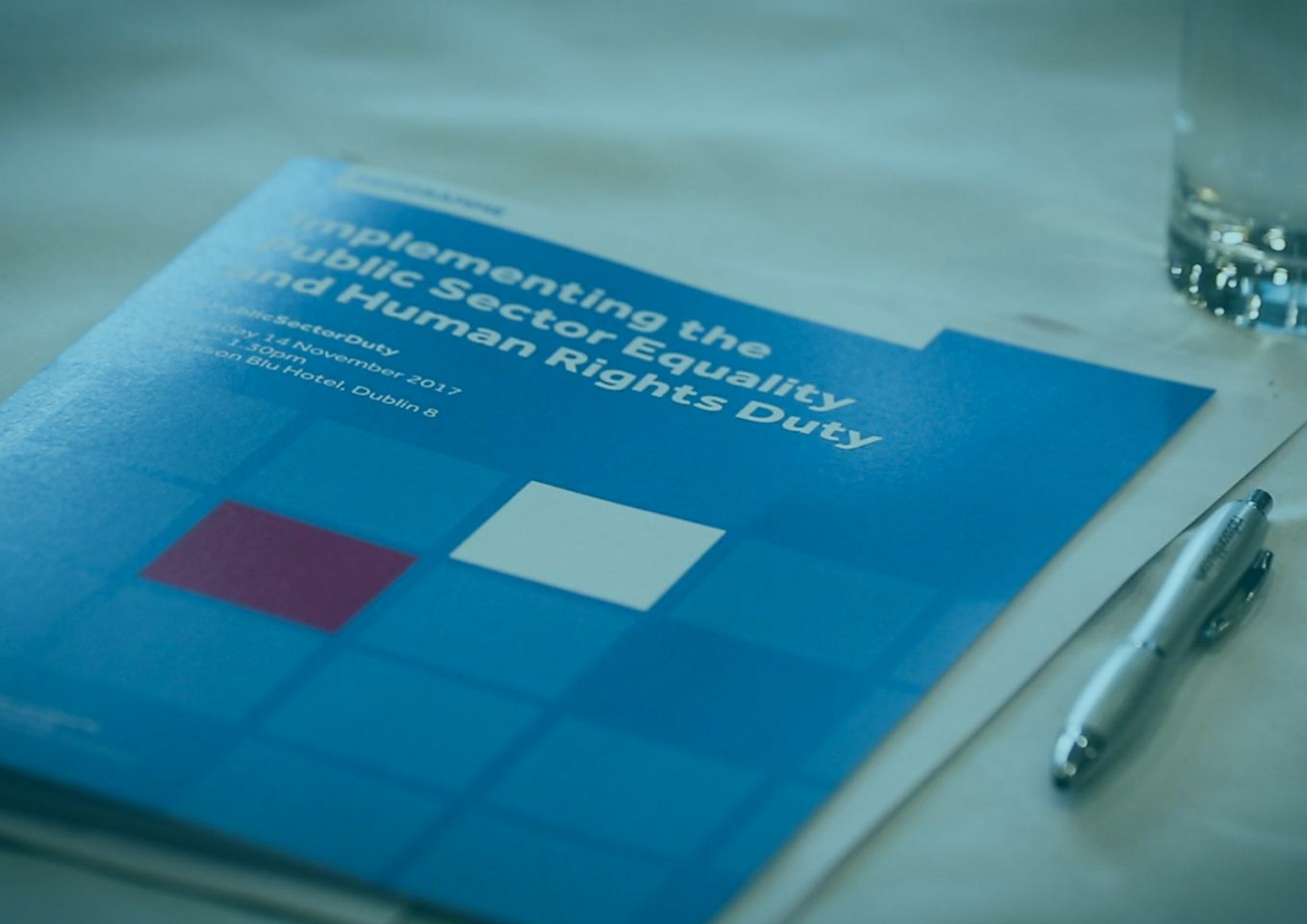
The Duty bringing about
broader societal change

Diversity reflected in staff
profile

Increased capacity and training
on equality and human rights

Evidence-based approach to
addressing issues

Equality and human rights embedded by way of senior
level leadership, accountability and organisational
structures and policies



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