

Equality Commission

FOR NORTHERN IRELAND

AMELIE CUMMINS

Annual Review

2022-2023

“We just wanted Amelie to have the same opportunities starting school as any other child.”

Amelie Curran’s parents believed she was being treated differently to other children at her nursery school.

Read what happened [here](#).

Contents

Annual review 2022 to 2023	4
Foreword	5
Law reform	6
Review Process	8
Inequalities in Employment	9
Employability Programmes and Initiatives	10
Women and employment	12
Safeguarding our rights and protections after Brexit	16
Our Legal work	19
Fair Employment Monitoring	20
Section 75	22
Audit, Governance	25
Communicating our work	26

ANNUAL REVIEW 2022 TO 2023

Our work this year was based on the five priority areas of our new corporate plan.



Working for a stronger legal and policy framework for equality



Using our powers to combat discrimination and promote equality of opportunity



Safeguarding our rights and protections in a changing Europe



Promoting equal access to and equal opportunities for all at work



Addressing inequalities in educational attainment and tackling bullying

Read the **Corporate Plan 2022-2025** online.

FOREWORD

I joined the Equality Commission as Chief Executive in August 2023, taking over from Evelyn Collins who had steered the Commission through 24 years since its inception in 1999. I'm grateful to her for leaving the organisation in such good shape with such a strong legacy, and to interim Chief Executive Keith Brown for his tenure.

Staff worked in challenging circumstances in this last year. In 2023, the current economic conditions are a challenge to us all, as they impact on the way we live, work and interact. We are very aware of the risks to those people who are already vulnerable, as they experience cutbacks in jobs, services or in welfare provision. Particularly concerning is the impact of the effect multiple cuts might have on vulnerable groups and individuals.

The Commission has worked to identify and address emerging inequalities, alongside those that are old, persistent and some that are deepening. Our strategic approach is set out in the Corporate Plan which is available online and shows the areas we have agreed need the most focus and effort, but we have also responded to new and changing demands outside our planned work, as the need arose.

It is my task to forge ahead to promote equality and challenge discrimination and I look forward to building the Commission's work and profile.



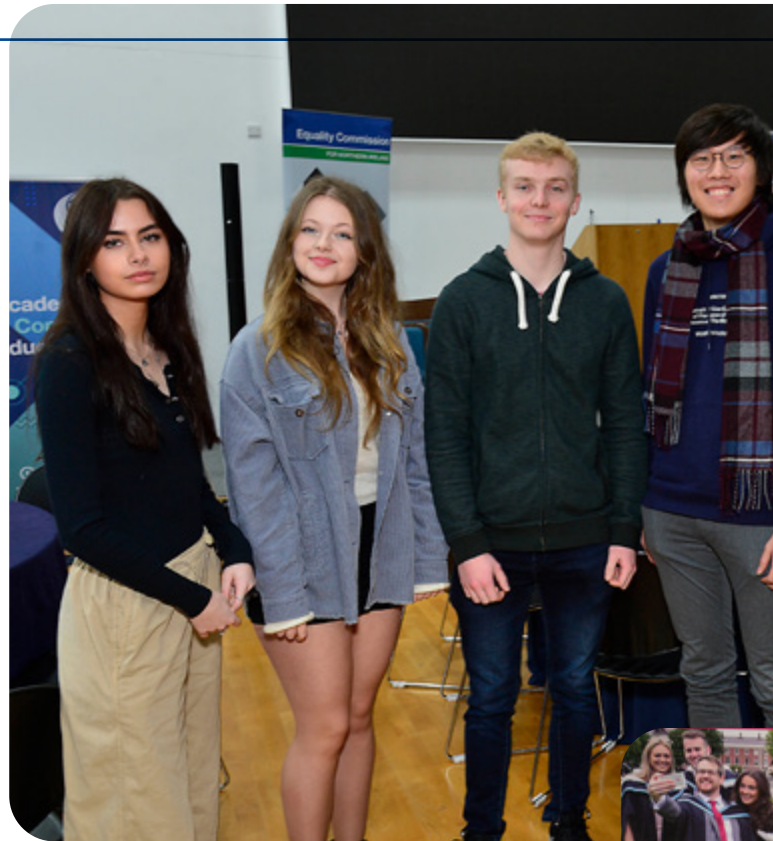
Amanda Logan

Chief Executive

Law reform Make Equality a Priority

We were pleased to see passing of the Fair Employment (School Teachers) Act (NI) 2022, which removes the FETO exception of schoolteachers from the antidiscrimination measures and the employer duties. Commencement of the Act is expected to be May 2024.

Our digital campaign began last year, seeking to reform the law in specific areas and calling for a Single Equality Act.



This year saw a very successful Law Reform conference in November and two smaller events on age GFS equality.

Meetings have been arranged with the leaders, or senior representatives, of our five main political parties.





A new series of podcasts went online.



Best performing podcast of the year, Catherine Casserley on the Single Equality Bill

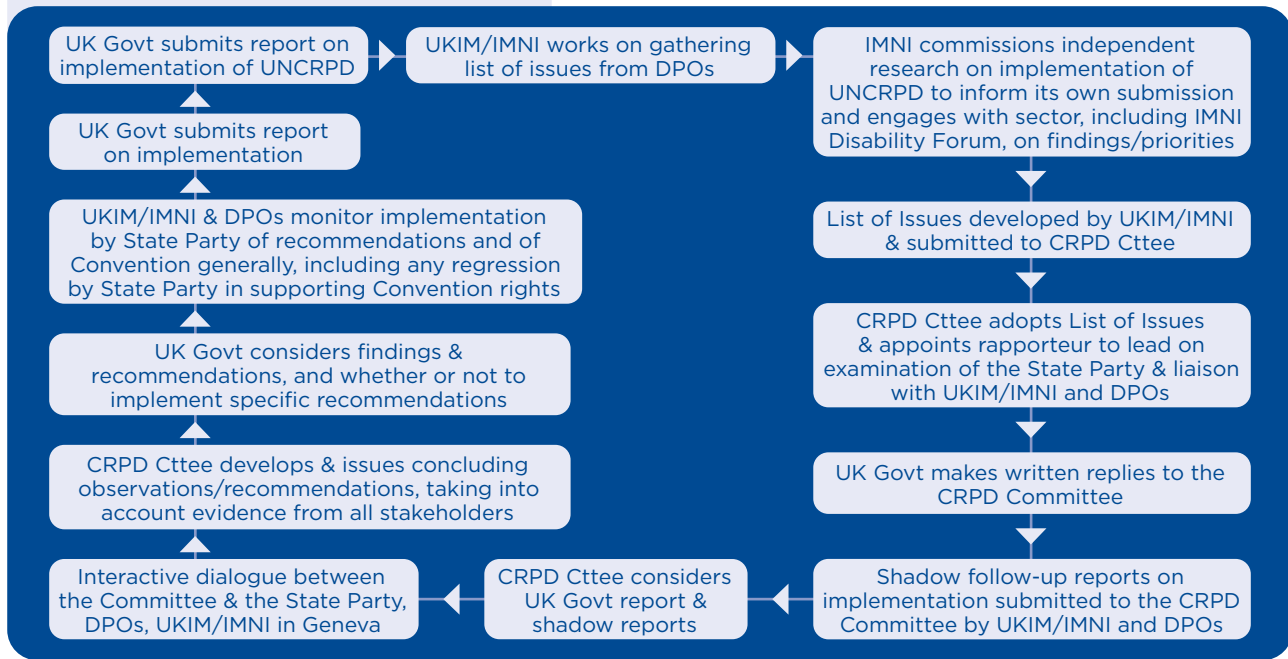


Race Law

Recommendations

Many of our race law reform recommendations appeared in TEO Proposals for Race Law Reform published for consultation in March 2023.

Review Process



UNCRPD – United Nations Convention on the Rights of People with Disabilities

This is a busy year for UNCRPD work, preparing for the start of the UNCRPD Committee’s examination of the UK. Disability Forum members and wider stakeholders have been working with us to formulate key IMNI priorities for reporting to the UNCRPD Committee (State Party Examination). Other disability stakeholders are aware of

IMNI priorities via two engagement events and through three disability rights advocacy training sessions, and wider stakeholder engagement meetings/events.

We are on track for the development of Commission input into the UNCRPD Social Protection Inquiry.

Inequalities in Employment

We issued revised Commission/Labour Relations Agency guidance on Bullying and Harassment at work, in February 2022, and with the LRA ran three training sessions on the issue, attended by 250 people from 193 organisations.

In total, this year, our employer training reached 1,921 participants from almost 1,300 employers. Topics covered included Recruiting Fairly, Disability Employability, Line Manager Training, the Reasonable Steps Defence, Race Equality and Age Equality.

Software developer Stephen Campbell was unable to use his screen reader to complete the application process for an IT job with the Western HSC Trust and the BSO.

Disability and Employment

In 2022-23, 63% of complaints of disability discrimination to our advice line were about employment. This year, we publicised the result of **one disability employment case**, about inaccessible recruitment processes.



The Making it Work initiative, with our partner the Northern Ireland Union for Supported Employment, focused this year on the creative industries sector, social value, the community and voluntary sector and retail and hospitality sectors. Partners who helped deliver the four webinars included DfC, SIB, NI Screen, Disability Action and employers (BBC, Newells Ltd, Triangle Housing Association). The webinars were attended by 123 people.

We also produced, with NIUSE, a second good practice video for employers on disability employability – and this year our first video won an international prize.

A huge issue for disabled people's organisations working in job training and employment was the withdrawal of EU funding, which was only partially replaced by UK Government funding. It remains to be seen what the impact will be on the disability employment rate, which is already the lowest of any UK region.

We hosted a further 18 webinars on employer training in disability employability – 274 attended, representing 154 employers, and we engaged with other employers such as the NICS and Translink on their employability programmes and initiatives.

Employability Programmes and Initiatives



NICS graduate recruitment and provision for ring fencing of 30 posts for disabled people



Translink's piloting of a placement scheme for disabled people

We attended three Disability Employment Stakeholder Forum meetings run by the Department for Communities to further develop a new Disability and Work strategy.

The draft action plan for this broadly covers three themes, Personalised Support, Inclusive Skills, Career Progression & Guiding Educational Transitions and Enabling and Supporting Employers. There were a further two workshops to assist with the development of an employer support initiative under the working title 'Trust Inclusion', a disability employment accreditation scheme.



Belfast Chamber Business Awards. We supported the new 'Diversity and Inclusion' category which was won by NI Water

We gave advice to 15 public authorities to progress disability employability.

We held, in partnership with Aware, a Mental Health Charter event and a Mental Health workshop for the Foyle Port Authority.



a UU web-based accessibility initiative



WHSCT, Mid & East Antrim and Derry & Strabane Council employability initiatives



Women and employment

14

training sessions
on sexual
harassment or
flexible working

334
attendees

191
employers

A webinar jointly delivered with NICICTU and LRA on pregnancy and maternity attracted 34 attendees from 18 employers and unions.

We ran another good practice webinar on sharing parental leave in partnership with Exploristics, there were 39 attendees from 23 employers and good social media engagement.

Cases of sexual discrimination at work



Susanne Rice settled her claims of sex and age discrimination against her former employer Flint Studios Ltd for £15,000, paid without admission of liability.



Shirley Lyons was awarded £18,857 by the Industrial Tribunal following a sexual harassment, victimisation and unfair dismissal case against her former employer, Starplan.



Shauna McFarland won her sexual harassment case against her former employer Morelli Ice Cream Ltd and their employee, Mr Remo Di Vito. She was awarded £20,000 by the Industrial Tribunal.

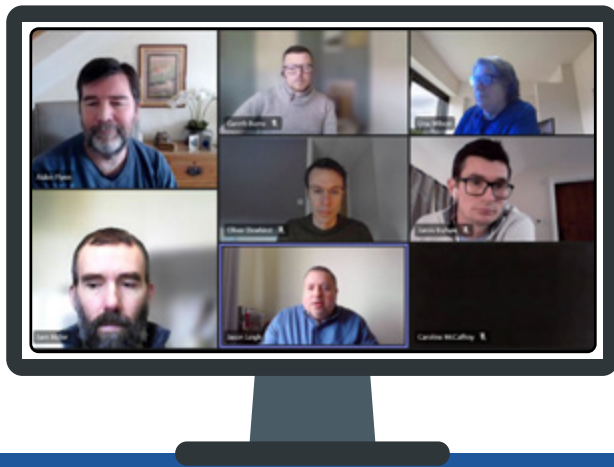


£90,000 awarded for sexual harassment, Dec 2022

Women in STEM

We partnered with the Chartered Institute of Building and the Construction Industry Training Board on an event to encourage their members to work to attract more women and other under-represented groups to work in non-traditional careers. More than eighty construction sector employers attended.

A maternity and pregnancy webinar attracted 38 attendees from 23 employers.



A good practice webinar on sharing parental leave was held in partnership with Exploristics, with 39 attendees from 23 employers.

We gave advice on their own training and initiatives to

- Law Society on its programme to promote sex equality in the legal sector and input to the CPD training of 35 attendees from legal sector on how to develop core equality policies.
- Invest NI - advice on their online Equal Pay guidance and their Employers' Guide to Childcare.

Menopause guidance for employers

Two training sessions were delivered, with LRA/ NICICTU, on dealing with the menopause at work. These were attended by 81 people from 51 employers.

Racial equality at work

We ran four webinars in partnership with BITC, attended by representatives of 207 employers. They included advice on our Race at Work plan and a workshop with employers to assess progress and determine next steps.

Inequalities in education

We have successfully worked with stakeholders to encourage uptake of our policy recommendations. The Department of Education's draft policy on Supporting Newcomers reflects all of our recommendations.

Educational inequalities caused by the pandemic and anti-bullying work were our two foci of attention this year. Our nine education podcasts, published Spring 2022, and four anti-bullying podcasts, published November/December 2022, were downloaded well over 400 times.

We updated Commission positions on anti-bullying and shared them via NI Anti-Bullying Forum meetings and our response to the DE Corporate Plan consultation. The NI Anti-Bullying Forum has mirrored our recommendation on the need for baseline research into bullying.



Dr Noel Purdy recorded our first anti-bullying podcast



Children at Jonesborough PS celebrate National Anti-Bullying Week

Safeguarding our rights and protections after Brexit

This work is done in partnership with the NI Human Rights Commission and, where there is an all-island dimension, the Irish Human Rights and Equality Commission.

We completed and published the joint annual report on the implementation of Article 2 in July 2022.

We worked on awareness raising, advocacy and adoption of policy recommendations on draft legislation and key Government Brexit-related policy developments with

- The House of Lords Sub-Committee on the Protocol on the NI Protocol Bill and its follow up Inquiry on the impact of the Protocol
- the HC European Scrutiny Committee on its Inquiry on retained law
- TEO, TEO (Brussels) and NIO on policy recommendations
- key stakeholders
- the Oireachtas Committee on the Implementation of the GFA
- European Commission officials
- a number of peers. Evidence of commitments aligned to our interventions were secured from UKG as a result of tabled amendments by those peers.



The Chief Commissioner with Shankill Women's Centre members

We completed and published several pieces of research.

- the scope of Article 2
- EU Funding: Impact of Brexit on Section 75 Equality Groups in Northern Ireland research
- Impact of Brexit on minority ethnic people and migrant workers
- Divergence of rights on the island of Ireland
- survey research on levels of public awareness of Article 2 and work of Dedicated Mechanism and importance of the Article 2 commitment
- EU Funding: Impact of Brexit on Section 75 Equality Groups in Northern Ireland research

The Chief Commissioner spoke on Talkback about the likely impacts of the withdrawal of EU funding from community and voluntary groups

Work is progressing on research on the impact of Brexit on women and we have an interim report.

Work has started on contracting an updated research report (with NIHRC and IHREC) on Divergence of rights on the island of Ireland and further survey research.

An important issue for us this year was the impact of withdrawal of EU funding on voluntary and community groups, particularly affecting job training and employability of disabled people. We spoke at a NIUSE event about the effects on disabled people. Some equality stakeholders, such as NIUSE, NI government departments and ministers adopted some of our recommendations. There was extensive press coverage and a lot of activity on social media. Additional funding for some equality groups was secured, in line with our recommendations.



We have used our powers to take part in legal proceedings

- correspondence with UKG on Elections Act
- application to intervene successfully made to Court of Appeal in relation to SPUC Pro Life judicial review proceedings and participation in court hearing
- Counsels' advices obtained on scope of Article 2
- Joint application to intervene, with NIHRC, successfully made to court in relation to the Mears Disposal judicial review proceedings and participation in court hearing.

We have given advice to 15 individuals with Brexit-related legal enquiries by end of year.

Our Legal work

In 2022 to 2023 we dealt with 2,650 discrimination enquiries.



- **52.41%** disability discrimination, including SENDO
- **20.81%** sex discrimination
- **7.93%** religious/political discrimination
- **10.32%** racial discrimination
- **6.7%** age discrimination
- **1.83%** sexual orientation discrimination.

68%
of enquiries are about discrimination in employment

21%
on access to goods, facilities

<6%
about education

In 2022 to 2023:

256 applications considered at Legal Funding Committee

63 (25%) were granted assistance



60
assisted cases reached an outcome this year

Outcomes

Settlements achieved in 44 (73%) assisted cases. (35 settlements in 2021-22) Compensation of £394,039 recovered for individuals, along with settlement terms including remedial action.

Fair Employment Monitoring



3,852

employers and specified public authorities registered for FE monitoring

3,660 ^{93%}

have submitted their monitoring return form.

This year we received 4,588 monitoring returns. As a result of the Covid pandemic, 819 of these related to 2021. Staff are still dealing with the backlog and 1,819 2021 forms were authorised during this year.

YEAR	2021	2022	2023	Total
Total Received	819	3,523	246	4,588
Authorised	1,819	1,643	0	3,462

The Commission Solicitor is initiating prosecutions under the FETO provisions against six employers who have not submitted monitoring return forms due in 2021 and 2022.



22,767

email and telephone contacts with employers made by our staff to help employers with compliance.

27

workshops have been held to train employers to complete a monitoring return form.

Article 55 Reviews

- A55 Reviews - 59 reviews received to date (>90% compliance)
- A55 follow up advice, promoting affirmative action provided to 49 employers (44 private sector and 5 public authorities)

Employers due to conduct their Article 55 Reviews this year were provided with advice to do so. In 2022-23, we requested 93 Article 55 Reviews, of which 53 were submitted. Eight employers voluntarily submitted their Article 55 Reviews. The 61 reviews received were audited, all were in compliance and all received our feedback.

We also gave advice to 44 private sector employers and five public authorities, through follow-up on Article 55 Reviews and affirmative action measures. Staff delivered 16 workshops to help employers complete their Article 55 reviews.



Section 75 – equality schemes, investigations, disability action plans

160

public authorities designated under Section 75 of the Northern Ireland Act 1998

159

have an equality scheme in place or are exempt.

We are liaising with the outstanding authority.

Equality schemes

This year, we provided advice to seventeen public authorities on the review of their equality schemes. Two of the equality schemes reviewed contained substantive changes to their previous schemes and were approved.

Progress reports

Of the 161 public authorities, including one that has since ceased to operate, 144 are required to submit an annual progress report covering the year 2021-22. By the year-end, 128 (88.9%) had been submitted. We are in contact with 16 public authorities. Our Advice and Compliance team gave feedback to 40 public authorities on their annual progress reports.

Section 75 advice

A major focus of our work in 2022-23 was the provision of advice to Northern Ireland government departments and the Northern Ireland Office on their Section 75 duties in relation to their budgets and budgetary decisions.

We also engaged with TEO on progressing work to improve the application of the Section 75 duties across government departments more generally, as well as with individual departments and other public authorities.

This engagement covered the application of Section 75 duties and more specific guidance on equality screening and Equality Impact Assessments (EQIAs) and data collection.

This work is focused on larger public authorities, such as government departments, the PSNI and local councils. The training video for public authorities on Section 75 equality screening helps us reach smaller organisations. We also ran six training sessions on the Section 75 duties, attended by a total of 438 people from public authorities.

https://youtu.be/kE3_SoIFwck

A new training video for public authorities on S75 equality screening has proved useful and popular, and has been widely shared since its launch in September. Feedback has been very positive, with NICS HR promoting it across departments.

Disability Action Plans

Of 160 public authorities, 144 are due to have a DAP. At the end of September, 142 had a DAP and two did not have a finalised DAP in place (99%).

We gave advice to 15 public authorities to improve their disability action measures. By year end five public authorities had revised and updated their DAP, taking account of our advice.

S75 - Complaints and investigations

We advised 41 individuals in response to enquiries about equality scheme compliance and complaints under Paragraph 10 of Schedule 9 of the Northern Ireland Act.

We received nine Paragraph 10 written complaints this year.

Statutory Duty Investigations Committee considered 14 Paragraph 10 complaints.

Three investigations were completed and published in this year, involving the **Ulster University**, the **Northern Ireland Office** and **the DfC High Street Voucher Scheme**.

Audit, Governance

Three internal audit reviews this year, all provided satisfactory assurance.

A clean external audit opinion accepted by the Comptroller and Auditor General and positive Report to those Charged with Governance obtained.

Finance and staffing

£5,272,000

funding received from The Executive Office.

£805,000

for running the dedicated mechanism arrangements (Brexit).

£6,243,000

net expenditure for the year



- **32.2%** male
- **67.8%** female
- **41%** Protestant
- **54.2%** Roman Catholic
- **4.8%** non-determined

18.8% report a disability or long-term health condition.

Full details of finances, an accountability report and staff report are in the **Annual Report and Accounts 2022 to 2023** on our website www.equalityni.org.

Communicating our work

Top story last year was the publication of our Investigation into the High Street Voucher Scheme. It generated 77 pieces of coverage, predominantly radio news and discussion, but also television and online. Interestingly there were only two pieces of press coverage, a stark example of how the media landscape is changing.

Legal cases drive valuable positive coverage and public awareness. Last year we publicised eight legal cases, four of which were sexual harassment cases. We secured seven front page stories across the Belfast Telegraph, Irish News and Newsletter. These cases were carried on television and radio news throughout the day and generated significant online coverage too.

Our **social media** activity shows an increase in followers and in activity. This year, some of the big issues were the protection of equality rights after Brexit and the loss of EU funding to organisations which provide vital services to support some of NI's most vulnerable people. We worked with them on a social media campaign to highlight the impact the loss of EU funding would have.

We did more **podcasts** with outside experts, usually alongside a specialist and a professional presenter. There were 878 downloads of these last year, with subjects ranging from the need for law reform to bullying in schools.

Email marketing Our ezine now has almost 13,500 subscribers. These drive a lot of traffic to our website.

Visitors to our website have reached 127,735, following a bumper year during the pandemic with 141,793 visits the previous year. We are planning to start the process of building a new website in the next financial year.

Top 3 most visited sections

47,752

Individuals
(Your rights)

36,634

Employer, Service Providers
& Public Authorities

10,807

Delivering Equality
(Policy/Research)

Top 3 most visited by Employers/Service Providers

6,484

Section 75
duties

6,102

Pregnancy and
maternity at work

5,716

Employer
training

Equality Commission

FOR NORTHERN IRELAND



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Autumn 2023