



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

# Public Sector Equality and Human Rights Duty

## Civil Society Guidance



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The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

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# **The Public Sector Equality and Human Rights Duty**

## Introduction

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The Irish Human Rights and Equality Commission (the Commission) is Ireland's national human rights and equality institution. We are an independent public body that accounts to the Oireachtas, with a mandate established under the Irish Human Rights and Equality Commission Act 2014 ('IHREC Act 2014'). The Commission has a broad statutory remit to protect and promote human rights and equality under the IHREC Act, 2014.

The Public Sector Equality and Human Rights Duty ('the Duty') is contained in Section 42 of the IHREC Act 2014. It places a statutory obligation on public bodies to have regard to human rights and equality considerations in the performance of their functions. It is contained in Section 42 of the IHREC Act 2014.

The Commission has a mandate to give guidance to, and encourage, public bodies to develop policies and good practice in relation to human rights and equality. We produced guidance for them on Implementing the Public Sector Equality and Human Rights Duty (2nd Edition 2024) as part of that mandate.

Responding to a need expressed by civil society for more information on the Duty and its application in practice, the Commission developed this complementary guidance.

The Guidance shows how engagement by civil society with public bodies on their implementation of the Duty can directly inform both the way they work and how they develop and deliver policies and services so that discrimination can be eliminated, and equality and human rights are promoted and protected. A set of case studies illustrate this in practice. We are grateful to the civil society organisations that provided them.

The preparation of this guide has been invaluable informed by two focus groups with civil society organisations that have engaged with the Duty, and a seminar with civil society organisations, hosted by the Commission on the theme of civil society engagement and the Duty.

## What is the Public Sector Equality and Human Rights Duty?

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The Public Sector Equality and Human Rights Duty ('the Duty') is set out in Section 42 of the Irish Human Rights and Equality Commission Act 2014. It places a statutory obligation on public bodies to have regard to human rights and equality in the performance of their functions.

The Duty contains two distinct but interrelated specific statutory obligations (duties) - Section 42 (1) and Section 42 (2).

Section 42 (1) requires public bodies to take equality and human right standards into account in every aspect of how they perform their functions on an ongoing basis.

Section 42 (2) requires public bodies to assess what the key equality and human rights priorities are across all their functions and set out policies, plans and actions needed to address them in their overall Strategy Statement or Corporate Plan and report on progress in their annual reports.

### **Section 42 of the Public Sector Equality and Human Rights Duty states that:**

(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

(2) For the purposes of giving effect to subsection (1), a public body shall, having regard to the functions and purpose of the body and to its size and the resources available to it —

- (a) Set out in a manner that is accessible to the public in its strategic plan (howsoever described) 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, and
- (b) Report in a manner that is accessible to the public on developments and achievements in that regard in its annual report (howsoever described).

## **Why is the Duty important?**

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Implementing the Duty means that public bodies address human rights and equality issues in a proactive way, rather than waiting until an issue or complaint arises. The Duty supports public bodies to deliver more effective and accessible policies, programmes, and services to people and communities, in particular to anyone at risk of inequality and discrimination. It promotes a public service-wide approach and applies across all functions of a public body. Fulfilling the Duty means putting equality, human rights, diversity and inclusion at the heart of how public bodies carry out their daily work. Its goal is to achieve better outcomes for all on an equal basis and without discrimination.

For civil society, the Duty is another lever for change and has the potential to be powerful because it is mandatory and proactive in nature. The Commission has recommended that consultation and engagement with civil society is a key element in informing the implementation of the Duty.

Civil society can play an important role in enabling those most at risk of discrimination and non-fulfilment of their rights to have a voice in determining what the key equality and human rights issues and actions are and to hold public bodies to account. Ultimately, if fully implemented, the Duty can prevent discrimination and the non-fulfilment of rights in the first place.

## **What is a public body?**

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In the IHREC Act 2014, the definition of a public body for the purposes of the Duty includes: government departments, local authorities, universities and institutes of technology, education and training boards and the Health Service Executive. See also Appendix 2.

It also includes “any other person, body or organisation established by an enactment (other than the Companies Act), by charter, by Ministerial scheme or under the Companies Act in pursuance of powers conferred by or under another enactment and financed wholly or partly by the Government, whether through the provision of funds, loans or the issuing of shares”.

In addition, any other person, body, organisation or group financed wholly or partly out of moneys provided by the Oireachtas, may, in the public interest, be prescribed as a public body by the Minister for Children, Disability and Equality, following consultation with the Irish Human Rights and Equality Commission. To date, no public body has been so prescribed.

## What are the functions of a public body?

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The functions of a public body relate to the activities that form part of the purpose of their organisation, including the duties and powers entrusted to them by legislation or Government. The Duty applies to all public bodies, and all functions entrusted to them.

Useful examples of functions include human resources, public procurement, policy formation and services provided to the public.

## Who is protected under the Duty?

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In implementing the Duty, a public body must consider the following identified groups protected under the Equality Acts and human rights law.

These include:

- **People covered by the grounds** protected under equality legislation: gender (including transgender persons or persons transitioning to another gender), civil status, family status (including lone parents and carers), age, sexual orientation, disability, race, religion, membership of the Traveller community, and people in receipt of housing assistance.
- **People at risk** of poverty and social exclusion; and
- **Rights holders** under the various human rights instruments relevant to the functions and purpose of the public body.



## What is the role of the Irish Human Rights and Equality Commission?

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The Commission has a number of roles including:

- Providing **Guidance and Support** to public bodies,
- **Monitoring** compliance of the Duty,
- Keeping the legislation **under review** (see **Appendix 1, Section 42(7)**).

### — **Guidance and Support**

The Commission has published » [Guidance](#) for public bodies that explains the Duty and how to implement it. We actively engage with public bodies to support their understanding of the Duty. This includes developing education and training resources on equality and human rights in the public service (**See Section D: Resources**).

### — **Monitoring**

The Commission **monitors compliance** with publishing obligations by public bodies under Section 42 (2). This means monitoring on an annual basis whether public bodies have published their assessments of the human rights and equality issues related to their functions, developed action plans to address these issues in their Strategy Statement/Corporate Plans and published progress reports in their annual reports. We compile statistics which are published on a sectorial basis. See further information in the » [Guidance for Public Bodies - Second Edition](#).

### — **Enforcement**

Section 42 does not provide for a specific enforcement role for the Commission in relation to the Duty.

However, under Section 42 (5), in cases where we consider that there is evidence that a public body is failing to perform its functions in line with the Duty, we can invite that public body to:

- Carry out a review.
- Prepare and implement an action plan to address equality and human rights issues related to the performance of its functions, or
- Both.

Such a review or action plan **may be general or specific** in nature, in relation to equality and human rights issues (**see Appendix 1 for full text**).

#### — **Judicial Review**

Under certain circumstances, the initiation of **judicial review** proceedings may be the last course of action. It is important for public bodies to retain evidence of how they have had regard to the Duty in the decision-making process in plans, policies and actions related to the delivery of their functions.

#### — **Legislative Review**

The review role permits the Commission to undertake a review of the operation of the Duty, either on its own initiative or at the request of the Minister, and to make recommendations, as appropriate (**see Appendix 1**).



**Section A**

# **Understanding the Public Sector Duty**

## Introduction

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This section explains the human rights and equality standards that underpin the Duty. It also provides further explanation of what implementing Section 42 (1) and Section 42 (2) means in practice for public bodies. Highlighted is the importance of an evidence based approach to decision-making and the value of consulting and engaging with civil society in this regard.

## What equality and human rights are protected?

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The Duty requires public bodies to have regard for the need to eliminate discrimination, promote equal opportunities and protect human rights in the delivery of their functions. As referred to above, to have **due regard** to these standards requires a common understanding of what equality and human rights mean in the context of the Duty. A detailed explanation can be found in the [» Commission's Guidance on Implementing the Equality and Human Rights Duty \(2nd Edition\)](#) for public bodies. The link to this document can also be found in **Section D: Resources**.

In brief, this is how discrimination, equality of opportunity and human rights should be understood:

### — Eliminate Discrimination

Discrimination is defined in the Employment Equality Acts 1998-2015 and the Equal Status Acts 2000-2015. Discrimination occurs where one person is treated less favourably than another person in a comparable situation, because they differ under any of the protected grounds. A public body should assess how their organisation delivers on its functions to ensure that individuals or groups of individuals are not treated less favourably because of their characteristics or identity when engaging with or employed by the public body. This includes meeting obligations on reasonable accommodation under the disability ground. Please see core [» Guidance to Public Bodies](#) on the Duty.

## — Promote Equality of Opportunity

Equality of opportunity is not defined under the Duty; however, it should be understood as requiring more than the **elimination of discrimination**. This objective could provide a basis for positive action to address inequality and provide new outcomes of equality for those groups covered by the Duty.

Equality **does not mean treating everyone the same**. It can, for example, mean understanding and taking steps to remove systematic barriers to **ensure equality** of opportunity.

A public body should ensure that every individual has an equal opportunity to access, avail of and enjoy any service or function provided by the public body including employment.

## — Protect Human Rights

Human rights are defined in the IHREC Act 2014 as the rights, liberties and freedoms that are guaranteed to persons by the Irish Constitution, and by any agreement, convention or treaty to which the State is a party and which has been given the force of law in the State. These include the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. A public body should assess how it delivers on its purpose and functions to ensure every individual engaging with or employed by the public body have their human rights protected.

The Commission's core [» guidance on the Duty](#) further notes that the Duty complements existing public policy, strategies, and procedures, as they relate to progressing human rights and equality. A range of national plans and strategies in place to progress equality and human rights are set out in this core guidance document.



## Understanding Section 42 (1)

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**Section 42 (1) states that a public body shall, in the performance of its functions, have regard to the need to:**

- Eliminate discrimination
- Promote equality of opportunity and treatment of its staff and the persons to whom it provides services; and
- Protect the human rights of its members, staff and the persons to whom it provides services.

### — What does the Section 42 (1) obligation “to have regard” mean?

Section 42 (1) is the overarching statutory obligation with which a public body must comply on an ongoing basis. It is not a one-off activity and is not separate from the performance of the public body’s functions. It requires the public body to integrate human rights and equality issues into every aspect of how they perform their functions.

This means that when public bodies are making decisions, developing legislation or policies, carrying out reviews or introducing new services, they are required to take into account all possible equality and human rights impacts and consequences for identified groups affected, including service users and staff. Public bodies should show that they have taken steps to inform themselves about the relevant equality and human rights standards and be able to demonstrate how they have considered these in the development, delivery and evaluation of their functions.

The statutory obligation to have regard to means that public bodies must:

- **Inform themselves** about equality and human rights, eliminating discrimination, promoting equality of opportunity and treatment and protecting human rights in the performance of their functions.
- **Give due consideration** to all equality and human rights issues and take steps to address them in their day-to-day work, such as how they design, develop and deliver their functions.

- **Demonstrate** that they have taken steps to inform themselves about the equality and human rights issues and to demonstrate how they have considered equality and human rights issues in how they have developed, delivered and evaluated their functions.

In practical terms, what does a public body **having regard** mean?

A public body should:

- Understand the equality and human rights standards that they must meet.
- Conduct equality and human rights impact assessments that can provide important evidence as to whether the public body has complied with the Duty. If they have not complied with their duties, they must identify what are the key equality and human rights issues that need to be addressed. Civil society has a critical role to play in informing this evidence base and the likely solutions, e.g. through consultations, evidence-based research and ongoing dialogue.
- Develop the practice of assessing the equality and human rights implications thoroughly before any significant decisions are made or any policy, strategy or plan is introduced or revised.
- Keep records of decision making to demonstrate that they have **had regard** to equality and human rights considerations.

### What is an Equality and Human Rights Impact Assessment?

An Equality and Human Rights Impact Assessment ('EHRIA') is a tool that the Commission encourages public bodies to use to help them meet their ongoing obligation to have due regard. It is an evidence-based process to assess the impact of plans, programmes, services, policy developments and reviews targeted at groups identified under the Duty and Irish equality and human rights law. Gathering relevant information and consulting with civil society and affected groups is part of the exercise.

Carrying out the EHRIA demonstrates that a public body is familiar with and has considered all relevant equality and human rights issues in the performance of the relevant function(s) and in the development and implementation of plans, policies, strategies and services and has made the necessary adjustments as required. For further information on an EHRIA and to see the template that the Commission is recommending public bodies use, please see our [» updated guidance for public bodies](#). Carrying out an impact assessment provides public bodies with a structured approach to identify the impact the actions they propose to take in any policy/strategy will have on the end beneficiaries, in particular those protected under the Duty.

## Understanding Section 42 (2)

**For the purposes of giving effect to subsection (1), a public body shall, having regard to the functions and purpose of the body and to its size and the resources available to it:**

- Set out in a manner that is accessible to the public in its strategic plan (howsoever described) 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, and
- Report in a manner that is accessible to the public on developments and achievements in that regard in its annual report (howsoever described).

**Section 42 (2)** of the IHREC Act 2014 sets out the publishing obligations which public bodies are required to undertake as a framework to give effect to their ongoing Duty to eliminate discrimination, promote equality of opportunity, and protect human rights.

Section 42 (2) includes specific statutory obligations that a public body must fulfil to support its compliance with the overarching statutory obligation in section 42 (1) of the IHREC Act. The steps set out in 42 (2) are:

1



### Assess

Public bodies must carry out an assessment of equality and human rights issues relevant to their functions.

2



### Address

Public bodies must set out actions they will take to address the human rights and equality issues they identified as priorities during step one.

3



### Report

Public bodies must set out in their annual report the actions they put in place to address equality and human rights issues.

### — Assess

This requires a public body to undertake an **assessment of the human rights and equality issues** that face people and groups protected under the Duty and that are relevant to the functions and purpose of the public body. This assessment must be **made publicly available** in the **Strategy Statement/Corporate Plan** of the public body.

### — Address

This requires that the public body **identifies** in its strategic plan, the **policies, plans, and actions** in place, or proposed to be put in place, **to address** the equality and human rights **issues identified** from the assessment. These actions must be made publicly available through the strategic plan of the public body.

### — Report

This requires a public body to **report annually** on the developments and achievements of their actions in the implementation of the Duty and making this report available to the public in the **Annual Report** of the public body.

The Commission recommends to public bodies to consult and engage with civil society representing the identified groups.

### What is an inclusive consultation approach?

Whether a public body is carrying out an equality and human rights impact assessment to meet its obligations under Section 42 (1) to have due regard on an ongoing basis or implementing the Assess, Address and Report Steps to comply with Section 42 (2), the Commission recommends that the approach is evidence-based.

Inclusive consultation is a key part of gathering the evidence to make informed decisions. The Commission recommends that a public body consult with civil society organisations representing the identified groups for the Duty, as part of their processes to » implement the Duty. This could include an engagement with civil society organisations when the public body:

- Implements an equality and human rights impact assessment.
- Undertakes the assessment of equality and human rights issues.
- Identifies policies and action plans proposed to address the equality and human rights issues.
- Prepares a report on developments and achievement in implementing the Duty.

The benefits of an **inclusive consultative approach** to implementing the Duty on an ongoing basis, include that it:

- Provides information on the lived experience of discrimination and inequality.
- Deepens the **evidence base** available to the public body.
- Provides **access to the knowledge**, and the viewpoints of those affected by discrimination, inequality, human rights abuses, and social exclusion.
- Helps frame actions and can provide **valuable solutions** to removing barriers and challenges experienced by both service users and staff.
- Informs reporting on the delivery of actions.



## Six Principles of Inclusive Consultation

When public bodies consult with the identified groups for the Duty, the Commission recommends that public bodies apply six principles to ensure that it is an **inclusive consultation**:



**Participation** – encouraging and including a diversity of voices, applying targeted and appropriate consultation methods which take into account how to reach and engage different audiences.



**Transparency** – indicating openly how the consultation has informed the issue, taking into account resources available, effectiveness, coherence and mandate of the public body, as appropriate.



**Information** – providing clear, concise communication, providing clear guidelines outlining the objectives, and timeline of the consultation.



**Accessibility** – including a commitment to advertising and providing information about the consultation in a way that takes into account the needs of people with disabilities, literacy issues, digital literacy issues and language barriers.



**Reasonable accommodation** – ensuring that people with disabilities can notify you of particular supports they may require to participate in the consultation.



**Targeted support** – identifying the need for targeted approaches to support participation of disadvantaged groups or to cater for the needs of specific categories of people within the consultation process.

The approach to inclusive consultation is set out in the [» Implementing the Public Sector Equality and Human Rights Duty – Guidance for Public Bodies 2nd Edition](#) (See **Section D: Resources**).



## Section B

# Why is the Duty Important for Civil Society?

## Introduction

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The potential to achieve better outcomes for people who experience or are at risk of discrimination and/or non-fulfilment of human rights is why it is so valuable for civil society to engage with public bodies in their implementation of the Duty.

As set out in **Section A**, the Duty is a mandatory obligation on public bodies to have regard to the need to eliminate discrimination, promote equality of opportunity, and to protect the human rights of service users, employees and policy beneficiaries across all their various functions. For this to happen, the approach taken by public bodies needs to be proactive, planned, systematic and informed.

As highlighted earlier, the Commission has advised public bodies to engage with and take on board the input of civil society organisations to meet its Duty obligations on an ongoing basis and in the context of the development and implementation of their Strategy Statements or Corporate Plans.

This means informing their ongoing Duty under Section 42 (1) **to have regard** to the equality and human rights implications of any activity under any function **on an ongoing basis**. It also means providing input into the specific Duty under Section 42 (2) at **assess, address and report** on key human rights and equality priorities in their Strategy Statements/Corporate Plans and reporting on progress in their annual reports.

This section draws from the experience of civil society organisations engaging with the Duty. It sets out the rationale for why civil society organisations should engage with the Duty and how to prepare to make the most of any engagement or consultation.

- 1. What can engagement with the Duty achieve?**
- 2. How to get prepared to engage with public bodies on the Duty?**

## What can engagement with the Duty achieve?

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The Duty has the potential to contribute to new outcomes for service users, policy beneficiaries, and prospective and current public sector employees who are at risk of, or experience inequality, discrimination, and/or non-fulfillment of human rights. As referred to earlier, the Commission has identified the following groups as a focus for public bodies in » implementing the Duty:

- People covered under equality legislation: gender (including transgender persons or persons transitioning to another gender), civil status, family status (including lone parents and carers), age, sexual orientation, disability, race, religion, membership of the Traveller community and people in receipt of housing assistance.
- People » at risk of poverty and social exclusion.
- Rights holders under the various human rights laws relevant to the functions and purpose of the public body including international protection applicants, migrants, Roma people and other minoritized groups.

People also face intersectional and multiple forms of inequality, discrimination and non-fulfillment of rights, which needs to be taken into account.

### — Core Reason

It is this potential of the Duty to impact positively on these diverse groups that provides the core reason for civil society organisations to engage with its implementation by public bodies.

The full and effective implementation of the Duty can, by way of example, lead to:

- These groups being named - and their needs appropriately responded to - in the plans, programmes, policies and strategies of public bodies.
- Members of these groups achieving improved access to the services and programmes of public bodies and being enabled to realise positive outcomes from these services.
- Members of these groups finding employment within public bodies and progressing their careers within this employment.

The Duty and its implementation can advance an agenda that is aligned with and empowers the vision, mission and objectives of civil society organisations representing and working with the identified groups for the Duty.

Engagement by civil society organisations with the Duty and its implementation can, more specifically:

- Offer another lever for civil society organisations to strengthen their advocacy efforts to improve equality and human rights outcomes for their communities of interest.
- Enable and drive organisational and cultural change within public bodies so that equality and human rights considerations are a core concern in public sector recruitment and employment, service planning and delivery, policymaking, and decision-making.
- Shape and enable new relationships and alliances between civil society and public bodies.

As commented on above, the full and effective implementation of the Duty can lead to:

- The identified groups being named, and their needs appropriately identified and addressed in the plans, programmes, policies and strategies of public bodies.
- Members of these groups achieving improved access to the services and programmes provided by public bodies.
- Members of these groups enabled to achieve positive outcomes from these services.
- Members of these groups finding employment within public bodies and progressing their careers within this employment.

The Duty and its implementation can advance the objectives of civil society organisations representing and working with the identified groups by:

- Offering an additional way for civil society organisations to increase advocacy efforts to improve equality and human rights outcomes for their communities of interest.
- Driving organisational and cultural change within public bodies. This means making equality and human rights a core concern. For example, in public sector recruitment and employment, service planning and delivery, and in policy and decision making.



- Building new relationships and alliances between civil society and public bodies.
- Supporting progress towards equality of opportunity for people to public services.
- Supporting progress towards equality of opportunity for people that are the potential beneficiaries of legislation, policies or programmes.

## How to prepare to engage with Public Bodies on the Duty

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Civil society organisations engage every day with public bodies to influence legislative, policy change and implementation or see improvements to public services. Accepting that the Duty is a strong framework to improve outcomes for the groups most likely to experience inequality and discrimination; what do civil society organisations need to do to prepare themselves for engagement with public bodies on it?



### — Frame Issues as Rights

Building organisational and membership capacity is key. This involves taking action to frame community issues and needs as human rights and equality issues, if not doing so already. It means enabling community members to understand themselves as being rights holders and public bodies as duty bearers (i.e. those responsible for meeting the human rights and equality standards, which the State has committed to uphold and abide by).



### — Understand the Duty

Read up on the Duty. Gain a good understanding of it and the requirements it places on public bodies by reading the Commission's guidance. Then consider how best to effectively mobilise the potential of the Duty to contribute to new or improved outcomes for the identified groups.



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### — Know how Public Bodies Operate

Build up knowledge and understanding about public bodies' functions and how public bodies operate, plan and make decisions. This can enable more strategic interventions to bring about institutional change and support public bodies to respond effectively to equality and human rights issues that your organisation has identified.

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### — Gather Evidence

Translate the lived experience of individuals into (quantitative and qualitative) data that can provide evidence-based research and recommendations. This information is very valuable in informing a public bodies' equality and human rights impact assessment of its activities on an ongoing basis as set out in Section 42 (1). It also helps to assess what the key human rights and equality issues are, how they should be addressed in Strategy Statements/Corporate Plans and in what way progress on actions is monitored and reported on in their annual reports as laid out in Section 42 (2).

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### — Seek Resources to Carry-out Engagement

Sufficient human and financial resources are necessary for effective engagement by civil society organisations with public bodies on the Duty. Grant assistance, such as that provided by the Commission via its Grants Scheme, has supported capacity-building to engage and gather evidence to inform the implementation of the Duty. Further authority and legitimacy are usefully lent to this civil society engagement, through securing grant aid from the Commission to take actions in relation to the Duty.

Civil society organisations have also put forward the point of principle that public bodies should reimburse individuals participating on a voluntary basis with public bodies in processes to examine and discuss assessments, plans, policies, strategies or programmes, and reports, as required under the Duty. This will further enable extensive participation in engaging with the Duty.



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### — **Share Learning**

Resourcing for civil society organisations is needed to establish and sustain the spaces for a collective approach to engagement with the Duty. Resources are required to enable civil society organisations to gather and share learnings from the experience of engaging with the Duty. As these learnings emerge, having spaces to share them will further enable civil society engagement with the Duty.



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### — **Build Collective Action**

Building collective action by civil society organisations allows for a pooling of knowledge, skills and experience. This helps to inform and enable engagement with the Duty.



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### — **Contribute to Public Recognition**

Referencing the Duty in all advocacy work and related public affairs and media work helps build recognition of the Duty. These are opportunities to highlight the potential impact its implementation could have on achieving positive outcomes for the groups covered under the Duty.

The Duty needs to emerge as a greater focus for public attention, concern, and debate. It could usefully be a theme for public awareness campaigns, where stories of success and impact, and stories of challenge and enforcement (in cases where there is failure to implement the Duty), are communicated.

Public recognition for the Duty and interest in ensuring its implementation creates more openness and support for civil society action to advocate for this to happen.



## Section C

# How can Civil Society use the Duty?

## Introduction

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In Section B we set out the rationale for why civil society organisations should engage with public bodies on the Duty and how to build capacity to achieve this. This section suggests what this engagement can look like in a practical way, backed up by examples of civil society organisations leading this engagement.

### **Ways to engage include:**

- Building a Demand for Effective Implementation of the Duty.
- Referencing the Duty in Advocacy and Campaigning Work.
- Engaging with Public Bodies at the Assess, Address and Report Stages.
- Monitoring the Implementation of the Duty.
- Applying the Duty's Approach within Civil Society Organisations.

## Building a Demand for Effective Implementation of the Duty

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### **— Purpose**

Civil society organisations working to protect human rights and promote equality and social inclusion are ideally placed to build demand for the effective implementation of the Duty. The place to start is through building awareness, understanding and capacity to engage. Three possible initiatives to achieve this are to:

- Raise Awareness of the Duty.
- Develop Capacity to Engage with Public Bodies on the Duty.
- Build Collective Civil Society Spaces for Engagement on the Duty.

### **— Types of Initiative**

#### **Raise Awareness of the Duty**

Actions could include some or all of the following:



- Speak about the potential of the Duty in your own organisation and with other civil society organisations. Identify effective ways to support its implementation.
- Prepare accessible information on the Duty for service users and policy beneficiaries of public bodies from the identified groups.
- Provide accessible training to build understanding on the Duty for staff, volunteers, service users and policy beneficiaries from the identified groups.
- Avail of existing resources produced by the Commission or civil society (**Section D: Resources**). As a good starting point, we recommend the Commission's [» updated guidance](#) and [» e-learning module](#) called Equality, Human Rights and the Public Service.
- We also recommend the Accessible Guide to the Public Sector Duty produced by Inclusion Ireland, funded under the Commission's grant scheme and showcased below.

### **Guidance on the Public Sector Equality and Human Rights Duty for Public Bodies**

The Commission published a second edition of [» Implementing the Public Sector Equality and Human Rights Duty – Guidance for Public Bodies](#) in December 2024, to support public bodies to understand the Duty, how to implement in practice and report on their compliance with their obligations. It explains what an equality and human rights impact assessment is and what inclusive consultation looks like.

It provides two examples of how public bodies are implementing the Duty in a positive way.

### **E-Learning Tool: The Duty, Equality, Human Rights, and the Public Service**

This introductory [» eLearning module](#) was developed by the Commission to enable civil and public servants to explore the meaning and value of equality, human rights and the Public Sector Duty in their daily work.

It is also a helpful tool for civil society representative to use to frame issues as rights and to increase awareness of human rights and equality and the role of Duty in safeguarding and promoting these rights.

Please watch the [» introduction video](#) to learn more about this eLearning module so you can start your learning journey.

## Case Study: Inclusion Ireland

### Project: 'The Public Sector Duty - Making Rights and Equality Accessible'

Inclusion Ireland, a national advocacy organisation for people with intellectual disabilities, carried out a project to build service user awareness of the Duty and its potential. A steering committee of six people with intellectual disabilities was formed to plan and implement the initiative. A further six people were recruited to be involved in the peer training on the Duty.

The elements of the project included:

- Preparing and publishing an accessible, **easy to read guide**: 'What is the Public Sector Duty?'. It provides information on the Duty and its importance for people with disabilities.
- Preparing and publishing an accessible, **easy to read checklist**: 'Checking a Public Service for Accessibility: Your Rights and the Public Sector Duty'. The Checklist covers employment and service provision and identifies issues to be addressed under the Duty.
- Developing and delivering an accessible **training programme on the Duty** and what public services need to do to ensure people with disabilities can exercise their rights. The training was delivered by people with intellectual disabilities to their peers.
- Launching and disseminating the publications and the learning from the project.

The project had significant outcomes, including:

- Being an empowering process for the steering group members and the peer trainers who were directly involved in this project. They said that there was a significant increase in their awareness of their rights, their confidence to speak up for their rights, and their understanding of how the Duty can help achieve their goals.
- They also reported that their peers had found the training and information guide on the Duty were accessible, informative and empowering.
- The published information guides on the Duty continue to be widely used by people with intellectual disabilities and others when engaging with public bodies because they are accessible.

Links to these resources are available in **Section D: Resources**.

This project was supported under the Commission's Human Rights and Equality Grants Scheme.

## **Develop Capacity to Engage with the Duty and its Implementation**

Actions could include some or all of the following:

- Agree a list of equality and human rights issues to use engaging with public bodies.

Take steps to:

- Empower groups you are working with to establish community needs as equality and human rights issues.
- Carry-out qualitative and quantitative research to develop an evidence base.
- Prepare a book of evidence setting out these issues to submit to, or use in meetings with relevant public bodies, to inform their assess step of the Duty.
- Establish any issues to be prioritised by relevant public bodies, and the rationale for this prioritisation.
- Agree the change needed to effectively address these issues, and the actions required to achieve such change. In the particular, issues and actions about a public body's priorities, its operational systems and processes, and its organisational culture.
- Develop the skills of staff of civil society organisations, and rights-holders (service users and policy beneficiaries of public bodies) to:
- Make public bodies aware that you are ready and willing to engage with them to provide information that will help them implement the Duty (see letter template in Section E).
- Ask public bodies if they have or will consult with civil society to ensure that they have had ongoing regard to equality and human rights considerations when developing or reviewing a particular service or policy area.
- Get invited to take part in any consultation by public bodies on the assess, address, and report steps of the Duty.
- Engage on the implementation of the Duty on the basis of a shared understanding of equality and human rights, as concepts and organisational objectives.

- Inform the implementation of the Duty on the basis of a shared understanding of what type of change may be required in terms of the priorities, systems and organisational culture of a public body, and how such change is best implemented.
- Seek to develop an ongoing dialogue with the public body on the Duty at each aspect of its implementation.

## **Case Study: Irish Traveller Movement**

### **Project: 'Traveller Accommodation Rights and the Public Sector Equality and Human Rights Duty: An Advocacy Toolkit'**

This toolkit serves as a valuable resource for understanding the Public Sector Equality and Human Rights Duty (the Duty) and creates a platform for engaging with local authorities.

By focusing on Traveller accommodation rights, the toolkit aims to ensure that these rights are respected and upheld within the framework of the Duty. It explains what the Duty is and the progress that can be made by implementing it. It flags the importance of inclusive consultation as part of this process.

This resource sets out different ways that Traveller organisations can be active on the Duty by knowing more about it and its potential. It provides case study examples of how local Traveller organisations have created awareness, strengthened their advocacy voice, and linked in with local authorities on the Duty. For example, Donegal Traveller Project collaborated with others to carry out a series of training workshops with staff of Donegal County Council.

The toolkit suggests practical ways to engage with a local authority on the key requirements of the Duty, namely, to have ongoing regard to human rights and equality considerations at the development and review stage on any policy, plan, strategy, programme, or service across all of its functions. It also includes the requirement on a local authority to have assess, address and report on its human rights and equality priorities in the context of the development of its corporate plan and how Traveller organisations can engage with this process.

Public bodies have to publish their assessment and how they are going to address the set of human rights and equality issues they have identified. They must report on their progress in their annual reports. Such publicly available material can be reviewed by Traveller organisations and progress monitored.

The toolkit flags engagement with the Commission in relation to its monitoring role for the Duty, highlighting that the Commission can require a public body to carry

out an equality and human rights review if it fails to implement the Duty. Traveller organisations can communicate with the Commission to highlight and seek a response to a potential failure of a local authority to comply with the Duty.

This toolkit is a valuable resource on the Duty and provides an opportunity to work with local authorities to uphold Traveller accommodation rights using the Duty. It is an exemplar of how other organisations can develop a practice toolkit to advocate on a human rights and equality issue in the context of the Duty. Please see link to toolkit in **Section D: Resources**.

The project was supported under the Commission's Human Rights and Equality Grants Scheme.

## **Build Collective Civil Society Spaces for Engagement with the Duty**

### **Actions**

Actions could include some or all of the following:

- Connect with other civil society organisations to explore joint actions to advocate for the implementation of the Duty, including actions that benefit a number of identified groups.
- Find ways to insert a focus on the Duty in intra-sectoral civil society structures, such as Public Participation Networks (PPNs) and civil society networks.
- Create collective spaces for like-minded civil society organisations to establish a shared platform to build solidarity, enable a common understanding, and offer peer support to engage effectively and collectively with the implementation of the Duty by public bodies.

## **Case Study - Equality and Rights Alliance**

### **Project – 'Building Collective Civil Society Engagement on the Strategy'**

The Equality and Rights Alliance, which operated from 2009 to 2017, was a coalition of civil society organisations concerned with strengthening the statutory equality and human rights infrastructure in Ireland. The Alliance implemented an initiative to support civil society organisations to engage collectively for an

effective implementation of the Duty across the public sector, using a shared values framework for this collective engagement.

Five regional training workshops on the Duty were delivered to eighty-five staff working in fifty-eight civil society organisations representing the interests of the identified groups for the Duty. The workshops addressed: the Duty; values motivating a concern for equality and human rights; contributing to the Assess step of the Duty and organising to engage with public bodies on the Duty.

This initiative resulted in the development of two civil society resources:

- a report setting out the rationale for and potential in a collective civil society engagement on the Duty and documenting the learning from the training delivered: *Building Civil Society Engagement with the Public Sector Equality and Human Rights Duty* and
- the training module delivered, for further use by civil society organisations: *Engage for Change: A Training Module to Support Civil Society Engagement with the Public Sector Equality and Human Rights Duty*.

Please see links to these resources are set out in **Section D. Resources**.

The projects was supported under the Commission's Human Rights and Equality Grants Scheme.

## Case Study: Galway City Community Network

### Project: 'Building Collective Space to Engage on the Duty'

Galway City Community Network (GCCN) serves as the Public Participation Network (PPN) in Galway city. Together with Galway City Partnership and with the support of Galway City Council, it established a Civil Society Panel. The aim of the Panel is to build the collective capacity and engagement of rights holders with the Duty. This initiative built on foundational work done by Galway City Council on the Duty with input from civil society organisations in Galway.

Materials developed by the Local Community Development Committee (LCDC) included:

- **A Tool on Having Regard** - This tool supports the implementation of the Public Sector Duty to have regard to the need to eliminate discrimination, promote equality of opportunity, and protect human rights on an ongoing basis.

→ **A Manual** – This manual explains the implementation of the Public Sector Equality and Human Rights Duty.

The first of its kind in Ireland, the Galway City Civil Society Panel brings together members of communities from the protected grounds under equality law and those at risk and experiencing social exclusion and poverty, to facilitate and support the effective and transparent implementation of the Duty by statutory agencies in Galway City. The Civil Society Panel builds collective capacity and shared understanding of the Duty, through a process of learning and learning by doing.

This has involved:

- Presentations to the Panel on the Duty, including by the Commission.
- Regular engagement by the Panel with the Commission and the Commission's guidance materials.
- Role-playing possible engagement with a public body in implementing the assess, address and report steps required by the Duty.

The Civil Society Panel provides a platform that public bodies can draw from, to support their implementation of the Duty. The panel has used its engagements with public bodies as a process of learning by doing, to develop and hone their skills to work with public bodies in a consultative approach to implementing the Duty. Through these engagements, it was identified that the Panel is providing a service to public bodies.

The Panel has published a guide to the Duty and a consultative approach to its implementation. It also developed a video to share their learning from this work. The panel also completed a Public Sector Duty Review of Galway City Council's Arts Strategy and a Public Sector Duty Review of Galway and Roscommon Education and Training Board (GRET) Strategic Plan.

Links to this initiative and related resources are set out in **Section D: Resources**.

This project was supported under the Commission's Human Rights and Equality Grants Scheme. It also supported foundational work with Galway City Council on the Duty.



## **Refer to the Duty in Advocacy and Campaigning Work**

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### **— Purpose**

Civil society organisations can use advocacy skills to link the effective implementation of the Duty to achieving desired equality and human rights outcomes and achieve institutional and societal change.

This work encompasses:

- Running public awareness campaigns.
- Shaping public discourse on equality and human rights concerns.
- Conducting research and framing research in the context of the Duty.
- Engaging directly with government departments, state agencies and elected representatives.
- Carrying-out direct action.

### **— Type of Initiative**

## **Use the Duty for Advocacy on Equality and Human Rights Issues**

Increasingly, civil society organisations are framing issues as rights and using established human rights and equality standards to advocate for change. These standards include the UN Convention on the Rights for Persons with Disabilities (UNCRPD), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Equality legislation. The Duty is another mechanism to hold public bodies to account and has great potential to achieve change because of its mandatory nature.

Advocacy actions could include some or all of the following:

- Frame demand for changes that will achieve more equal outcomes in terms of the equality and human rights obligations on public bodies set out in the Duty.
- Develop the arguments for change based on these obligations and provide training for advocates to make these arguments effectively.

## **Case Study: Community Action Network (CAN) and Service Users Rights in Action**

### **Project: ‘Gathering evidence and framing research in the context of the Duty’**

The primary purpose of the project was to build upon an evidence base gathered through earlier user-led research on the experience of service users in opioid treatment services. The project sought to bring a Duty lens to lever change to address identified human rights and equality issues.

The project had a number of strands:

**Peer-led research** - It enabled people with lived experience of using opioid treatment services to speak out, and to frame their experiences using a human rights perspective. This peer-led research identified the key equality and human rights issues, and the actions or changes required to the operation of these services to meet the obligations of the Duty.

**Dialogue events** - The process included dialogue events involving:

- People with lived experience of drugs services.
- Key institutional stakeholders working in drug treatment services.
- National policy makers.
- The Irish Human Rights and Equality Commission; and
- The Ombudsman’s Office.

These dialogue events allowed ongoing engagement with people with lived experience of opioid treatment services, and the relevant officials and elected representatives responsible for making the changes happen.

The project produced a report with twenty-eight recommendations to improve the service from an equality and human rights perspective: ‘Our Life, Our Voice, Our Say’. The project enabled service users to use a human rights approach to frame and campaign on the issues affecting them. It enabled them to hold a public body to account to have regard to key human rights and equality issues raised by users of opioid treatment services in the further development and review of those services.

The evidence was presented in the dialogues and to the Health Service Executive.

### **Equality Review**

The evidence presented in ‘Our Lives, Our Voice, Our Say’ was also used to request that the Commission consider conducting an Equality Review. The Commission

reviewed the findings, looked further into the issues presented and in 2018 decided to invite the Health Service Executive (HSE) to carry out an Equality Review.

The Equality Review focused on the manner in which drug testing was carried out in these clinics around the direct supervision of urine samples by clinic staff, and the implications of this reported practice for the service users' dignity. In 2019, the Commission invited the HSE to prepare and implement an Equality Action Plan to ensure the practice of non-direct supervision of urine samples was rolled out in addiction treatment services nationally.

This ultimately resulted in the end of supervised urine sampling for thousands of service users. Subsequent peer led research has been bedded down in 6 projects around the country and is used to inform policy and practice within the drug treatment services.

The project, coordinated by CAN, involved a steering committee of CAN and the Commission, service users from Service Users Rights in Action (SURIA), GPs and community group representatives and was supported by the Commission.

Links to this initiative and related resources (including an account of the HSE's Equality Review and Equality Action Plan) are set out in **Section D: Resources**.

The project was supported under the Commission's Human Rights and Equality Grants Scheme.

## Case Study: Mercy Law Resource Centre

### Project: 'Barriers to Accessing Housing Services for Minority Groups'

Mercy Law Resource Centre (MLRC) has provided legal advice and representation to individuals and families facing housing difficulty since 2009.

Since 2015, MLRC noted the increasing numbers of individuals and families from minority groups accessing its service. This included Irish nationals who are ethnic minority and non-Irish nationals from both EU and non-EU countries. It provided legal advice and representation to members of the Traveller community and the Roma community, who have presented with the most acute and urgent legal issues. As of October 2020, 65% of those clients to whom MLRC provided legal representation were from minority groups.

As a result, MLRC conducted research, informed by its extensive casework experience working with individuals and families from minority groups. It included MLRC's own analysis of the legal framework that applies to issues of housing and homelessness in Ireland, based on their wide-ranging experience and expertise in that niche area. For this report, minority groups include non-white Irish and encompasses non-Irish nationals, naturalised Irish nationals, members of the Traveller community and those of Roma ethnicity.

The research examined several existing legal barriers for minority groups in Ireland in accessing housing services, including admission to the social housing list or access to emergency accommodation for homeless persons. It considered the potential impact and benefits of the Public Sector Equality and Human Rights Duty to effect change in this area and set out clear recommendations.

There was a strong focus at the launch of the report on the Irish Public Sector Duty, and on the Public Sector Duty on Equality in the UK and how it has been used in relation to similar issues. Subsequently, MLRC met with the Minister for Housing and officials at the Department of Housing to present the findings and recommendations of the report.

The links to this research report is available in **Section D: Resources**.

The project was supported under the Commission's Human Rights and Equality Grants Scheme.

## Case Study: AsIAM

### Project: ‘Exploring the School Experience of Autistic Children and Young People’

AsIAM, Ireland’s national autism organisation carried out a research study entitled “Exploring the school experience of Autistic Children and Young People”. The study aimed to uncover the extent to which education practices in Irish schools are inclusive of Autistic children and young people, in line with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Public Sector Equality and Human Rights Duty (the Duty).

While the Duty is not a legal requirement of schools, it is an obligation of the Department of Education and the National Council for Special Education to have due regard to it on an ongoing basis and in the development of their Strategy Statements. The results of the research informed that that ongoing consideration.

AsIAM framed the evidence-based information from their research in the context of the Duty and its three steps: Assess, Address, Report. This illustrated how such evidence, can inform and support the Department of Education and the National Council for Special Education to implement the three recommended steps of the Duty.

In their report, AsIAM used a table to present the issues and barriers to education identified by the participants of the research, deeming that these issues can inform an assessment of equality and human rights issues for relevant public bodies. The table included potential actions and solutions to remove these barriers to education, which could inform the development of actions/plans to address equality and human rights issues for relevant public bodies. They also took the opportunity to present the potential impact for Autistic children in education if these issues were addressed, and so fulfil the reporting requirement of the Duty.

Understanding Autism	Recommendations	Impact/Outcome
A major source of concern and frustration for many Parents/Guardians (n=53) related to school staff’s lack or limited knowledge or understanding of what it means to be Autistic, for example a lack of understanding of sensory sensitivity processing, a lack of knowledge regarding diverse learning styles e.g., visual.	<p><b>Increased Training of School Staff</b></p> <p>That teachers and SNA continue to upskill and engage in Autism training on an ongoing basis.</p>	<p><b>Mandatory Training</b></p> <p>A teaching staff which understands, respects and is open to increasing their knowledge of the Autistic experience can have a deeply positive impact on a child’s/young person’s educational experience.</p>

AsIAM used this study to inform its advocacy around education, as Ireland seeks to build a holistic, inclusive education system in line with Ireland's international obligations. It also used the findings to highlight the barriers experienced by the Autistic community in education. The findings and recommendations of this project were shared with the key relevant public bodies involved in developing inclusive policy and practices with the intention of supporting their implementation of the Duty. The impact of this report led to a follow-on report on analysing codes of behaviours in Irish schools through a rights-based analysis. The link to this research report is available in **Section D: Resources**.

The project was supported under the Commission's Human Rights and Equality Grants Scheme.

## Engage with Public Bodies on 'Having Due Regard'

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### — Purpose

The Commission has highlighted to public bodies in its guidance on the Duty and the benefits of engaging with civil society to inform their implementation of the Duty. There are clear benefits for civil society in engaging with public bodies on their requirement under the Duty to have due regard to equality and human rights considerations on an ongoing basis, i.e. Section 42 (1) set out earlier.

### — Having Due Regard

Public Bodies have an obligation to have due regard to equality and human rights considerations across all their functions on an ongoing basis. This means it is not a once-off activity and is not separate from the performance of their functions. It requires public bodies to integrate human rights and equality issues into every aspect of how they perform their functions. This means that public bodies must:

- **Inform themselves** about equality and human rights, eliminating discrimination, promoting equality of opportunity and treatment and protecting human rights in the performance of their functions.
- **Give due consideration** to these equality and human rights issues and take steps to address them in their day-to-day work, such as how they design, develop and deliver any aspect of their functions.
- **Demonstrate** that they have taken steps to inform themselves about the equality and human rights issues related to how they develop, deliver and evaluate their functions.

## — Equality and Human Rights Impact Assessment

As mentioned in Section A, to meet this obligation, the Commission recommends that a public body carries out an Equality and Human Rights Impact Assessment at the development or review stage of any strategy, programme, service, plan or policy.

In undertaking an Equality and Human Rights Impact Assessment, a public body should:

- Establish the equality and human rights issues that are relevant.
- Take steps to include actions to address the equality and human rights issues identified.
- Formally check the strategy, programme, service, plan or policy at final draft stage and ensure that the equality and human rights issues identified are adequately and appropriately addressed; and
- Establish and track output and outcomes indicators and targets to monitor and report on the manner in which the relevant equality and human rights issues have been addressed.

Consultation with civil society and the identified groups is a key component of an equality and human rights assessment.

## — Actions

- Actions by civil society could include some or all of the following:
- Offer to provide training on the relevant equality and human standards
- Seek a formal engagement to discuss the scope of the equality and human rights assessment
- Seek a formal engagement to input to the development or review of the strategy, programme, service, plan or policy through an inclusive consultation process.
- Seek a formal engagement at the final draft stage to check if the relevant equality and human rights issues are addressed
- Where there is a structure in place that involves the relevant civil society organisations representing the identified group(s), such as a Civil Society Panel (see Galway example above) or a Local



Traveller Accommodation Consultative Committee, ensure that they have a formal role in checking that the development and review of strategy, programme, service, plan or policy adequately and appropriately address the relevant equality and human rights issues facing the identified group(s).

### — **Having Ongoing Regard to Human Rights and Equality**

Below are examples of references made to the need to have regard:

#### » **Tipperary County Council v Reilly & Ors**

This is a High Court case concerning the eviction of members of the Traveller community from a halting site in County Tipperary. In the judgment the High Court referred to the Duty.

The High Court commented that the Duty:

“places a positive duty... on housing authorities as public bodies to perform their functions having regard to the need to eliminate discrimination, promote equality of opportunity and treatment of persons to whom it provides services and to protect the human rights of those persons. The public sector duty is a duty of process and not outcome which requires demonstration of due consideration in the affected decision-making process.”

#### » **Ombudsman Investigation**

This is an investigation by the Ombudsman in relation to the withdrawal of emergency accommodation to a family. In investigating the complaint, the Ombudsman referred to the Duty finding that:

“... the tone of the communications from the Council to the family was completely inappropriate, was far below the standard expected from a public body dealing with a family in need and fell short of the Council’s Public Sector Duty in relation to human rights.”

#### » **An individual v the Department of Social Protection**

This is a decision by the Equality Tribunal in relation to a complaint of age discrimination under the Equal Status Acts 2000-2015. The Equality Tribunal found that the complainant was discriminated against and requested that the Department promote the Commission’s online training module, Delivering Equality and Human rights in Public Services in Ireland for front line managers, within the Department.

## Engage with Public Bodies at ‘Assess, Address, Report’ Stages

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### — Purpose

The Commission has highlighted to public bodies in its guidance on the Duty, the benefits of engaging with civil society to inform their implementation of the Duty. The Section 42 (2) obligation on a public body to **Assess, Address and Report** comes in to play when that public body is in the process of developing periodic Strategy Statements, or in the case of Local Authorities, when they are developing their Corporate Plans in the aftermath of Local Elections. Civil Society can and should seek to input at each stage. These statements and plans come out every three to five years. While it very important to engage at the assess stage, civil society can also engage when those statements and plans have been published or progress reported on in their annual reports.

### **Assess**

Engagement by civil society will ensure that the key human rights and equality issues are correctly identified and that gaps are minimised, as the inputs will be informed by end users, rights-holders themselves.

### **Address**

Engagement by civil society organisations at this stage, helps to put a clear focus on the adequate and appropriate actions that need to be taken to remove barriers and secure better outcomes for the identified groups.

### **Report**

Engagement by civil society organisations with public bodies at this stage, could enable civil society organisations to be involved in contributing their perspective on the extent to which the actions have been carried out, to identify barriers, learning and suggest ways forward. It can also be (if required) to hold the public body to account. Two possible initiatives are:

- ➔ Develop relationships with relevant Public Bodies on the Duty.
- ➔ Consultation to Co-production with Public Bodies.

## — Types of Initiative

### **Develop Relationships with Relevant Public Bodies on the Duty:**

Actions could include some or all of the following:

- Contact the CEO, senior management team of the public body to establish a relationship, where there are none in place. A template letter for this purpose is provided in Section E: Additional Supports, alongside a compliance checklist which might assist this initial engagement.
- Identify the key personnel and/or structures established within the public body responsible for implementing the Duty. A number of public bodies have established specific working groups to drive the organisation's work on the Duty.
- Build a dialogue with senior officials in the public body on the Duty, its demands, its potential, and on the role and contribution to be made by civil society organisations to its effective implementation.
- Highlight the importance of an inclusive consultation process to inform the identification of the key human rights and equality issues.
- Make available to public bodies, relevant research and information gathering on equality and human rights issues for the identified groups undertaken by civil society organisations. This will usefully inform the evidence base for the public bodies' required assessment of the equality and human rights issues.
- Seek engagement with senior officials in the public body as they implement the assess step including the opportunity to provide feedback on a draft version.

## Case Study: Independent Living Movement Ireland

### Project: 'Making Inclusion a Reality'

Under the 2011 National Housing Strategy for People with a Disability, local authorities are required to: prepare a strategy to meet the housing needs of disabled people in their area; and establish a Housing Disability Steering Group.

Independent Living Movement Ireland (ILMI) had a relationship with South Dublin County Council (SDCC) and, based on this, devised and undertook a project to develop a best-practice model. This project, focused on the inclusion of disabled people in developing and implementing housing policy and provision in the South County Dublin area, based on the national strategy. This initiative was called the **'Making Inclusion a Reality' project**.

This project involved the formation and capacity building of a South Dublin Disability Platform (the Platform) to represent the interests of disabled people on the SDCC Housing Disability Steering Group. The model of representation developed was values-led and included implementation of the Duty in the development and implementation of the strategy to meet the housing needs of disabled people in the South Dublin area.

During the period of the project, SDCC began preparing its Strategic Plan for Housing People with a Disability 2021-2026. The Platform undertook an assessment of the equality and human rights issues relevant to this function of the local authority and made this available to the SDCC Housing and Disability Steering Group. The Platform later reviewed a draft of the Strategic Plan, made available by SDCC, to check on the extent to which the equality and human rights issues had been adequately and appropriately addressed in the actions. A report of this review was provided to SDCC Housing and Disability Steering Group and was given due and positive consideration in finalising the strategy.

An operational protocol for the SDCC Housing and Disability Steering Group was agreed during the induction period for the inclusion of representatives from the Platform. This established that the steering group would take a planned and systematic approach to equality and human rights by implementing the Duty in its ongoing work. For the purpose of this project, the Steering Group also adopted the assessment of equality and human rights issues undertaken by the Platform.

The link to report is available in **Section D: Resources**.

This project was supported under the Commission's Human Rights and Equality Grants Scheme.

## Consultation to Co-production with Public Bodies

Follow-up is important on any initial consultation by the public body. Creating these follow-up opportunities lead to a more co-produced and robust assessment and set of proposals to address the issues identified.

Actions that civil society organisations could take include:

- Engaging with the relevant officials in a participative way to check, modify as required, and validate the final draft assessment of the equality and human rights issues produced by the public body. If such a participative exercise is not foreseen, it could be proactively sought, by making the argument for it, informed by the Commission's guidance for a consultative approach.
- Engaging with the relevant officials in a participative way, at final draft stage of the process, to check if plans, policies, strategies and/or programmes that are being developed or reviewed, adequately and appropriately address the relevant equality and human rights issues from the assessment undertaken.
- Engaging with relevant officials in a participative way to review and contribute to their annual report on progress made in implementing the Duty and addressing the equality and human rights issues.

### Case Study: Galway City Community Network

#### Project: 'Engagement at Assess, Address, Report Stages'

The Civil Society Panel convened and supported by Galway City Community Network (GCCN) provides a standing platform for public bodies to consult with to inform their ongoing work to implement the Duty.

The Panel members engaged with one public body to discuss and review their assessment of equality and human rights issues relevant to their functions. The Panel members received a copy of the final draft assessment in advance of a meeting to discuss this document with the public body. A report of the meeting was provided to Panel members and feedback was given on how their proposals were addressed in the final draft of the assessment.

The Panel engaged with a second public body that was preparing a strategy for one of its departments. A draft of the strategy was made available to the Panel. A meeting was convened to give Panel members an opportunity to raise key equality

and human rights concerns that they wished to have taken into consideration in the strategy. The Panel's observations were taken into consideration in the final draft of the strategy.

The Galway City Local Community Development Committees (LCDC), Galway City Community Network and Galway City Council most recently collaborated on a Pilot Engagement Project focused on the inclusion of marginalised communities in the development of the Local Economic and Community Plan (LECP) 2024 – 2029. This project was funded by Pobal through the Dormant Accounts Fund. The Civil Society Panel played an active role in the project bringing a focus on the Duty within the plan. The project collaborated with various communities from the protected grounds under equality law including the Deaf Community, the LGBTI+ Community (with a specific focus on trans and non-binary members), Traveller women, and women residing in Direct Provision, LGBTI+ youth, and young individuals facing socio-economic challenges.

The Panel contributed to an assessment of the equality and human rights issues relevant to the areas to be addressed in the new plan. This assessment was adopted by the Local Community Development Committee for the new plan. The Panel worked collaboratively with GCCN and other agencies to develop a range of community indicators. This work builds on the Toolkit for the Implementation of Public Sector Duty in Galway, and the Social Inclusion Group Book of Evidence developed by Values Lab.

The outcomes of engaging with various communities and the Civil Society Panel were transformed into an Actions Book and a video. Notably, the project significantly influenced the new LECP, which incorporated twenty-one actions from the Action Book.

The link to the resources from this project is available in **Section D: Resources**.

The project was supported under the Commission's Human Rights and Equality Grants Scheme.

## Monitoring Implementation of the Duty by Public Bodies

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### — Purpose

As set out in Section A, the Duty is mandatory and public bodies are obliged to implement it. Civil society organisations already monitor the State's progress on other human rights and equality standards and the related obligations as part of their advocacy work. You are well placed to engage with, monitor and hold public bodies to account for the full and effective implementation of the Duty. You can usefully step forward as champions for the Duty and highlight its potential to advance equality and fulfil human rights.

Two possible initiatives to achieve this are to:

- Promote the Duty to Public Bodies and Advocate for its Implementation
- Monitor Implementation of the Duty by Public Bodies

### — Types of Initiative

#### **Promote the Duty and Advocate for its Implementation**

Actions could include some or all of the following:

- Mobilise, support, and bring forward a demand from service users, as rights holders, for the Duty to be implemented.
- Seek implementation of the Duty as part of external communication strategies and public advocacy campaigns and generate a wider public demand for its implementation.
- Introduce and sustain a focus on implementation of the Duty, specifically in terms of the ongoing requirement to have regard to the need to eliminate discrimination, promote equality of opportunity and protect human rights, i.e. Section 42(1) of IHREC Act.
- Introduce and sustain a focus on implementing the Duty in cross-sectoral fora (when different sectors collaborate, sharing their resources, responsibilities and/or views) such as: Local Community Development Committees, Traveller Interagency Groups, Housing and Disability Steering Groups, and Children, Young People's Services Committees and Public Participation Networks.



- Promote training on equality and human rights and the Duty to public bodies to stimulate, enable and build competency for its implementation. Direct public bodies to relevant quality providers of such training, or, if appropriate, provide such training.
- Make links and build coalitions with trade unions in promoting the Duty as a lens to protect and defend the interests of employees of public bodies from the identified groups.

### **Case Study: Disability Federation of Ireland (DFI)**

#### **Project: ‘UNCRPD, the Public Sector Duty and Local Authorities’**

The Disability Federation of Ireland (DFI) provided training to staff in fourteen local authorities on the use of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) to fulfil their responsibilities under the Duty. The short-term goals of the training programme were to:

- Raise awareness among local authority staff of the UNCRPD and the rights of people with disabilities.
- Teach local authority staff to use the UNCRPD by demonstrating how the articles of the UNCRPD can apply to local authority functions.
- Raise awareness of the Duty and how the UNCRPD can be used to meet a local authority’s responsibilities under the Duty.
- Learn more about how local authorities think about disability and the rights of people with disabilities.

DFI secured the support of the Local Government Management Agency to initiate the initial contact with local authorities and engage with them regarding the project. Once this engagement was secured, training was delivered in two sessions: a short pre-learning focus group and a four-hour training session. This allowed DFI to learn more about how local authorities view disability and to identify what issues around disabilities, local authorities are most interested in.

The training programme covered: understanding disability, the UNCRPD and the rights contained in the Convention; the Duty and how it applies to a local authority; and challenges and solutions to addressing issues for disabled people. After the training and a few weeks later, trainees completed evaluation forms. This information was analysed, and a final report was prepared and published.

The resources from this project are available in **Section D: Resources**.

The project was supported under the Commission’s Human Rights and Equality Grants Scheme.

## Monitor implementation of the Duty by Public Bodies

This section sets out ways to monitor the implementation of the Duty. It includes a case study of research carried out by Travellers of North Cork examining the extent to which public bodies were implementing their Duty obligations. It also sets out references by the courts and complaints mechanisms for public bodies to have regard to the Duty in their decision-making processes.

Actions could include some or all of the following:

- Track the strategy statements/corporate plans and annual reports of public bodies to establish if, as required under the Duty, they have identified proposed actions and progress made and achievements in implementing the Duty.
- Undertake a mapping exercise, research or survey to establish the level, nature and quality of approach by public bodies in implementing the Duty or including this focus in broader research or survey projects examining the operations of public bodies.
- Where there is suspected failure of compliance by a public body (see Section 42(1) and 42(2) of IHREC Act in see Appendix 1). Communicate this with the public body in question. Template letters for this purpose are provided in Section **E: Additional Supports**, alongside a compliance checklist which might assist this initial engagement. A suspected failure of compliance could also be communicated to the Commission in the context on their monitoring role.

In cases where a civil society organisation is supporting an individual rights holder to make a complaint against a public body or advocating to a public body about an issue of concern, ask for evidence from the public body, to show that they have had due regard to the Duty. This means that they had regard, i.e. taken into consideration in their decision-making process the need to prevent discrimination, promote equality of opportunity and protect human rights as set out in the Duty, defined earlier in **Section A**.

These actions could be informed by: the Commission's guidance on a consultative approach » [Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: tool for a consultative approach](#), (2020); the Commission's general guidance - [Implementing the Public Sector Equality and Human Rights Duty](#), (2024); the Commission's guidance on the Assess Step » [Tool for an evidence-based assessment of equality and human rights issues](#), (2020), and forthcoming guidance on the Address Step and on the Report Step.

## Case Study: Travellers of North Cork

### Project: 'Implementing the Public Sector Equality and Human Rights Duty for Traveller Community in Ireland'

Travellers of North Cork (TNC) commissioned University College Cork to carry out Traveller Community-led research arising from Travellers' experience of daily racism and discrimination in accessing a wide range of services, such as employment, education and accommodation. The Public Sector Equality and Human Rights Duty provides an important means of assessing the equitable delivery of such public services, as well as imposing legal obligations on public bodies to ensure this is the case. The focus of the research was the extent to which public bodies were meeting their Duty obligations towards Travellers.

The research was participatory and Traveller-led, based on the principle of "nothing about us, without us," and comprised of focus group discussions with Travellers, questionnaires completed by Travellers on their experiences of accessing public services, as well as key informant interviews and a literature review. Drawing on the social determinants of health approach, the research found that many public bodies had developed their Public Sector Duty assessments and reports and were proactively engaging with their obligations. However, there were important differences in the level of detail provided by public bodies, and limited discussion of the differential needs of the different groups who may face discrimination in accessing services.

The research identified significant differences in Travellers' perceptions of different areas of the public sector. For example, generally positive experiences with health care, mixed experiences with education, and negative experiences with accommodation/local authorities).

Based on the information obtained, the report provides a series of recommendations and has identified five key areas in need of further consideration in the context of the implementation of the Public Sector Duty, namely the need for: Community Engagement and Partnership Collaborations; Leadership; Visibility of Travellers in Public Sector Bodies; Accountability; and Legislation and Policy.

The overall aim of the report was to promote the accountability of public sector bodies to meet their Duty obligations to ensure equality and non-discrimination for Travellers.

The research report is available in **Section D: Resources**.

The project was supported under the Commission's Human Rights and Equality Grants Scheme.

## Implement the Duty within Civil Society Organisations

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### — Purpose

The Duty is an essential tool to put human rights and equality at the heart of how public bodies operate, develop policy and deliver services. It applies to all of the functions of a public body, including public procurement, funding and grant aid. While civil society organisations are not directly bound to implement the Duty, public bodies are responsible to ensure that equality and human rights obligations set out in the Duty are included in agreements with contractual partners as part of procurement or funding arrangements. This responsibility could result in civil society organisations being asked to commit to meeting the obligations of the Duty, for example, organisations subject to section 39 service level agreements.

The Duty promotes a systematic approach to equality and human rights across all function areas of an organisation. All organisations that have as part of their value set, to promote equality and human rights, should take the time to examine how well they are doing this in their organisation. Civil society organisations could, therefore, usefully gain from applying an equality and human rights-based approach in your own organisation, similar in nature to the Duty. You can offer leadership to public bodies in the way that you carry this out.

### — Types of Initiative

Actions could include some or all of the following:

- Undertake an assessment of equality and human rights issues relevant to all function areas. The assessment would focus on the equality and human rights issues relevant to the civil society organisation's functions as an employer, service provider, advocacy and campaigning organisation and corporate functions such as procurement. This exercise could usefully involve a participative process with staff and service users from the identified groups in validating this assessment.
- Ensure that strategic plans, annual work-plans, internal policies and strategies and programmes include adequate and appropriate actions to address the equality and human rights issues assessed.
- Include a focus on implementing the Duty and the progress made in addressing the issues, in annual reports, and organise a participative reflection on the progress made which would inform organisational plans, policies, and practice.

## Conclusion

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This Guidance has explained the mandatory obligations that the Duty places on public bodies to have regard to human rights and equality on an ongoing basis. It has set out the potential of the Duty to achieve better outcomes for people who are experiencing or who are at risk of non-fulfilment of human rights if fully implemented. It lays out how civil society organisations can use the Duty to lever change and through their engagement with public bodies can improve its implementation and so improve outcomes for affected groups. The road map of how to use the Duty has been backed up by several case studies which set out how other civil society organisations have built awareness and understanding of Duty, how they have gathered evidence, and how they have applied it as a framework to engage with public bodies on key human rights and equality issues they are working on to effect change.



## Section D

# Resources

## Introduction

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A body of published and online material has been developed, and continues to grow, in relation to the Duty and its implementation. Civil society organisations are a valuable source of such resources given the range of work now being developed by this sector on the Duty. The Commission, given its central support role in relation to the Duty, is the key source of guidance material.

This section includes the resources developed by civil society and then the guidance materials of the Commission will be outlined.

## Resources Developed by Civil Society Organisations

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### — AsIAM

AsIAM utilised the Duty as a means of highlighting issues identified in their research report “Exploring the school experience of Autistic Children and Young People”. Framing their findings and recommendations from their research, in the framework of Duty permitted AsIAM to support the relevant departments in considering the research in the context of their statutory obligations under the Duty.

- » [Exploring the school experience of Autistic Children and Young People](#), AsIAM, 2024

### — Community Action Network (CAN) & Service Users Rights in Action

CAN and Service User Rights in Action implemented a project to apply a Public Sector Equality and Human Rights Duty approach to the human rights and equality issues identified by service users of opioid treatment services, and published a report on the work of the project:

- » [Our Life, Our Voice, Our Say](#), Service Users Rights in Action and CAN, 2018.
- A video case study for this initiative was developed by the Commission, which is available on our [website](#).
- » [An Account of the HSE Action Plan to ensure that Opioid Service Treatment service users are not treated less favourably when compared to a person who does not have a disability or a person who has a different kind of disability](#), Summary Description of the Equality Action Plan undertaken by the HSE at the request of the Commission, Irish Human Rights and Equality Commission, 2021.

- » Trapped in Treatment, Applying a Public Sector Equality and Human Rights Duty Approach to the Human Rights and Equality Issues identified by Service Users of Drug Treatment Services in the North-East Inner-City, Inner-City Organisations Network, Service Users Rights in Action and Community Action Network, 2024.

#### — Disability Federation of Ireland

DFI developed and provided a training initiative for local authorities on the Duty and the UNCRPD. A report on the initiative was produced with data from evaluation surveys of participants:

- » Training Local Authorities in Using the UN Convention on the Rights of Persons with Disabilities to Fulfil their Public Sector Human Rights and Equality Duty, Raley Dr. M., Disability Federation of Ireland, 2021.

#### — Equality & Rights Alliance

The Equality & Rights Alliance developed a training programme for civil society organisations to engage collectively for an effective implementation of the Duty, using a values-led approach. The following resources were produced:

- » Building Civil Society Engagement with the Public Sector Equality and Human Rights Duty, Mullen R., Equality & Rights Alliance, 2018.
- » Engage for Change: A Training Module to Support Civil Society Engagement with the Public Sector Equality and Human Rights Duty, Mullen R., Equality & Rights Alliance, 2018.

#### — Galway City Community Network

Galway City Community Network worked with the Galway City Local Community Development Committee to develop an Equality and Human Rights Statement to reflect its commitment to equality and human rights and serves to address its obligations under the Duty. In a further initiative, the Network worked with the Galway City Local Community Development Committee to develop a manual to inform and support public bodies in the city to implement the Duty. The following resources resulted:



- » Equality and Human Rights Statement: A Tool to Support Implementation of the Public Sector Duty to have regard to the need to Eliminate Discrimination, Promote Equality of Opportunity and Protect Human Rights, Galway City Local Community Development Committee.
- » Realising Potential: Public Sector Equality and Human Rights Duty Implementation Manual, Galway City Local Community Development Committee.

Galway City Community Network, Galway City Partnership and with the support of Galway City Council, formed and support the Galway City Civil Society Panel, which is drawn from members of the identified groups for the Duty, and which aims to support an effective implementation of the Duty. The following resources were produced:

- » A Grass Roots Approach to the Public Sector Equality and Human Rights Duty: A Resource from Experience, Galway City Community Network, Galway City Partnership, Galway City LCDC, 2022.
- Civil Society Panel » Video Resource, Galway City Community Network, 2022.

#### — Inclusion Ireland

Inclusion Ireland developed a range of accessible materials on the Duty, and they also provided peer-led training on the Duty with associated materials. The following resources were produced:

- » What is the Public Sector Duty?, Inclusion Ireland
- » Checking a Public Service for Accessibility: Your Rights and the Public Sector Duty, Inclusion Ireland
- Slides: » Peer Training Programme on the Public Sector Equality and Human Rights, Inclusion Ireland

#### — Independent Living Movement Ireland (ILMI)

The Independent Living Movement Ireland (ILMI), in a joint project with South Dublin County Council, developed a model for participation of disabled people on a local authority housing and disability steering group. This involved a platform of disabled people, and a model for the operation of the steering group that included implementing the Public Sector Equality and Human Rights Duty. The following report documented the process and learning:

- » Making Inclusion a Reality, Mullen R. & Crowley N., ILMI, South Dublin County Council and Values Lab, 2021.

### — Irish Traveller Movement (ITM)

The Irish Traveller Movement (ITM) developed an advocacy toolkit on the Public Sector Duty and Traveller accommodation. The purpose of the toolkit was to create awareness of the Duty and create a platform for engagement with local authorities on Traveller accommodation rights.

- » Traveller Accommodation and the Public Sector Equality and Human Rights Duty: An Advocacy Tool-Kit, Crowley, N. and Mullen, R. Values Lab for the Irish Traveller Movement (2025).

### — Mercy Law Resource Centre

Mercy Law Resource Centre (MLRC) carried out research on the barriers for minority groups in accessing housing services and framed its analysis and recommendations in the context of the potential of the Duty to bring about change, including improvements in housing legislation, policy and service provision.

- » Minority Groups and Housing Services: Barriers to Access Services, Research Report, 2021

### — Travellers of North Cork (TNC)

The report is the result of Community-led research arising from Travellers' experience of daily racism and discrimination in accessing a wide range of services, such as employment, education and accommodation. The introduction of the Public Sector Equality and Human Rights Duty into Irish law in 2014 provided an important means of assessing the equitable delivery of public services. This research is intended to complement and expand on IHREC guidelines on implementing the Public Sector Duty, and in particular to increase awareness and understanding of the statutory obligations on public sector bodies towards Travellers, and to provide increased evidence to advocate for equality and human rights.

- » Implementing the Public Sector Equality and Human Rights Duty for the Traveller Community in Ireland

## Resources Developed by the Commission

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The Commission has published its second edition, general guidance on the Duty:

- » Implementing the Public Sector Equality and Human Rights Duty (2024).

The Commission has published specific detailed guidance in relation to some of the requirements of the Duty:

- » Tool for an evidence-based assessment of equality and human rights issues in implementing the Duty (2020); and
- » Tool for a consultative approach in implementing the Duty (2020).

The Commission has developed an eLearning module to support staff in public bodies to understand and meet their obligations under the Duty:

- » Equality and Human Rights in the Public Service, eLearning module (2022).



## Section E

# Additional Supports

## Template Letters

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These are additional supports to help civil society organisations get started with your engagement with public bodies. The template letters are a way to introduce yourself to the public body you are targeting and flag your interest in the Duty and the contribution your organisation could make to its implementation.

### Introduction Template Letter

Dear [Name],

We are writing with regard to the Public Sector Equality and Human Rights Duty (the Duty) and your responsibilities with regard to this Duty. We would welcome an opportunity to engage with you in relation to implementing the Duty and to contribute to your realisation of the real potential that lies in this Duty.

As you are aware, the Duty requires public bodies to have regard to the need to eliminate discrimination, promote equality of opportunity, and protect human rights for service users, staff, and policy beneficiaries from a wide range of groups experiencing or at risk of discrimination, inequality, and human rights violations. It provides a unique opportunity to build on and strengthen your endeavours as a public body to effectively address these challenges.

We have developed a body of work that would usefully assist in your effective implementation of the Duty. We could bring a knowledge of the issues facing the groups identified for the Duty, alongside an evidence base to underpin this knowledge. This would contribute to your responsibilities under the Duty in undertaking the required assessment of equality and human rights issues.

We have an understanding of and expertise in the actions that might be most useful in effectively responding to these equality and human rights issues. This would contribute to your responsibilities under the Duty in addressing the issues identified and prioritised in your assessment.

The Duty creates a valuable space for constructive engagement between public bodies and civil society organisations. We are writing to you in the understanding that the Duty captures ambitions and addresses concerns that we have in common. It is in this spirit that we hope we could work together in achieving the best outcomes.

We would welcome a chance to meet with you to further discuss the Duty and the possibilities it holds for such collaboration.

We look forward to hearing from you,

Yours sincerely,  
[Name]

### **Due Regard Template Letter**

Dear [Name],

We are writing to you in relation to your Human Rights and Equality Public Sector Duty.

As you are aware, Section 42(1) of the Irish Human Rights and Equality Commission (IHREC) Act requires that public bodies have regard to the need to eliminate discrimination, promote equality of opportunity and treatment of its staff and the persons to whom it provides services and protect the human rights of its staff and the persons to whom it provides services, in the performance of its functions (the 'Duty').

This means that public bodies must inform themselves of equality and human rights issues affecting groups identified under the Duty, must give due consideration to those issues in the performance of their functions and must be able to demonstrate that they have done so.

We are writing to you in relation to the [DESCRIBE THE ACTION, DECISION OR POLICY RELATING TO THE PUBLIC BODY'S FUNCTION].

We request that you inform us how you had regard to the Duty in relation to this [ACTION/DECISION/POLICY].

Yours sincerely,

[Name]

## Checklist

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As referred to earlier, the Commission has produced guidance for public bodies on implementing the Duty, which includes a useful compliance checklist. This checklist also provides a set of key points for civil society when engaging with public bodies on their compliance with the Duty. Please see below.

### — Compliance with Section 42.1

- Has the public body taken steps to design and implement processes to ensure they comply with the Duty.
- Has the public body engaged with civil society organisations in an inclusive consultative process?
- Has the public body performed any internal reviews of the extent and effectiveness of any measures in place or proposed to be put in place to comply with the Duty.
- Has the public body analysed whether they have processes in place to ensure they give due regard to Section 42 (1) when making decisions.
- Has the public body developed and maintained records of decision-making, demonstrating that they had regard to the need to eliminate discrimination, promote equality of opportunity and protect the human rights of staff, and everyone it develops policy for or provide services to.
- Does the public body develop and maintain records where a policy is adopted and/or a decision is taken that may have implications on equality and human rights?
- Does the Public Body undertake equality and human rights impact assessments before adopting a policy or making a decision that may have significant implications on equality and human rights.
- Has the public body taken measures to ensure that they have processes in place to provide training on the Duty for management and staff and records of who and when training has been provided.
- Has the public body incorporated and referred to the Duty in all relevant corporate governance standards, frameworks, and processes, including its Strategic Plan and Annual Report.

## — Compliance with Section 42.2

Action by the public body on any of these elements listed below presents an important moment for civil society action to engage on the Duty:

- Has the public body taken steps to implement the Duty as part of the development of its strategic/corporate plan?
- Has the public body measures in place for collecting information to inform its human rights and equality assessment?
- Does the public body consult with staff, policy beneficiaries and service users including civil society organisations representing affected groups when carrying-out a human rights and equality assessment, and before adopting any policies, plans, and actions.
- Has the public body published its assessment of equality and human rights issues that are relevant to its functions and the actions to address these issues?
- Is the assessment and actions that need to be addressed published in a manner that is accessible to the public?
- Is there a report on progress published in its annual report in a manner that is accessible to the public?





# Appendices

## **Appendix 1: Section 42 of the IHREC Act, 2014**

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Section 42 of the Irish Human Rights and Equality Commission Act 2014 requires:

(1) A public body shall, in the performance of its functions, have regard to the need to—

- Eliminate discrimination.
- Promote equality of opportunity and treatment of its staff and the persons to whom it provides services; and
- Protect the human rights of its members, staff and the persons to whom it provides services.

(2) For the purposes of giving effect to subsection (1), a public body shall, having regard to the functions and purpose of the body and to its size and the resources available to it—

(a) set out in a manner that is accessible to the public in its strategic plan (howsoever described) 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, and

(b) report in a manner that is accessible to the public on developments and achievements in that regard in its annual report (howsoever described).

(3) In assisting public bodies to perform their functions in a manner consistent with subsection (1), the Commission may give guidance to and encourage public bodies in developing policies of, and exercising, good practice and operational standards in relation to, human rights and equality.

(4) Without prejudice to the generality of subsection (3), the Commission may—

(a) issue guidelines, or

(b) prepare codes of practice in accordance with section 31, in respect of the development by public bodies of performance measures, operational standards and written preventative strategies for the purpose of reducing discrimination and promoting human rights and equality in the public sector workplace and in the provision of services to the public.

(5) Where the Commission considers that there is evidence of a failure by a public body to perform its functions in a manner consistent with subsection (1) and that it is appropriate in all the circumstances to do so, the Commission may invite the public body to—

(a) carry out a review in relation to the performance by that body of its functions having regard to subsection (1), or

(b) prepare and implement an action plan in relation to the performance by that body of its functions having regard to subsection (1), or both.

(6) A review or an action plan under subsection (5) may relate to—

(a) equality of opportunity or human rights generally, or

(b) A particular aspect of human rights or discrimination, in the public body concerned.

(7) The Commission may, and, if requested by the Minister, shall, review the operation of subsection (1).

(8) For the purposes of assisting it in carrying out a review under subsection (7), the Commission shall consult such persons or bodies as it considers appropriate.

(9) Where the Commission carries out a review under subsection (7) it—

(a) may, or

(b) where the Minister has requested the review, shall, make a report of the review to the Minister and any such report shall include such recommendations as the Commission thinks appropriate.

(10) The Commission shall cause a copy of the report to be laid before each House of the Oireachtas.

(11) Nothing in this section shall of itself operate to confer a cause of action on any person against a public body in respect of the performance by it of its functions under subsection (1).

## **Appendix 2: Section 2 of the IHREC Act, 2014. Interpretation of a Public Body**

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Section 2 of the Irish Human Rights and Equality Commission Act 2014 defines public bodies for the purpose of the Duty as:

- (a) a Department of State (other than, in relation to the Department of Defence, the Defence Forces) for which a Minister of the Government is responsible,
- (b) a local authority within the meaning of the Local Government Act 2001,
- (c) the Health Service Executive,
- (d) a university or institute of technology,
- (e) an education and training board established under section 9 of the Education and Training Boards Act 2013,
- (f) any other person, body or organisation established—
  - (i) by or under an enactment (other than the Companies Acts) or charter,
  - (ii) by any Scheme administered by a Minister of the Government, or
  - (iii) under the Companies Acts in pursuance of powers conferred by or under another enactment, and financed wholly or partly by means of money provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government,
- (g) a company (within the meaning of the Companies Acts) a majority of the shares in which are held by or on behalf of a Minister of the Government,
- (h) any other person, body, organisation or group financed wholly or partly out of moneys provided by the Oireachtas that stands prescribed for the time being (being a person, body, organisation or group that, in the opinion of the Minister, following consultation with the Commission, ought, in the public interest and having regard to the provisions and spirit of this Act, to be prescribed).

## **Appendix 3: Section 31 of IHREC Act, 2014 - Codes of Practice**

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### **— Codes of Practice**

31. (1) The Commission may, and shall, if so, requested by the Minister, prepare for submission to the Minister draft codes of practice in furtherance of one or more of the following aims:

(a) the protection of human rights.

(b) the elimination of discrimination.

(c) the promotion of equality of opportunity in employment.


(d) the promotion of equality of opportunity in relation to those matters to which the Act of 2000 applies.






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