

Minutes
Irish Human Rights and Equality Commission
43rd Ordinary Plenary Meeting
22 September 2020

Present:

Sinéad Gibney, Chief Commissioner (SG)
Heydi Foster Breslin (HFB)
Jim Clarken (JC)
Dr Frank Conaty (FC)
Michael Finucane (MF)
Tony Geoghegan (TG)
Adam Harris (AH)
Prof Kathleen Lynch (KL)
Salome Mbugua (SM)
Dr Rosaleen McDonagh (RMcD)
Sunniva McDonagh SC (SMcD)
Dr Lucy Michael (LM)
Prof Ray Murphy (RM)
Colm O'Dwyer SC (COD)

Apologies:

Prof Caroline Fennell (CF)

In Attendance:

Laurence Bond, Director (LB)
Michael O'Neill, Head of Legal (MON)
Muireann Ní Thuairisg, Minute Taker

The 43rd Ordinary Plenary Meeting of the Irish Human Rights and Equality Commission took place between 10:30am and 3:10pm on 22 September 2020 by video conference.

1.1 Apologies, Quorum and Declaration of Interest

Apologies were noted from CF. The meeting was quorate.

HFB and AH declared a conflict of interest in relation to agenda item 2.2.

1.2 Closed Session

Commission members met in closed session, without the Executive present.

A subgroup of the Commission will advance the work that was started during induction looking at how the Commission conducts meetings, how to communicate outside of meetings and how to work together. The group will consist of SG, AH, JC and LM. The exact remit will be finalised by the group and it will report to the Commission. The group will use the existing Code of Conduct as a starting point.

A technology audit will also take place to ensure that members have the necessary technology to engage effectively and comfortably in online meetings.

1.3 Minutes of Previous Meeting

Subject to amendments, the draft minutes of the 42nd Ordinary Plenary Meeting dated 28 July 2020 were approved by HFB and seconded by FC.

1.4 Matters arising not otherwise on the agenda

It was agreed to discuss a number of matters under Agenda Item 3.5 *Any Other Business*.

1.5 Chief Commissioner Update

SG outlined her aims and objectives for the Commission, noting her commitment to long-term strategic planning, being outward facing and bringing the voice of the Commission to as many audiences as possible. She also emphasised her commitment to leading the Commission in an open and structured way that facilitates and values the input of members.

SG summarised the Chief Commissioner report circulated in advance of the meeting, noting in particular her appearance with SMcD before the Oireachtas Special Committee on COVID-19 Response on 9 September. As this was her first report, SG invited suggestions and feedback from members on how it can be presented at future meetings.

In discussion it was noted that the letter to the Commission regarding the delay in prisoners receiving correspondence at the Midlands Prison was under consideration by Legal., AH requested to receive a copy of the letter sent to NPHET on face coverings, and it was agreed that key correspondence will be made available to members.

2.1 Updates on Committees - Committee Overview and Membership and Appointment of Members

The Terms of Reference of each Committee were noted.

Prior to the meeting, SG nominated a Commission member to give an overview of each Committee.

(a) Disability Advisory Committee (DAC)

An update note on the most recent meeting of the DAC which took place on 10 September was noted. FC noted that the DAC had expressed concern with the lack of engagement with the Department of Health on IHREC'S Observations on National Guidance on Prioritisation in Access to Critical Care in a Pandemic. It was agreed that the Commission would write to the newly appointed Minister of Health as a matter of urgency and request a meeting.

FC outlined the work of the DAC.

RMcD was appointed Presiding member, proposed by AH, and seconded by FC.

AH was appointed Vice Presiding member, proposed by FC and seconded by RMcD.

FC, currently Acting Presiding member will continue as a member of the Committee.

(b) Worker Employer Advisory Committee (WEAC)

TG outlined the work of the WEAC.

TG will continue in his role as Presiding Member of the Committee.

KL was appointed Vice Presiding member, proposed by HFB, seconded by LM.

JC was appointed a member of the Committee

MF noted his interest in attending a WEAC meeting and deciding at a later date whether to join the Committee.

(c) Casework Committee (CWC)

An update note on the most recent meeting of the CWC which took place on 10 September was noted. COD raised an item discussed at that meeting regarding access to justice for asylum seekers and refugees in relation to the IPO/IPAT. SG agreed to follow up this matter and will update COD accordingly.

COD outlined the work of the CWC.

The position of CWC Chair will be discussed at the next CWC meeting.

SG, MF, LM, RM, SMcD were appointed to the CWC.

COD and CF (in absentia) will continue their membership on the Committee.

RMcD noted her interest in attending a CWC meeting and deciding at a later date whether to join the Committee.

TG noted his interest in attending a CWC if depending on the agenda his expertise is required.

(d) Policy and Research Committee (PRC)

FC outlined the work of the PRC.

SG was appointed Acting Chair until the next PRC meeting when the position of Chair can be discussed.

LM and AH were appointed to the PRC and COD, FC, SM and CF (in absentia) will continue their membership on the Committee.

KL noted her interest in attending a PRC meeting and deciding at a later date whether to join the Committee.

(e) Audit and Risk Committee (ARC)

FC outlined the work of the ARC.

The ARC's membership includes 2 external members – John Maher (Chair) and David Scott.

AH and RMcD were appointed to the ARC. FC and HFB will continue their membership on the Committee.

ARC members expressed their interest in attending a training course for Audit Committee members being delivered by the IPA in December.

Members noted the importance of gender balance on Committees and the importance of having appropriate representation on each Committee. New Committee members are welcome to liaise with existing members for advice or guidance.

2.2. COVID-19 Crisis (Ad hoc Group on Section 35 and Nursing Homes) – Appointment of Members

AH recused himself from the meeting.

SG noted that a number of Commission members had been unclear as to the origin and purpose of the ad hoc meeting, which she had convened on 14 September. SG clarified that this has arisen from discussion at the Commission meeting of 28th July. She regretted any confusion and explained that her aim was to have an initial discussion with members, and to then bring the matter back to this meeting. The proposal at this point was to set up a Working Group.

In discussion, it was clarified that the primary purpose of the proposed working group was not to focus on nursing homes but to consider the Commission's general approach to the use of the S.35 Inquiry power, and it was agreed to provide the documents circulated for the meeting of 14 September to all Commission members.

In the light of this clarification, it was agreed to ask AH to re-join the meeting. AH joined the meeting.

It was agreed SG will act as Chair of the Working Group with MF, LM, SMcD and CF (in absentia) as members. It was agreed that the Commission would be regularly updated on the work of the Group.

2.3 Nomination to Legal Services Regulatory Authority

Following discussion it was agreed that the Commission would take more time to consider the matter which would be tabled for decision at the next plenary meeting.

It was agreed to provide members with information on all external bodies to which IHREC nominates or has representation.

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Due to time restrictions, it was agreed that the item raised by SMcD, regarding the appointment of an alternate member to the Fundamental Rights Agency, would be tabled at the next meeting.

As raised by JC, it was agreed to circulate an Oxfam report on Climate Change.

Following a query from LM regarding how an item can be raised under AOB, SG agreed to make this information available to members.

Meeting closed.



Signed:

Sinéad Gibney
Chief Commissioner

Date: 27 October 2020