

# Public Sector Equality and Human Rights Duty

Eliminating discrimination, promoting  
equality and

## Implementing the Public Sector Equality and Human Rights Duty in Local Authorities

SEPTEMBER 2018  
CONFERENCE REPORT



Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas

Irish Human Rights and Equality Commission



AN GHNÍOMHAIREACHT BAINISTÍOCHTA RIALTAIS ÁRTHOIL  
LOCAL GOVERNMENT MANAGEMENT AGENCY



The role of local government has changed significantly in recent years, with an important focus on social and community development. Local government plays a vital role in, not only the delivery of essential services, but in the growth and development of connected, inclusive communities and sustainable regional economies. With an overarching purpose "to promote the well-being and quality of life of citizens and communities", local authorities are uniquely placed to drive real improvements in the lives of people. As a result, local authorities have a critical role to play in ensuring that policies, practices and service delivery reflect the diversity of the communities which they serve.

Public bodies in Ireland have a responsibility to take account of equality and human rights when they are carrying out their daily work. This is reflected in the Public Sector Equality and Human Rights Duty (the Duty), a statutory obligation set out in Section 42 of the Irish Human Rights and Equality Commission Act 2014. This provision places a legal obligation on public bodies, which includes local authorities, to promote equality of opportunity, prevent discrimination and protect the human rights of their employees and service users. This provides an important opportunity for local authorities to enhance outcomes for staff, customers and people affected by their policies and plans by building on good practice and embedding equality and human rights into their way of working.

In 2016, the Irish Human Rights and Equality Commission approached the LGMA to explore how to raise awareness and support implementation of the Duty in the local authority sector. Utilising its expertise and ongoing engagement with the sector, LGMA identified two local authorities to participate in a pilot project. This was done with a view to informing the Commission's guidance to public bodies and supporting implementation of the Duty across this key sector. Both pilot projects started in May 2017 and were completed in June 2018. This conference, held in September 2018 provided an opportunity to showcase and disseminate the learnings of these pilot projects from the two local authorities – Cork City Council and Monaghan County Council – and provide networking opportunities for local authorities and space to share knowledge and good practice.

Section 42 of the IHREC Act 2014 places the Duty in the context of strategic planning. It requires public bodies to set out an assessment of the equality and human rights issues relevant to its purpose and functions in its strategic plan, in a manner that is accessible to the public.

This event was organised in the context of upcoming corporate planning cycles for local authorities, and the Department of Housing, Planning and Local Government's forthcoming guidelines for to local authorities for the development of Local Authority Corporate Plans.



# Introduction to the Duty

**Laurence Bond**

*Director*

Irish Human Rights and  
Equality Commission

Laurence invited attendees to view this event as an opportunity to consider what the Duty means for local authorities and how it can be implemented in practice.

Section 42(1) requires public bodies to have regard to the need to

- eliminate discrimination
- promote equality of opportunity and
- protect human rights

of staff and persons to whom they provide services when delivering on their functions.

Implementing the Duty supports organisations to anticipate and respond to the needs of both service users and staff with a view to eliminating discrimination, promoting equality and protecting human rights. This proactive approach helps to enhance the quality, inclusiveness, accessibility and accountability of public services. It also supports a positive working environment for staff which encourages staff retention and helps to improve staff morale, productivity and innovation.

Importantly, implementing the Duty encourages organisations to give expression to equality and human rights values, taking into account their purpose and key public sector values. This assists both staff, service users and members of the public to have a shared understanding about the organisation's commitment to equality and human rights in concrete terms within its day-to-day work. In this sense, the Duty drives positive cultural change within organisations.



Local authorities have a critical role to play in ensuring that policies, practices and service delivery reflect the diversity of the communities which they serve. The Public Sector Equality and Human Rights Duty can support them in this role.



To date the Commission's priority focus in relation to the Duty has been to raise awareness and support implementation through guidance, pilot projects, ongoing engagement with public bodies, provision of grants and education.

Implementing the Duty has the potential to stimulate proactive approaches to equality and human rights at strategic planning level and in annual work plans.

An assessment of equality and human rights issues leads to recognition of the need to better understand the experience and diversity of staff and service users, to ensure dignity in the workplace and to improve access to services.

Recognising the valuable work that local authorities do around the country, it is important that key challenges do not go unnoticed. This includes the need to think about

- how to ensure inclusion and provide reasonable accommodation for people with disabilities in the workplace and when accessing services, including people with mental health difficulties.
- the diversity of people with long term social housing, emergency accommodation or specific needs that take into account their ethnicity and cultural traditions.

Responding to the challenges that emerge is complex, particularly in a context where competing priorities need to be met within resource constraints.

Implementing the Duty can help provide a positive framework to navigate these challenges and also helps to ensure that local authorities are compliant with equality and human rights law.



## Setting the context for local authorities

**Eamonn Hunt**

*Assistant Chief Executive  
Employee Engagement  
Local Government  
Management Agency*

Eamonn noted that when the LGMA were approached by the Irish Human Rights and Equality Commission, they were delighted to assist in the identification of the pilot project sites for local authority implementation of the Public Sector Equality and Human Rights Duty.

The LGMA view the Duty as very relevant to the day to day business of local authorities. As a sector, local authorities are already endeavouring to achieve much of what is envisaged by the Duty. This includes, for example, how they respond to, and provide services for, a diverse population in local communities. Eamonn noted that this event was happening at an opportune time, when the 31 local authorities across Ireland can incorporate the Duty in their Corporate Plans in 2019, taking account of the equality and human rights issues for staff and service users when delivering on local authority functions.

He encouraged local authorities to embrace the Duty as an opportunity. The Duty can be seen as a framework for achieving what they are already progressing and to improve the way they work and provide services for the benefit of staff and the public. This can be embedded into the policies of an organisation, and importantly, the culture of how it works.

An early and central task that can be undertaken in the process of implementing the Duty, is learning to understand people's natural biases, and how these pertain to certain issues or groups, for example with regard to mental health, gender, people from different nationalities or ethnic groups or people with disabilities. Eamonn spoke about how empowering staff to understand this is a strong first step in recognising how diversity and equality are imperative for service delivery and human resources.

“ Implementing the Public Sector Equality and Human Rights Duty is important, not just because it is a statutory duty but because it is the right course of action for local authorities to follow in order to achieve their vision of connected and inclusive communities

Eamonn Hunt, Assistant Chief Executive, Employee Engagement, LGMA

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“ This event provides an important opportunity for local authorities across the country to consider their statutory Duty in the development of upcoming Local Authority Corporate Plans. Section 42 of the IHREC Act 2014 requires public bodies to include an assessment of equality and human rights issues in strategic plans.

Louise Purcell, Dept. of Housing, Planning and Local Government

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## The Duty and Local Authorities Corporate Plans 2019-2024

**Louise Purcell**

Department of Housing,  
Planning and Local  
Government

Louise spoke about the Public Sector Equality and Human Rights Duty in the context of the next Corporate Planning cycle for the Local Authorities, and the opportunity this presents to incorporate the Duty in a concrete way into their work.

As the Department is preparing to issue guidelines for Local Authorities Corporate Plans 2019-2024, the need for Local Authorities to embed the Duty in their organisational plans will be highlighted, as the Duty is orientated towards the needs of staff and service users.

According to Section 134(6) of the Local Government 2001 Act, “an organisational wide strategic approach encompassing the various activities of the local authority” is required. Corporate Plans have to be aligned with relevant strategies and plans, particularly with the local economic and community plans, as well as Local Community Development Committees (LCDCs) and Public Participation Networks (PPNs).

The Department is currently working on the development of guidelines to issue in early 2019 and will liaise with the Irish Human Rights and Equality Commission, in order to highlight the obligations of local authorities regarding the Public Sector Equality and Human Rights Duty.



## Supporting Implementation of the Duty

Deirdre Toomey,  
*Public Sector Duty Manager*  
Irish Human Rights and  
Equality Commission

As Public Sector Duty Manager at IHREC, Deirdre has engaged with public bodies across key sectors to raise awareness and support implementation of the Duty. She outlined what the Duty requires of public bodies, and how the Commission can assist public bodies to realise this. She introduced the pilot projects undertaken by Monaghan County Council and Cork County Council, to set the context for the detailed presentations on experiences of implementing the Duty by the two local authorities.

### What public bodies are required to do

Section 42(2) of the Irish Human Rights and Equality Commission Act 2014 sets out what public bodies must do to while implementing the Duty. In summary, this requires a public body to: **Assess, Address, Report**

**Assess:** Set out in its strategic plan an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body, in a manner that is accessible to the public.

**Address:** Set out in its strategic plan the policies, plans and actions in place or proposed to be put in place to address those issues, in a manner that is accessible to the public.

**Report:** Report on developments and achievements in annual reports, in a manner that is accessible to the public.

## The Commission's role

Deirdre outlined what the Commission can do to assist organisations to achieve meaningful implementation of the duty. Section 42(3) provides for the Commission to give guidance to public bodies in developing policies of, and exercising, good practice and operational standards in relation to, human rights and equality. Similarly, section 42(4) provides that the Commission may issue guidelines or prepare codes of practice.

Under section 42(5), the Commission may, in certain circumstances, invite public bodies to carry out a review in relation to the performance by that body of its functions, and prepare and implement an action plan in relation to the performance by that body of its functions. These reviews or action plans may be general or have a specific focus related to an aspect of human rights and equality.

### Implementing the Public Sector Equality and Human Rights Duty: a three-step approach



## Pilot Projects

Key to the day's discussions, were the pilot projects which had been undertaken, particularly focusing on those with two local authorities, namely Monaghan County Council and Cork City Council. Deirdre noted the assistance of the LGMA in identifying the pilot sites. Pilots were also undertaken with the Irish Prison Service, Probation Service and University College Cork.

## Pilot Project Model

A model was developed to ensure the implementation of the duty was being undertaken in the most effective and meaningful way possible.

- Early and continuing engagement with Senior Management Team: getting 'buy-in'
- Establishment of working group: embedding responsibility and enthusiasm across the organisation with members of staff representing the organisation as broadly as possible
- First workshop: understanding and reflecting on equality and human rights, and bringing about a shared understanding of what these mean to the organisation.
- Second workshop: identifying equality and human rights issues across organisational functions
- Final workshop: prioritising issues and identifying actions.

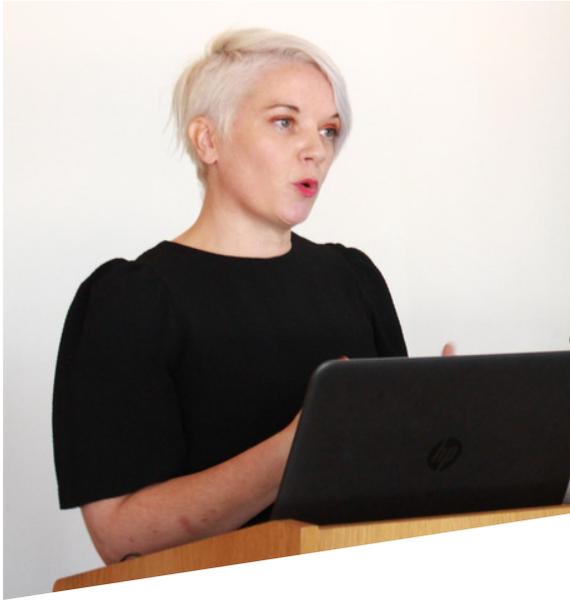
## Structures and engagement

There were common features to each of the pilot projects in terms of how the implementation was structured and staffed within the organisation, and also with regard to the engagement that was undertaken with staff.

- Cross organisational structure – implementation was taken up across the organisation's functions and teams and across grades and levels of seniority.
- Ongoing engagement with drivers across the organisation whose work is of particular relevance to the issues identified
- Regular engagement with Senior Management at key points

Other approaches were also taken across the pilot projects, particularly with regard to engagement

- Town hall style staff consultation – Cork City Council
- Workshop with heads of departments – Monaghan County Council
- Involvement of service users (women prisoners) in the working group – Irish Prison Service
- National steering committee and working groups – Irish Prison Service
- Equality, Diversity and Inclusion Unit as main driver – University College Cork



## Implementing the Duty in Monaghan County Council

**Bernie Bradley**

*Social Inclusion Officer*

Monaghan County Council

An outline of the process that was undertaken in Monaghan County Council gave representatives from local authorities an insight into how they could begin implementing the Duty into their work.

### Initial steps

Monaghan County Council invited staff from the Commission to present to the senior management team on the Duty, and provide them with some early guidance on bringing it into their work. Following this, the senior management team agreed to establish a cross-directorate committee, representing broadly the functions of the authority.

### Workshops

This committee participated in a number of workshops and later a forum with senior staff. Throughout this process, senior management received monthly updates and met with the committee to discuss progress. In between workshops, support was given to staff to support their participation in the next workshop and follow up any issues from previous meetings.

The first workshop saw the committee conduct an exploratory session on the values inherent in human rights and equality which were of particular relevance to the work of Monaghan County Council. Here, committee members established a shared understanding of what human rights and equality meant in the context of their organisation. These were:

- **Dignity:** Respect and care between customers and staff
- **Equality and Non-Discrimination:** Equal treatment and promoting equality of opportunity and respect for diversity

- Inclusion and diversity: Cultural awareness and understanding of the situation, experience and identity of people from particular groups
- Fair Practice: Ensuring fairness is central to policies and practices

The second workshop saw the committee identifying and prioritising human rights and equality issues from across the organisation. These included actions aligned under the headings: Service Delivery, Mental health, Staff, Dignity and Accessibility.

Lastly, the final workshop saw the Committee focus on developing an Action Plan regarding the issues identified, and an Implementation Strategy. Some of the actions identified include:

- Raise awareness and build capacity across the organisation about equality and human rights and what it means for a local authority
- Communicate to all staff an ongoing commitment to the application of policies such as the Dignity at Work policy and communicate the complaints policy and procedure under Dignity at Work policy
- Devise an approach to outreaching and engaging with diverse communities in Monaghan to better understand the issues and obstacles they may encounter when accessing Council services.
- Develop and apply an equality proofing template / guide to existing and future corporate plans, service delivery plans and policies.

“The Public Sector Duty supports local authorities to understand the diversity of the communities they serve and to ensure our services and our staff can respond to and support the needs of all our citizens

Eamon O’Sullivan, Chief Executive, Monaghan County Council

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## Implementing the Duty in Cork City Council

**Ann Doherty**  
*Chief Executive*  
Cork City Council

Ann Doherty provided an introduction and some context to the Cork City Council pilot project. While it largely followed the same model as Monaghan County Council in the implementation of the Duty, some key distinctions were flagged and these related mostly to the challenges of the urban setting. Cork City is Ireland's second city, with a population of over 250,000. People from all over the globe live there, with about 50 languages being spoken throughout the city.

Scoping out the extent of the project, an initial task was to identify and build upon the human rights and equality infrastructure already in place. The project then sought to assess the human rights and equality issues across all Council functions and services for both customers and staff, and put in place policies, plans and actions to address the issues identified.

The importance of Senior Management Team's commitment from the outset was key to ensuring the Duty's ethos was embedded in the activities of Cork City Council. This also lends toward ensuring that equality and human rights are integral to the corporate planning process in 2019.



## Implementing the Duty in Cork City Council

**Michael Burke,**  
*Assistant Head of Human Resource Management and Organisational Reform*

Michael discussed the setting up of the pilot project in Cork City Council.

### Setting Up of the Working Group

A group of seven members of staff were selected from a cross-section of directorates to cover a wide range of City Council activities. These included representatives from: Environment & Recreation; Housing & Community; Roads & Transportation; Corporate & External Affairs; Human Resources Management & Organisational Reform.

### Workshops

Workshop one concerned developing a shared understanding of what equality and human rights means to Cork City Council. This focused on two questions: What equality and human rights values are important for Cork City Council? What do these values mean in practice for Cork City Council?

Workshop two saw the Working Group assess what were the current human rights and equality policies and practices in place. These included the provision of social, recreational and educational services, social housing and associated policies; social inclusion, outreach and welfare policies, access groups; engagement with the Traveller community; human resources policies; diversity and inclusion events and more.

Then an assessment was undertaken of priority issues to be addressed in relation to Human Resources and Corporate Services, Service Delivery, Policy Making and Budgetary Decision Making and Procurement.

A large staff consultation event was held. This saw interactive workshops undertaken with more than 40 staff from all grades in the Council. Feedback attained here contributed to the assessment process.

Workshop 3 then allowed the group to start the process of prioritisation of issues and actions and begin developing an action plan. Among these were

- Develop staff awareness & training on equality and human rights issues
- Conduct a staff engagement survey with particular reference to staff experiences and perceptions in relation to dignity, diversity, disability and mental health matters
- Develop a communication and consultation strategy with customers and stakeholders

“The Public Sector Equality and Human Rights Duty assists local authorities to ensure that the dignity of staff and services users is central to how it carries out its work.”

Ann Doherty, Chief Executive, Cork City Council



## Implementing the Duty: A Rights Holders Perspective

**Cecilia Forrestal**  
Community Action  
Network

Cecilia Forrestal gave an insight into the service users' perspective in applying a rights holder approach to the implementation of the Public Sector Equality and Human Rights Duty within Local Authorities.

Cecilia introduced the current project being undertaken by CAN on building a collaborative environment between tenants and local authorities. This work builds on the collective complaint taken by tenants, CAN, The Centre for Housing Law, Rights and Policy (NUI Galway), Ballymun Community Law Centre and in collaboration with PILA and FIDH, to the Council of Europe, under the Revised European Social Charter regarding the human rights issues for tenants in local authority housing. The substance of CAN's collective complaint was based on three major arguments:

- Failure to adopt Social Charter rights within legal, policy and administrative frameworks of housing for Ireland
- Adequacy, habitability, and suitability of some Local Authority housing
- Regeneration programmes do not respect housing provisions and other rights in the Social Charter

In October 2017, the European Committee of Social Rights found that the Irish Government has failed to take sufficient and timely measures to ensure the right to housing of an adequate standard for a significant number of families living in local authority housing, and therefore it held that there is a violation of Article 16 of the Charter in this respect.

Cecilia reiterated the importance of consultation for the purposes of finding out equality and human rights issues relating to tenants' experience of local authority housing such as inequality, neglect, dignity, social and economic disadvantage. Cecilia highlighted the benefit of local authorities engaging with rights holders to support implementation of the Public Sector Equality and Human Rights Duty.

Robust structures in place

Duty fully integrated into service delivery

Opportunity to shape community participation

Positive working environment

Staff feeling valued

Earlier involvement in plans

Better use of the work of PPNs

Meaningful measures and outcomes

Easily understood communications

## **What positive difference would implementing the Duty have for your organisation, for persons to whom it provides services and for staff?**

More realistic policies which reflect diversity

Equality among stakeholders

Relevance to communities

Being a "listening" organisation

Saving money, time and resources

Improved quality of life

The Local Authority is embedded in the community, not operating `outside`

Proactive work rather than reactive

Improved consultation leading to better outcomes

More diversity in political representation and staffing

Specialist support from  
IHREC and the LGMA

Guidance materials

Allow staff to understand  
the needs of others

Staff feeling valued

Networking within the  
local government sector  
and shared learning

Senior management  
support and engagement

Learning from other Local  
Authorities

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

Modernising systems

Consistent approach across  
the sector (ie. Translation,  
availability of documents in  
different languages)

Time and space to positively  
engage in the process

Equality proofed legislation  
to enable operation at local  
level

Training and awareness

Chief Executive and Senior  
management `buy-in`  
across all directorates



**Coimisiún na hÉireann um Chearta  
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QUESTION 1  
- MORE REALISTIC POLICIES (INCL) DIVERSITY  
- MORE UNDERSTOOD COMMUNICATIONS

