

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



Implementing the
Public Sector Equality
and Human Rights
Duty

Information Session

19th of September 2019

Twitter: @_IHREC

#PublicSectorDuty



Agenda

Information Session: Implementing the Public Sector Equality and Human Rights Duty

10.00 Welcome and Introduction

Laurence Bond, Director, Irish Human Rights and Equality Commission

10.10 Implementing the Public Sector Equality and Human Rights Duty: An Overview of the Commission Guidance

Dr. Ruth Gallagher, Head of Strategic Engagement, IHREC

Jacqueline Healy, Public Sector Duty Manager, IHREC

10.40 Video Case Study on the Cork City Council Pilot Project

10.50 Implementing the Duty in Cork City Council

Michael Burke, Acting Director of People and Organisational Development,
Cork City Council

11.15 Question and Answer Session

12.00 Close



Implementing the Public Sector Equality and Human Rights Duty: An Overview

1. About the Irish Human Rights and Equality Commission
2. The Public Sector Equality and Human Rights Duty
3. The Commission's role in relation to the Duty
4. The Commission's Guidance for Public Bodies on
*Implementing the Public Sector Equality and Human Rights
Duty*



The Irish Human Rights and Equality Commission



**Coimisiún na hÉireann
um Chearta an Duine
agus Comhionannas**

**Irish Human Rights and
Equality Commission**



About the Commission

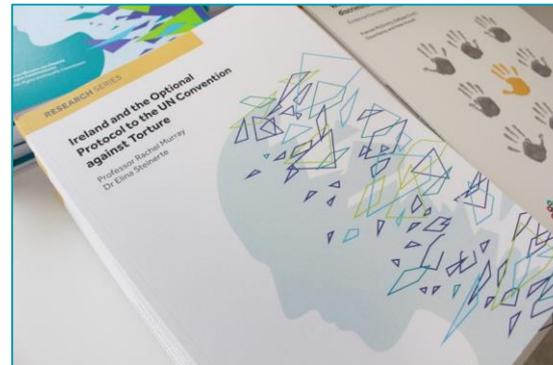
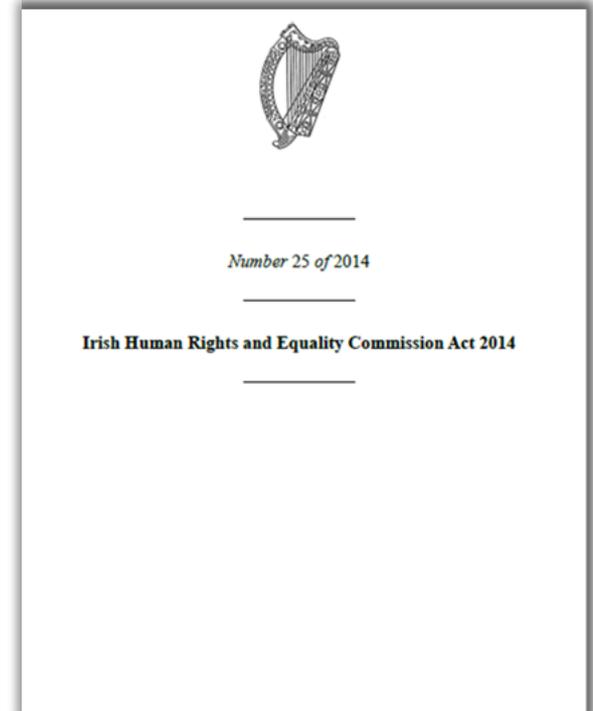
- Ireland's national human rights institution and equality body
- Accredited 'A' status by the United Nations
- Commission of 15 human rights and equality experts, appointed by President Michael D. Higgins
- Independent – accounting directly to the Oireachtas





About the Commission

- Derive statutory functions and legal powers from *Irish Human Rights and Equality Commission Act 2014*, commenced 1 November 2014
- Our teams: Legal, Policy & Research, Strategic Engagement, Corporate Services





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**.



What is a Public Body?

The definition of a public body under S2 of the IHREC Act 2014 is broad and includes:

- A Department of State
- A local authority
- The Health Service Executive
- A university or institute of technology
- An education and training board
- Any other person, body or organisation established under statute, or under any scheme administered by a Government Minister, excluding the Defence Forces
- A company wholly or partly financed by or on behalf of a Government Minister, in pursuance of powers conferred by or under another enactment
- A company where the majority shares are held by or on behalf of a Government Minister





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)**

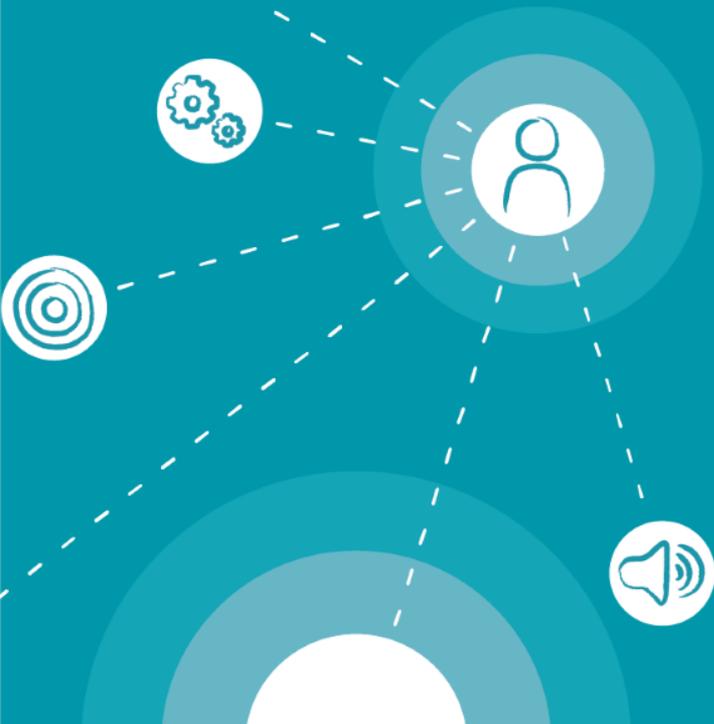
Human Rights for the purpose of the Duty include: Rights and freedoms of individuals protected by

- 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.





The Commission's Role in Relation to the Duty

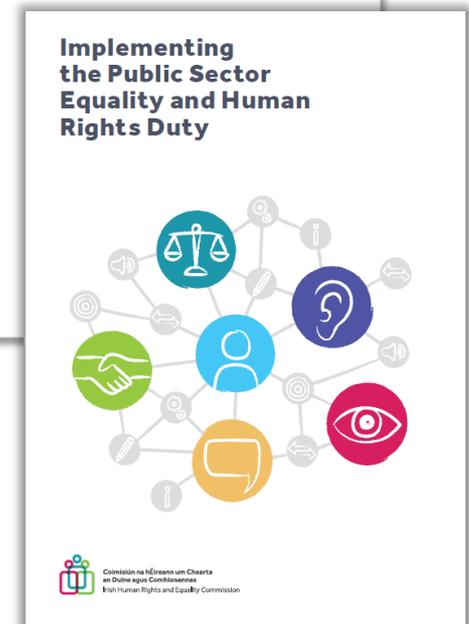
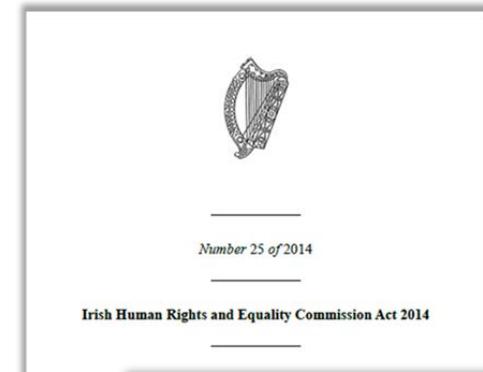




The Commission's Role

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





The Commission's role re: the Duty

STRATEGIC PRIORITY 2: Influence legislation, policy and practice

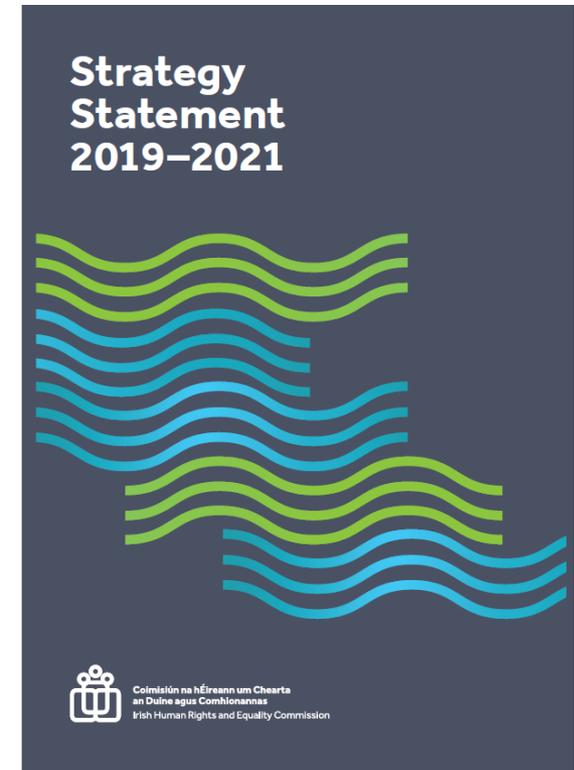
Includes:

Objectives:

- **Hold** government, public bodies, agencies and businesses **to account.**
- **Use our enforcement powers** including conducting an inquiry as most appropriate and proportionate, and **move to enforcement of the Public Sector Equality and Human Rights Duty.**

Outcomes:

- Increased **awareness** and enhanced **implementation** of the Public Sector Equality and Human Rights Duty.
- Effective **compliance** with the Public Sector Equality and Human Rights Duty through **enforcement.**





The Commission's Role Re: the Duty Supporting Education: Professional Diploma in Human Rights and Equality

Developed in partnership with the Institute of Public Administration

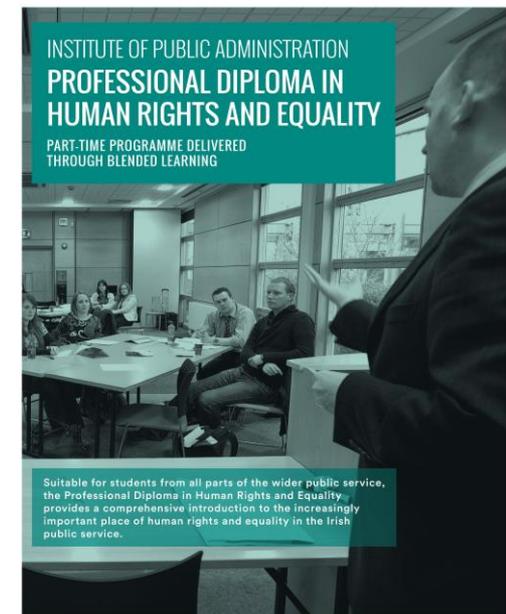
IHREC Bursary:

10 bursaries available: open to Public Bodies and Civil Society Organisations

Bursaries for 2019 have been awarded.

<https://www.ihrec.ie/our-work/student-bursary-scheme/>

The Professional Diploma for Human Rights and Equality is still open for fee paying registration until 7 October 2019.



INSTITUTE OF PUBLIC ADMINISTRATION
**PROFESSIONAL DIPLOMA IN
HUMAN RIGHTS AND EQUALITY**

PART-TIME PROGRAMME DELIVERED
THROUGH BLENDED LEARNING

Suitable for students from all parts of the wider public service, the Professional Diploma in Human Rights and Equality, provides a comprehensive introduction to the increasingly important place of human rights and equality in the Irish public service.



Coimisiún na hÉireann um Chearta
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Irish Human Rights and Equality Commission

IPA
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ADMINISTRATION

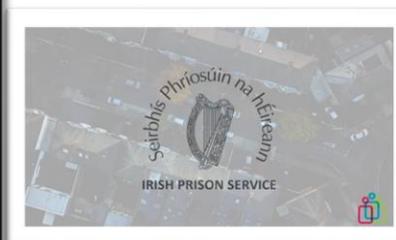


Pilot Sites: Video Case Studies



Pilot Sites

- Monaghan County Council
- Cork City Council
- University College Cork
- The Probation Service
- Irish Prison Service
- Community Action Network





Implementing the Duty: a three step approach





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”.

Given the **ongoing requirement** in the 2014 Act to **report on “developments and achievements”** in realising the Duty in Annual Reports, it is advisable to build in a **review mechanism** to assess progress against the organisation's stated actions.





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**



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.





ASSESS

Identify issues
Consultation
Evidence

1

Service Users
& Staff

REPORT

Review
Monitor
Prioritise



3

2

ADDRESS

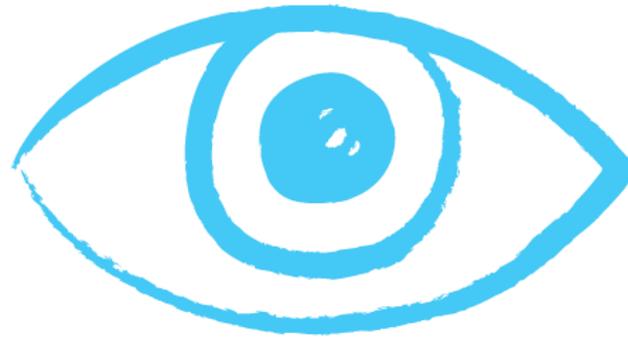
Analyse
Prioritise
Mainstream





Step 1:

ASSESS



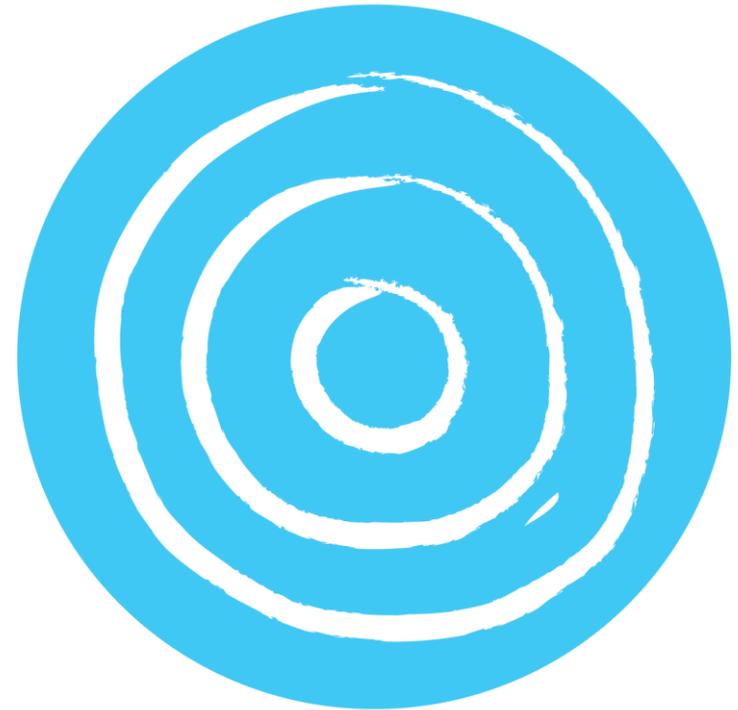
Identify issues
Consultation
Evidence



Step 1: Assess

Objective

to undertake an **assessment to identify key equality and human rights issues** for people to whom an organisation provides services and its staff.





Step 1: Assess

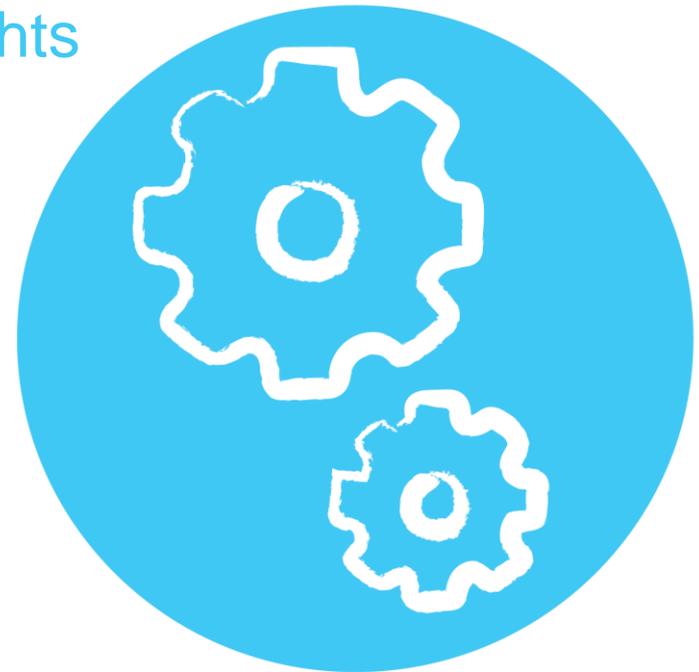
Take Action

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



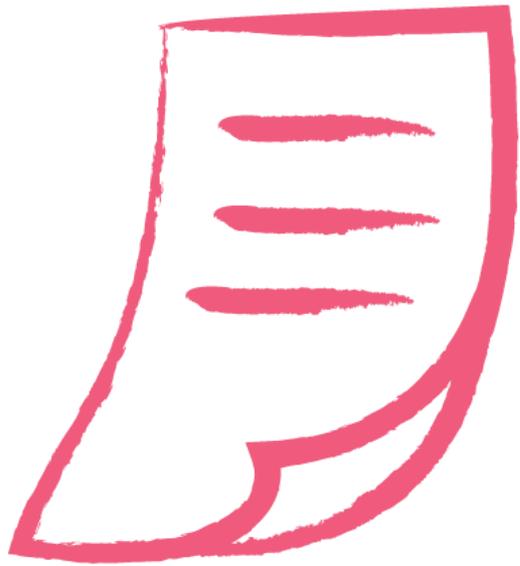
Evidence Based Assessment

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

Analyse

Prioritise

Mainstream



Step 2: Address

Objective

to agree and undertake actions to address equality and human rights issues identified as part of the assessment.

- prioritise actions to address issues
- put in place organisational processes for implementation of actions.

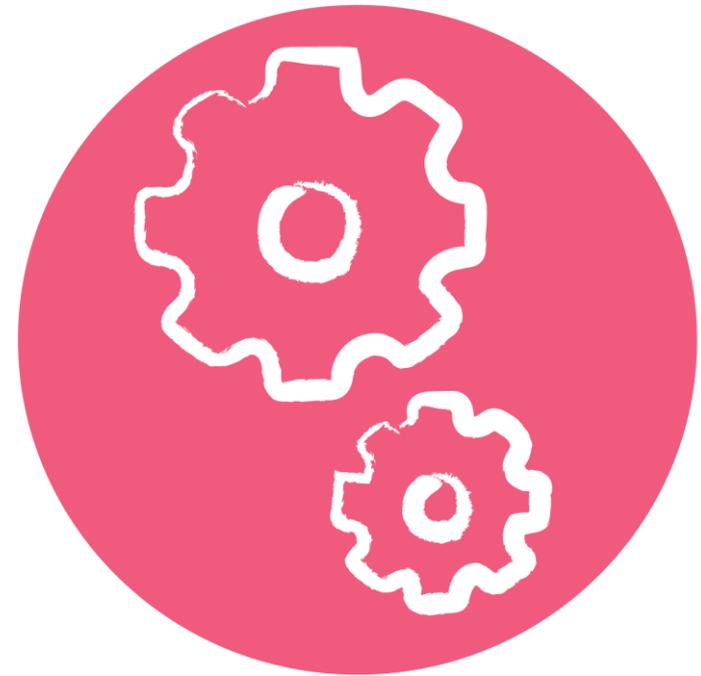




Step 2: Address

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***



Step 3:



REPORT

Review

Monitor

Prioritise



Step 3: Report

Objective

to **review and communicate progress** in relation to **addressing equality and human rights issues** relevant to the purpose and function of an organisation.



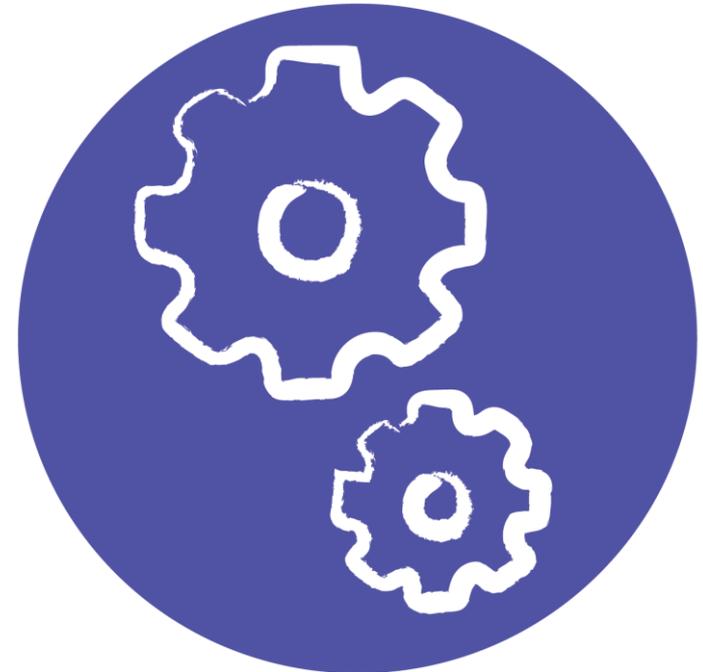


Step 3: Report

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





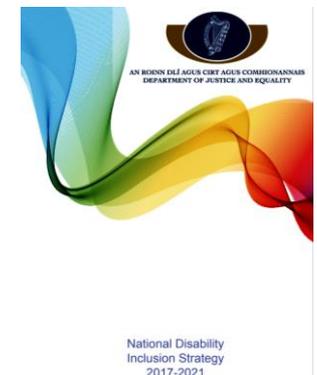
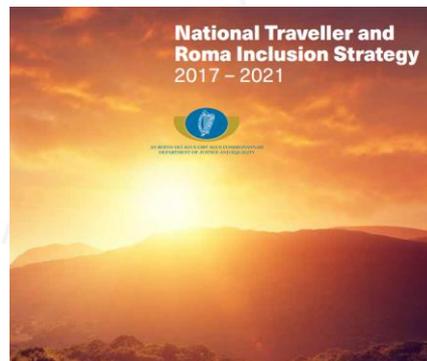
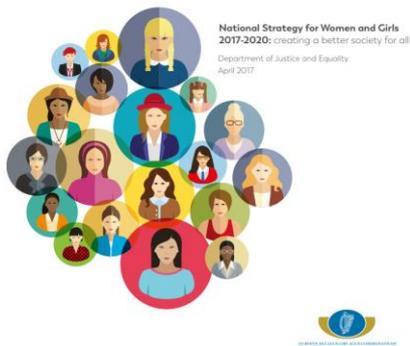
The Duty and existing public policy, strategies and procedures

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



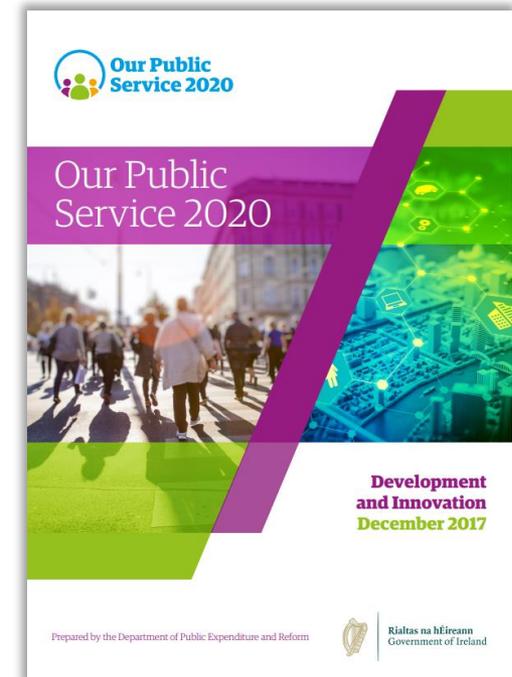
Public sector reform

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.





Guidance: Key Messages

- **Statutory obligation** since 1 November 2014
- Align with **strategic planning process/cycles** (ongoing)
- **Reflecting on Values**
- **Evidence based approach** across **all functions**
- **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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