

Implementing the Public Sector Equality and Human Rights Duty



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



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Public Sector Equality
and Human Rights
Duty

27th of November 2019
Twitter: @_IHREC
#PublicSectorDuty



The Public Sector Equality and Human Rights Duty

Section 42 Irish Human
Rights and Equality
Commission Act 2014





What is the Public Sector Equality and Human Rights Duty?

S42 of the Irish Human Rights and Equality Commission Act 2014



Number 25 of 2014

Irish Human Rights and Equality Commission Act 2014

Public bodies

42. (1) A public body shall, in the performance of its functions, have regard to the need to—
- (a) eliminate discrimination,
 - (b) promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
 - (c) protect the human rights of its members, staff and the persons to whom it provides services.

What do Public Sector Bodies have to do?



In summary, S42(2) of the IHREC Act 2014 requires a public body:

1. To 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**.

2. To 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**.

3. To report



Report on **developments and achievements** in relation to 1 and 2 above in its **annual report**, in a manner that is **accessible to the public**.



The Strategic Planning Cycle

The Duty is an **ongoing** obligation on public bodies, which **must be incorporated as part of an organisation's overall strategic planning cycle.**

42(2)(a) of the IHREC Act 2014 requires an organisation to **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 and the **policies, plans and actions in place or proposed to be put in place** to address those issues”.





What are key human rights and equality obligations on public bodies?

- Equality legislation primarily under the Employment Equality Acts 1998-2015 and Equal Status Acts 2000-2015)

Human Rights for the purpose of the Duty include: Rights and freedoms of individuals protected by

- the Irish Constitution;
- by the European Convention on Human Rights Act 2003;
- by provisions in other international treaties which have been given “the force of law” in Ireland.





Across the Functions

The Duty applies across the functions of the organisation

- **Organisational Planning / Corporate Services**
(strategic planning, budget allocation, procurement, grant funding)
- **Human Resources** *(recruitment, HR policies and practices, staff capacity building)*
- **Service Provision** *(delivery of a service or engagement with key stakeholders)*
- **Research and Policy**
- **Regulatory & Oversight Functions**



Reflecting on Values

Implementation of the Duty can **assist** an organisation to define, and give expression to, **equality and human rights values** related to its purpose, and to key public sector values.

Explicit equality and human rights values can **motivate and guide** public bodies to assess and address equality and human rights issues relevant to their functions.





Guidance for Public Bodies

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Implementing the Duty: a three step approach







Step 1: Assess

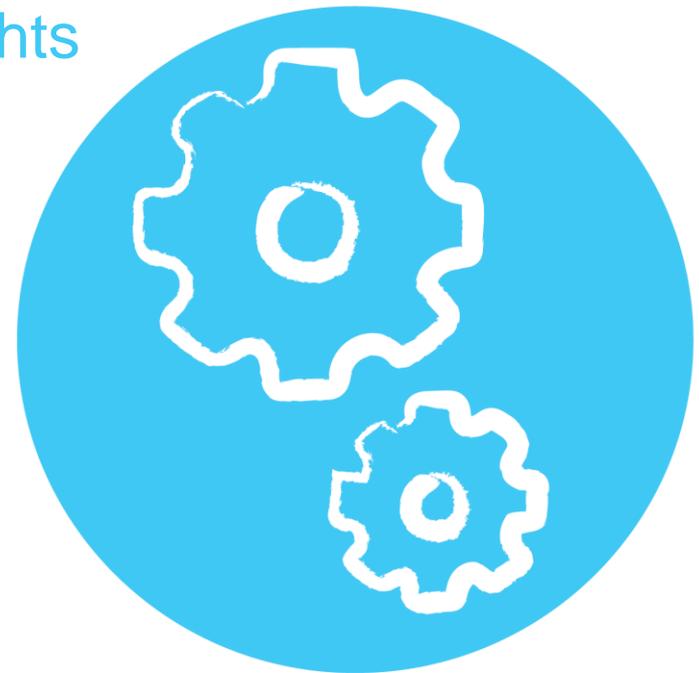
Take Action

Stages for conducting a Human Rights and Equality Assessment

There are **three stages** to consider when undertaking the Human Rights and Equality Assessment.

It involves:

1. **Identifying** human rights and equality issues
2. **Identifying structures and initiatives in place** to support human rights and equality
3. **Prioritising areas for action**



*Inform the Strategic Cycle
(planning implementation
evaluation)*



Evidence Based Assessment

Examples of External Sources of Information

- Consultation with staff and service users
- Data from Central Statistics Office
- Reports and research from Economic and Social Research Institute (ESRI) and the Commission
- Cases taken to Workplace Relations Commission under employment equality and equal status legislation
- Civil society organisations reports / submissions



Evidence Based Assessment

Examples of Internal Sources of Information

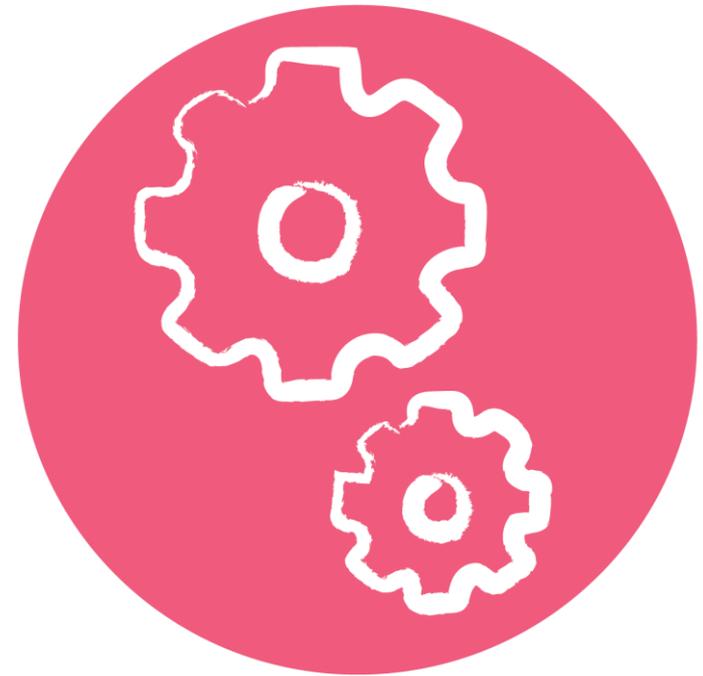
- Organisation evaluations
- Staff and customer surveys
- Risk management register
- Complaints received
- Research and other commissioned reports



Step 2: Address

Take Action

Agree priority actions to address equality and human rights issues identified



Identify Equality & Human Rights issues



Consider & prioritise actions



**Include actions in Strategic Plan,
Annual Work Programme -
budget, staff roles**

The Duty and existing public policy, strategies and procedures

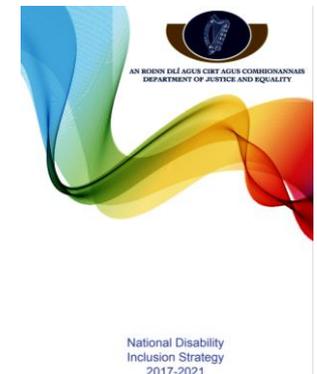
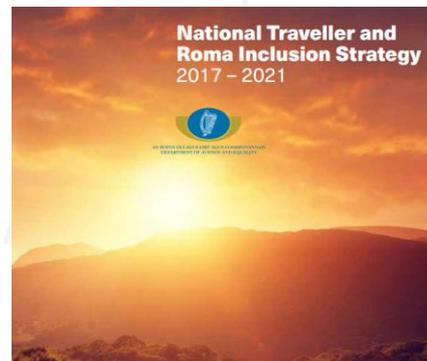
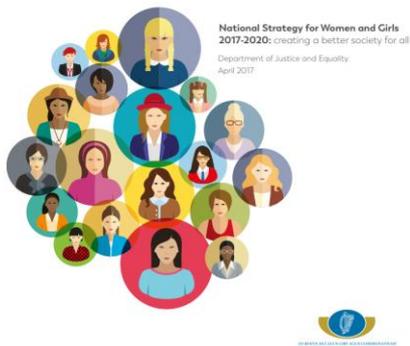


National Policy Commitments

The State has already committed to progressing human rights and equality through a number of national plans and strategies. These include:

- *The National Strategy for Women and Girls 2017-2020*
- *The National Traveller and Roma Inclusion Strategy 2017-2021*
- *The Migrant Integration Strategy: A Blueprint for the Future*
- *The National Disability Inclusion Strategy 2017-2021*
- *The National Action Plan for Social Inclusion 2018-2021*
- *The Quality Customer Services Initiative (OPS 2020)*

Where the commitments contained in these plans and strategies fall to a public body or bodies, implementing the Duty can provide a coherent framework for progressing actions.



The Duty and existing public policy, strategies and procedures



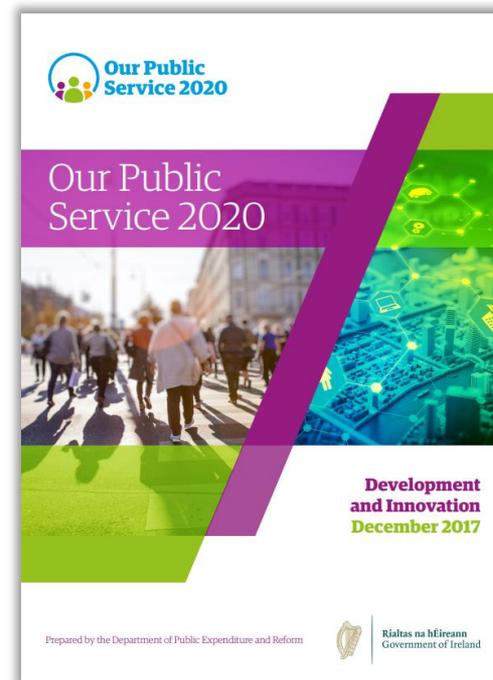
Public sector reform

The public service is central to economic and social life in Ireland

Implementing the Duty provides a **useful framework to support public sector reform objectives.**

Public sector reform is built on three pillars set out in ***Our Public Service 2020***:

1. **‘Delivering for Our Public’**, focusing on outcomes for the public;
2. **‘Innovating Our Future’**, promoting a culture of evaluation;
3. **‘Developing Our People and Organisations’**, inc. actions on employee engagement, public service culture and values, and equality, diversity and inclusion.



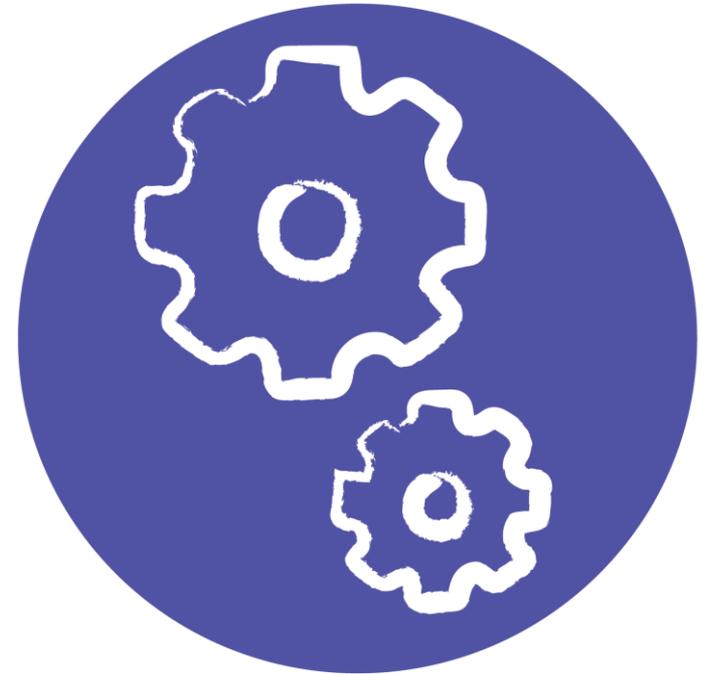


Step 3: Report

Take Action:

Review and Monitor

- **Collection of data, clearly defined targets, indicators and responsibilities**
- **Reviewing and monitoring progress**
- **Focus on outcomes, taking into account the impact of actions for different groups of people to whom an organisation provides services**





The Commission's Role in Relation to the Duty

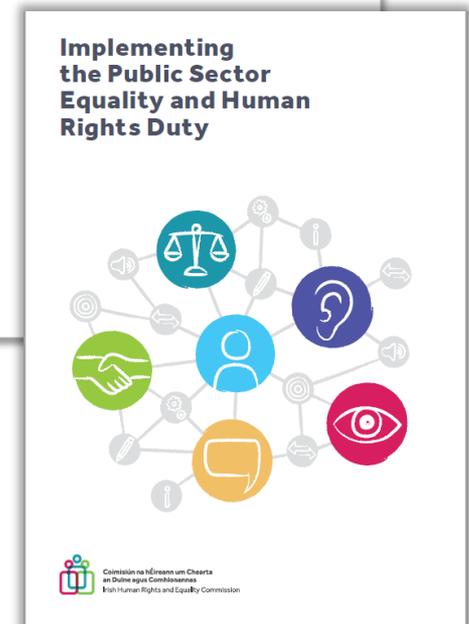
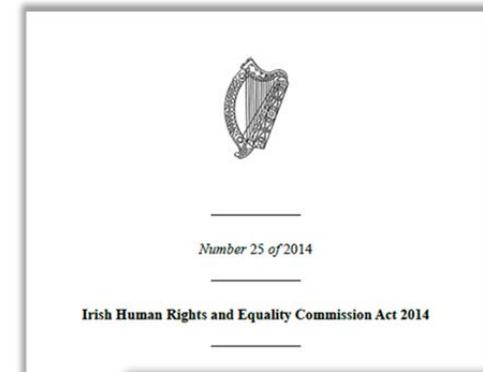




The Commission's Role

Re: the Duty

- Section 42(3): May **give guidance** to public bodies in developing policies of, and exercising, good practice and operational standards in relation to, human rights and equality
- Section 42(4): May **issue guidelines** or **prepare codes of practice**
- Under section 42(5), the IHREC may, in certain circumstances, invite public bodies to:
 - carry out a **review** in relation to the performance by that body of its functions
 - prepare and implement an **action plan** in relation to the performance by that body of its functions
 - such a review or action plan may be general or have a specific focus related to an aspect of human rights or discrimination





Guidance: Key Messages

- **Statutory obligation** since 1 November 2014
- **Senior Level Commitment**
- **Align with strategic planning process/cycles** (ongoing)
- **Evidence based approach** across all functions
- **Reflecting on Values**
- **Build** on structures and initiatives already in place
- Provides **coherent framework** for progressing actions committed to under national policies and strategies
- An **implementation structure** to drive the Duty



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