

Equality Commission

FOR NORTHERN IRELAND



A Guide to **Employment Equality Monitoring**

**Helping employers promote equality
and diversity through effective monitoring**

Purpose of this guidance

This guide advises employers on how to conduct employment equality monitoring for the purpose of promoting equality of opportunity in employment.

It outlines what employers should consider when planning to monitor and it offers some practical suggestions, such as sample questions.

Chapter 1 sets out the **reasons for monitoring equality and diversity**.

Chapter 2 provides a quick summary of **equality monitoring law**.

Chapter 3 provides an overview of how the **data protection laws** apply to employment equality monitoring.

Chapter 4 guides you through **designing your monitoring process**.

Chapter 5 provides a sample **monitoring questionnaire**.

1

Why monitor?

Monitoring helps to demonstrate that you are committed to promoting equality of opportunity in employment

Monitoring may be a legal duty

You may be obliged by law to monitor – see [Chapter 3](#) for further information.

Monitoring helps you to act fairly and lawfully

Monitoring provides information that will enable you to assess **what impact** your employment policies, practices and procedures are having on the people who they affect – that is, job applicants and employees.

It will also help you to **identify lawful opportunities to improve** your employment policies, practices and procedures and to **assess the success** of any positive action that you are taking.

Monitoring is good for your business

Having a diverse workforce means that your staff bring **different perspectives** and have a **variety of knowledge and experiences**.

In addition, it is increasingly common for companies bidding for contracts with public authorities to be asked to supply information about the equality profiles of their workforces and the systems they have in place to monitor and promote equality and diversity.

The equality law context

This chapter provides a brief overview of equality law. It sets out the legal context and introduces some key terminology, including the categories or characteristics for which equality law prohibits discrimination in employment: commonly known as the “protected” equality grounds.

Equal opportunities monitoring for employment purposes may be divided into three broad categories.

- i. **Mandatory workforce monitoring of community background and sex** as required of registered employers and specified public authorities by [Part VII of the Fair Employment and Treatment \(NI\) Order 1998](#) and by the associated Fair Employment (Monitoring) Regulations (NI) 1999.

The best source of guidance on Fair Employment monitoring is our separate [Step-to-Step Guide to Monitoring](#). This guide does not replace the Step-by-Step Guide and employers should continue to refer to the latter when preparing their annual Fair Employment monitoring returns. For the sake of completeness and your convenience, however, we have included the recommended questions on **community background** and **sex** in the sample questionnaire outlined in [Chapter 5](#) of this guide.

- ii. **Voluntary workforce monitoring** of other protected grounds, such as racial group, disability, age and sexual orientation, as recommended in the equality codes of practice and other associated guidance in relation to the other [anti-discrimination laws](#).

This guide is our main guidance in relation to monitoring these non-mandatory categories **for employment purposes**.

- iii. **Monitoring carried out by designated public authorities** for the purposes of their **equality scheme** commitments under [section 75 of the Northern Ireland Act 1998](#) and schedule 9 of that Act. Monitoring for the purposes of these duties includes monitoring the impacts of policies across the full range of a public authority's functions, and applies to the provision of services and other public functions, as well as employment.

Public authority employers may use this guide to assist them to develop monitoring questions for section 75-related employment purposes. However, in relation to developing monitoring questions and methods for non-employment purposes, the best source of guidance continues to be our separate guidance on section 75 monitoring: [Monitoring Guidance for Use by Public Authorities \[2007\]](#) and its associated [Addendum \[2022\]](#), and public authorities should continue to refer to it for non-employment purposes.

Understanding the data protection laws

The data protection laws

The data that are collected for equality monitoring purposes is deemed to be [personal data](#) if the persons to whom it relates can be identified from it, either directly or indirectly. Where that is so the data protection laws will apply to your [processing](#) of it; a wide ranging term that includes, but is not limited to, collecting, storing, retrieving, using, analysing, disclosing and disposing of such data.

The main data protection laws are the-

- Data Protection Act 2018, and
- UK General Data Protection Regulation (UK GDPR)

The [Information Commissioner's Office](#) (ICO) is the statutory regulator for these laws, with various powers including considering complaints about alleged breaches of individuals' information rights and issuing guidance to employers and others.

This guidance signposts you to the relevant [data protection principles](#) as they apply to equality monitoring in employment. Further information, if required, may be obtained from the ICO.

These data protection principles apply to all of your activities and not only to those relating to employment and equality monitoring; therefore, if you already have satisfactory arrangements in place - such as safeguards that satisfy the [security principle](#) and relevant [policies and compliance documentation](#) - then it may simply be a matter of applying them to your equality monitoring processes.

For example, you must be open with the people whose personal data you are processing. Usually, you will do this by issuing a [privacy notice](#). You may already have one that covers your general data processing activities. If so, it would be easy to add it to the introduction to your monitoring questionnaire, as we have recommended.

Some employers may also need to carry out a data protection impact assessment (DPIA), which is a process to help you identify and minimise data protection risks. The [ICO has published guidance](#) on when and how to carry out a DPIA and a [sample DPIA template](#).

Check with your **data protection officer**, if you have one, or ask the team who deals with **information management** in your organisation whether arrangements and documents like these already exist.

Sharing equality monitoring data

It is unlikely that you will consider sharing the personal data you collect during monitoring with any other organisation. However, if you **outsource the IT systems** that you use to collect or store the information, for example, you will need to make sure that your relationship with your supplier is governed by a **contract that deals with data protection issues**. The [ICO offers advice](#) on this.

In addition, pay particular attention to [the guidance that the ICO](#) has issued in respect of data that might be transferred outside the United Kingdom.

Fair Employment - disclosing community background data

Note: in addition to the data protection laws, the sharing or disclosure of data about the **community background** of job applicants and employees is regulated by the **Fair Employment (Monitoring) Regulations (NI) 1999**. Under [regulation 16](#), it is a criminal offence to share data about the community background of identifiable individuals unless one can rely on a statutory defence.

One such defence is that community background data may be shared with a person who works in your organisation, or who provides services to your organisation, where the nature of their duties renders it reasonable for the disclosure to be made to them; for instance, where their duties require them to prepare, or to help you to prepare, your annual Fair Employment monitoring return to the Equality Commission and where they use the data for that limited purpose only.

For further information, contact the Equality Commission.

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How to monitor

Most employers monitor their job applicants and employees by using a standard questionnaire that asks direct questions about people's characteristics. It is the most convenient method for gathering quantitative information and we presume that this is the approach you will take.

The same legal and good practice principles will apply regardless of whether you use a traditional paper format for your questionnaire or an online format.

The questionnaire should consist of questions about the protected grounds that you must, or have decided voluntarily, to monitor. [Chapter 5](#) contains sample questions that you may use to develop your own questionnaire. It is recommended that you do not simply adopt the sample questionnaire without giving consideration to the other factors that are outlined below.

Before beginning to monitor any protected ground you should consider:

- a) **what you want to monitor and why,**
- b) **how you will collect the information, when and from whom, and**
- c) **what you will do with the responses you get.**



Once you have done this, it is likely to be helpful to outline your decisions and arrangements in a **monitoring policy**, or to include a section about it in your general equal opportunities (or, diversity) policy. Whatever form it takes, it should reflect the principles outlined in the main [data protection policies and compliance documents](#) and privacy notice that you have adopted more generally.

A. Planning what to monitor

Factors to consider before deciding what to monitor and why

What you decide to monitor should be determined by a number of factors, such as those outlined below. Based on your own circumstances, you might reasonably conclude that it would not be appropriate or practicable for you to collect monitoring information on all of the non-mandatory protected grounds. If so, it would be reasonable to prioritise what you collect, choosing, for the time being, to do so for some categories but not for others.

1. Legal duties or voluntary monitoring

Consider what you are **required to monitor by law** and what you may decide to **monitor voluntarily** – this distinction was outlined in [Chapter 2](#). As noted there, while you are not obliged by law to monitor all protected equality grounds we recommend that you **consider** monitoring those grounds voluntarily. This recommendation derives from the equality codes of practice and other associated guidance.

2. Who may benefit?

Consider which groups may benefit most from monitoring. Consider, for instance-

- a. Who are the **different groups of people more or less likely to apply for a job** in your organisation? Who are the different groups more or less likely to be **employed, promoted or to leave** your organisation? Do you lack data on these questions at this time?
- b. Is there any other indication or evidence that different groups of people in your organisation have **different needs, experiences, issues or priorities**?
- c. If you have an employment **policy or practice**, do you know what impact it has on different groups? Does it support or hinder the promotion of equal opportunities? Do you need evidence to help you to assess these impacts?
- d. Do you need **evidence** to help make changes to a particular policy or working practice, such as to justify taking lawful positive or affirmative action? Who would these changes benefit?

3. Your organisation's size and resources

Consider whether you have the time, skills and resources to make use of what the data tells you? A small employer with limited resources, and without a Human Resources department, is likely to have less capacity than a large employer that has dedicated and specialist resources, to collect, store securely, and, crucially, analyse and act on a wider range of data. In addition, consider-

- a. Are the staff who will be administering the monitoring questionnaire aware of their role? Are your line managers and decision-makers aware of how equality monitoring can help to improve your policies and practices? Will these employees need training on equality and data protection law?
- b. What **systems** will you use to help you monitor? Do you have these systems already, or will you need to create or buy new ones? Will the questionnaire be completed electronically or on paper? Where will you **store** the responses, and who will have **access** to this information? Will you use **software** to help you analyse the responses and, if so, what software will you use? Will these systems help you to comply with your duties under the data protection laws?

4. Your duties under data protection law

Consider your duties under data protection law when planning equality monitoring. In addition to the important points made previously (in [Chapter 3](#)) you should also consider the principles outlined below.

[All of the data protection principles](#) apply throughout the whole process of monitoring and are highlighted at different points in this guide where they are most relevant, but in relation to the planning stage the [data minimisation principle](#) and the [lawfulness limb](#) of the [lawfulness, fairness and transparency principle](#) are particularly relevant.

(a) The Data minimisation principle

The data minimisation principle requires that the personal data you are processing is-

- **adequate** – sufficient to properly fulfil your stated purpose (i.e. in this case, promoting equality of opportunity in employment);
- **relevant** – has a rational link to that purpose; and is
- **limited to what is necessary** – you do not hold more than you need for that purposes.

(b) The lawfulness principle

In relation to monitoring for equal opportunities purposes, there are two factors to consider-

(i) Lawful basis

You must have a [valid lawful basis](#) for processing personal data and be able to show that your reason for doing so is necessary for that purpose. Under data protection law, **six lawful bases** are available. In relation to equality monitoring, three of these are likely to be most relevant-

- the [legal obligation ground](#) is likely to be most relevant to the duties that are imposed on registered employers and specified public bodies by the [Fair Employment legislation](#) to monitor the **community background** and **sex** of their job applicants and employees,
- the legal obligation ground and the [public task ground](#) are likely to be most relevant to public authorities who are designated for the purposes of [section 75 of the Northern Ireland Act 1998](#) and who are monitoring their job applicants and employees in relation to the equality categories of that duty,
- the [legitimate interests ground](#) is likely to be most relevant to those employers who cannot rely on the legal obligation or public task grounds.

You must determine your lawful basis before you begin processing, personal data and you should document it. [The ICO](#) is the best source of guidance about doing this; for example, they provide an [interactive tool](#) that may help you.

(ii) Special category data - other conditions

In addition, most of the data that are typically collected for equality monitoring purposes, such as those categories included in the sample questionnaire provided in [Chapter 5](#), would be considered to be [special category data](#).

As such, you need to show that **one or more additional conditions** are satisfied before you can process that data. You must determine which condition you are relying on before you begin monitoring these categories, and you should document it.

Under data protection law, a wide range of potential valid conditions are outlined. For further guidance on these matters, you should consult your **data protection officer**, if your organisation has one, or the [ICO](#).

B. Collecting the data

Sample questionnaire

The sample questionnaire provided in [Chapter 5](#) outlines our recommendations and suggestions on how to structure a questionnaire and how to frame questions for the protected grounds that you may be obliged by law to monitor (i.e. community background and sex) or that you have decided to monitor voluntarily.

The questions are informed by categorisations and questions that have been used, for example, in the 2021 and 2022 censuses in Northern Ireland and Great Britain.

The sample questions and the range of sample answers reflect, as far as possible, some important principles; i.e.-

- **relevancy** to the protected equality grounds and ensuring there is just enough information being collected to meet your monitoring needs and your ability to process the data and no more – the information sought is not excessive for these purposes.
- **comparability to external datasets** – are you able to compare the monitoring information that you have collected with reliable external data sources, such as the Census or labour availability pools in your catchment area, to assist you to draw meaningful conclusions from it? This is less likely to be applicable for those equality categories where no or only small comparative datasets are available, or for smaller employers who have small workforce datasets that cannot be usefully analysed.
- **acceptability** – ensuring that the form of words used in the questions and answers are likely to be acceptable to those being asked the questions and to give them sufficient choice in terms of how they might perceive themselves. For this reason, “self-describe” options are included for answers, where relevant.

Your questionnaire’s introduction - developing an environment of trust

Some people may be reluctant to respond to questions that they feel are very **personal or sensitive**. The introduction to your monitoring questionnaire should aim to establish your good faith in requesting this information and to encourage respondents to answer the questions.

Your introduction should reflect the **data protection safeguards and principles** outlined in the main [data protection policies and compliance documents](#) and privacy notice, that you have adopted more generally.

This will help you to comply with the various data protection duties and principles, such as the [purpose limitation principle](#) and the [accountability principle](#) and with your [duty to provide privacy information](#).

Your form and its introduction:

- should be, whether it is paper-based or online-based, designed so that it is detachable easily from the main job application form or other information that may identify the applicant or employee in question.
- should **not** ask people to state their **names or addresses** on the form. This does not prevent you from allocating a unique identifier, such as a reference number, to the form, but thought should be given to this – see ‘Anonymous or pseudonymous data’ below.
- should reassure respondents that their data will be **managed sensitively and securely**. You will need to outline their rights under the data protection laws and where they can get further information. You should outline why you are collecting the data and how you are going to use, store and dispose of their information.
- should reassure respondents that their answers will **not be used to make any unlawful decisions** affecting them, such as deciding whether to offer or to refuse them the post or promotion in question. Selection panel members, for example, will not be shown the monitoring information.
- should clearly state that **answering the questions is voluntary** – job applicants and employees do not have to provide the requested information, although you may, and should, encourage them to provide it.

Reference numbers - anonymous or pseudonymous data

Should you collect monitoring data **anonymously** or **pseudonymously**? Which method you use is important and you should consider this when planning how you will conduct monitoring.

- **Anonymous information** - if a completed monitoring questionnaire contains no information that allows the job applicant or employee to be identified directly by name or indirectly by using other indicators, such as a reference number, to link back through payroll or other databases or information, then the form is anonymous. Processing the form does not count as processing personal data and the data protection laws do not apply to it.
- **Pseudonymous information** - if a completed monitoring questionnaire contains information, such as a unique identifier like a staff number or national insurance number, that allows the job applicant or employee to be identified indirectly by cross-referencing to payroll or other databases or information, then the form is pseudonymous. Processing the form counts as processing personal data and the data protection laws apply to it. Thus, it is vital that the data is kept separate from any information which could be used to re-identify the individuals concerned.

When monitoring for the purpose of promoting equality of opportunity in employment **we recommend** that the **pseudonymous** method is used. Registered employers and specified public authorities will already be familiar with this method in relation to Fair Employment monitoring (i.e. community background).

The pseudonymous method enables more effective assessments of how people with different protected characteristics progress through the different stages of recruitment or career development processes, and of how they fare in accessing other opportunities and benefits.

Questions about disability and reasonable adjustments

Employers should be mindful of their [duty to make reasonable adjustments for disabled people](#) from the initial stages of recruitment through to interviews and subsequent employment.

For that reason we recommend that employers should include a question on their standard application forms that invites all job applicants, disabled or otherwise, to disclose any specific requirements they may have. Such information is **not monitoring data** because it should be used by the employer to address the particular job applicant's specific needs in the recruitment process. It would be best not to include **that particular** question on an equality monitoring questionnaire.

Asking such a question is different to and separate from monitoring "disability" pseudonymously by way of an equality monitoring question, similar to how employers collect monitoring data on community background, sex or race – our suggestion for an appropriate question is outlined in [Chapter 5](#).

Any question about "disability" that is collected on an equality monitoring questionnaire should be treated with the same safeguards that one applies to other monitoring data that is collected in that way. For instance, it should not be provided to the members of selection panels and it should be used only for the specific monitoring purposes for which it was initially collected; e.g. as part of a set of aggregated data used to monitor and analyse trends within the workforce.

If a job applicant is successful and becomes your employee, we recommend that you ask them at the beginning of their employment, such as during an induction meeting, whether they are disabled and/or have any specific requirements. That should be done in confidence, such as during a private induction meeting. Again, this information is **not monitoring data** because it should be used to address the particular employee's specific needs during their new employment.

Pilot your questionnaire

If you are considering collecting data that you have not collected before, it is a good idea to **pilot** your approach. This could include **asking** a relevant employee engagement forum and your **data protection officer** about their views on wording or **trailing** the questionnaire in one department to see how many people respond.

Accessibility

Make your questionnaire available in **alternative formats** for people with accessibility requirements, such as different language or digital literacy skills. In your job documentation alert job applicants and employees to this service.

Many employers use online recruitment methods which may include requiring applicants to complete online application forms, including equality monitoring forms.

You should take reasonable steps to ensure that the websites used for these purposes are accessible and that they do not place avoidable barriers for job seekers who have disabilities. It is good practice to use websites that meet international accessibility standards (e.g. such as the standard known as WCAG 2.1 AA).

Public bodies, in particular, should note that they are obliged to comply with the *Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018* which, amongst other things, require that their websites satisfy the WCAG 2.1AA standard. A failure to meet the standards is a breach of the Disability Discrimination Act's reasonable adjustment duty. Some legal defences are available. The [Government Digital Service](#) is the official source of guidance on how to meet the standard.

C. Storing the data & maintaining its accuracy

Storage

Whether you store monitoring data, in paper files or on electronic databases, is largely a matter for your own discretion, subject to having safeguards that satisfy the [security principle](#).

There are certain principles you should bear in mind too.

For example, if a job applicant submitted their answers on a paper questionnaire it may be best practice to keep that original record for a period. This may be helpful where the data's accuracy needs to be checked, or where audit checks are required. In such instances, you will need to consider the application of the various data protection principles – see [Chapter 3](#).

You should be mindful of the data protection [storage limitation principle](#). You should have a clear policy on retention periods. You should ensure that you erase or anonymise personal data when it is no longer needed – this will reduce the risk that it becomes irrelevant, excessive, inaccurate, or out of date.

In relation to data that is collected for [Fair Employment monitoring](#) purposes (i.e. **community background** and **sex**), the Monitoring Regulations oblige you to keep that data (including a person's name and address) in relation to-

- **job applicants** for at least 3 years from the date of receipt, and for
- **employees** during the entirety of their employment and for at least three years from the date on which they leave.

Maintaining accurate data

Monitoring questionnaires are normally issued to individuals and answered by them as part of a recruitment exercise. If a job applicant is successful and becomes your employee, then the answers they gave on a monitoring questionnaire will normally follow them into their employment.

However, some of the answers an individual gave at the time they were recruited will or may change as time passes. For example, they will certainly age and they may develop a disability, get married or divorced, become a carer for a child or another person.

In line with your duties under the data protection laws to keep data **accurate** and **up-to-date** ([the accuracy principle](#)), you should re-survey your employees periodically to ensure that their personal data is still accurate, or give them the opportunity to alert you to relevant changes, which you should then record.

In addition, inaccurate data may have other causes. For example, mistakes may occur where you manually input responses from paper into software systems. You should have a system for rectifying those errors in line with the [rights of individuals to have them corrected](#).

Community background: the procedure for correcting inaccurate community background data is governed by the Fair Employment (Monitoring) Regulations (NI) 1999 – consult the [Step-by-step Guide to Monitoring](#) (page15) for further information.

D. Reviewing and acting on the data

Review and act on what you have learned

This is the most important part of the monitoring process, a fact that is often overlooked. It is the main purpose for which the data is collected and, as such, a failure to review and act on it is likely to breach the various data protection principles.

Conducting a review or analysis of what you have **learned from your monitoring data** will help you understand where you are **doing well** in terms of providing equal opportunities and what you could **build on to do better still**. For example, you may find that your policy to encourage job applications from disabled people is successful but that further support is required to assist disabled employees' career progression.

In relation to data that is collected for Fair Employment monitoring purposes (i.e. **community background** and **sex**), registered employers and specified public authorities must review the data and their employment practices and procedures at least once every three years. These are known as [article 55 reviews](#) and guidance on how to do them is available on our website.

In relation to reviewing data and employment practices for the other protected grounds, there is no statutorily set period of doing reviews, but they should be done periodically.

Relevance

As part of your review, consider whether the personal data held is still relevant and adequate for these purposes. Delete anything that is no longer needed. This follows from the data protection [storage limitation principle](#).

Response rates

As part of your review, consider the response rates to your questionnaire as a whole and to its individual questions.

A response rate is the number of people who completed a monitoring questionnaire, or a particular question, compared to the number who were asked to complete it. This is important because low response rates mean you cannot get an **accurate picture** of the equality profile of your workforce. This is especially important if people who share a particular protected characteristic are less likely than other people to answer a particular question.

From time to time, you may also find it necessary to review how you ask your questions – for example, if you receive fewer responses to a particular question than you may have expected, then re-phrasing it to make it clearer or more inviting may help to improve response rates.

If you receive low response rates to a question or questions, you should:

- consider **piloting, testing or trialling** changes to the question, or
- other ways you can develop an environment of trust, [see page 11](#).

Filling in the gaps

In some cases, the quantitative data that are gathered through monitoring questionnaire responses may only tell you **part of the story**. You should also consider whether other data gathering methods may provide you with a **richer picture**. For example, **focus groups** or **exit interviews** may tell you more about staff attitudes and opinions or why certain groups of people are less likely to apply for a promotion or more likely to leave.

Taking positive or affirmative action

If you conclude during a review of your data that you are **not providing fair participation or equality of opportunity** for a particular group or groups of people, you should determine what positive or affirmative action, if any, would be reasonable or appropriate to take. Positive or affirmative action is lawful action that seeks to **remove the barriers that hinder people's access to employment and career progression**.

Further information on taking positive or affirmative action is available on our website-

- [community background and affirmative action](#)
- [disability and positive action](#)
- [positive action on the other protected grounds](#)

5

Sample monitoring questionnaire

This sample questionnaire consists of questions about the protected grounds that you must, or may decide voluntarily to, monitor. It is based on the principles outlined in the preceding chapters of this guide. We strongly recommend that you do not simply adopt or adapt this form without giving consideration to those principles first - they are very important.

When monitoring for the purpose of promoting equality of opportunity in employment it is **recommended** that on the monitoring questionnaire you should include a space for a unique identifier, like a staff number or national insurance number, that would enable the job applicant or employee to be identified indirectly (or, pseudonymously, [see page 12](#)) by cross-referencing to payroll or other databases or information.

Introduction to the questionnaire

Reference number:

Why we are asking you to complete this questionnaire-

In this questionnaire, we will ask you to provide us with some personal information about yourself. We are doing this for two reasons-

1. The information that you provide will help us to promote equal opportunities in employment, and
2. We **must** monitor the community background and sex of our job applicants and employees in order to comply with the Fair Employment and Treatment (NI) Order 1998 and its associated regulations.

We will process the information you give us lawfully in line with our duties and your rights under equality law and data protection law.

Your answers will not be used to make any unlawful decisions affecting you, whether in a recruitment exercise or during any employment with us.

We will treat your answers in the strictest confidence. To protect your privacy, you should not write your name on this questionnaire. The form will carry a unique reference number, and only our monitoring officer will be able to match this to your name.

You have certain rights in respect of the personal data we handle as part of our monitoring. These include the right to know what personal information we are processing about you, and the right to ask us to correct any mistakes in that data.

You can find out more about how we will handle your information by contacting [enter details of your data protection officer], or by consulting our privacy notice [include a link if the questionnaire is being distributed electronically or include a copy of it with hardcopy monitoring questionnaires].

You do not have to answer the questions in this questionnaire. There is no penalty if you choose not to, but for the reasons given above we encourage you to answer.

Fair Employment questions

Community background and sex

All [registered employers and specified public authorities](#) must monitor the **community background** and **sex** of their job applicants and employees.

Based on the [Fair Employment \(Monitoring\) Regulations \(NI\) 1999](#) and on guidance in our associated [Step-by-Step Guide to Monitoring](#), we recommend that the questions are asked as outlined below.

Community background

Regardless of whether you practice a religion, most of us in Northern Ireland are seen as being members of either the Protestant or Roman Catholic communities. We are, therefore, asking you to indicate your community background by ticking the appropriate box below.

Please indicate the community to which you belong by ticking the appropriate box below.

- I am a member of the Protestant community
- I am a member of the Roman Catholic community
- I am not a member of either the Protestant or the Roman Catholic communities

Sex

Please indicate your sex by ticking the appropriate box below.

- Male Female

If you do not complete this questionnaire or if you answer that you are not a member of either community, we are permitted to use a residuary method, which means that we can make a determination of your community background on the basis of any written personal information about you that we hold on file or application form.

Note: It is an offence under the Fair Employment legislation for a person to knowingly give false information in connection with the preparation of the monitoring return.

Additional monitoring questions – other categories

Gender Reassignment & Gender Identity questions

As noted above, the Fair Employment legislation obliges many employers to monitor the **sex** of their job applicants and employees.

Employers may also decide to monitor other, wider aspects of gender. This is commonly done under the headings of **gender reassignment** and/or **gender identity**.

- **Gender reassignment** is a protected equality ground. The Sex Discrimination (NI) Order 1976 prohibits discrimination in employment against people who intend to undergo, are undergoing or have undergone gender reassignment. The term “gender reassignment” has a specific statutory definition under the Sex Discrimination (NI) Order and our suggested question is based on this. A question about gender reassignment was not included in the 2021 Northern Ireland census.
- **Gender identity:** The [United Nations](#) describes gender identity as “*a deeply felt and experienced sense of one’s own gender*”...it is...“*distinct from sexual orientation and sex characteristics.*” Although it encompasses the male and female genders, it is often associated too with non-statutory terms such as transgender, non-binary and gender fluid. Unlike sex and gender reassignment, gender identity is not a protected ground under equality law in Northern Ireland and, as such, there is no statutory definition of the term. Our suggested question is based on the corresponding questions that were included in the 2021 English and 2022 Scottish censuses. A question about gender identity was not included in the 2021 Northern Ireland census.

It will be for employers to decide which of the categories, or both, they will choose to monitor.

In terms of framing appropriate questions, we suggest:

Gender reassignment

Gender reassignment is defined in law as being a process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex and includes any part of such a process.

Have you gone, or do you intend to go, through any part of such a process? This could include changing your name, wearing different clothes, taking hormones or having any gender reassignment surgery.

Yes No I prefer not to say

Gender identity

What best describes your gender identity?

Male

Female

Non-binary

I prefer to self-describe as

I prefer not to say

Is this gender identity the same as your sex at birth?

Yes No I prefer not to say

Racial and ethnic group questions

Racial group is a protected category under the Race Relations (NI) Order 1997. That law prohibits discrimination in employment on the grounds of race, colour, nationality and ethnic or national origins.

Racial group is also a category to which the [section 75](#) duty of public authorities applies.

A person's racial or ethnic group may depend on several factors including nationality, colour, descent, shared religion, shared language, shared culture and traditions.

While there are merits in allowing people to answer by way of a self-identifying category, there is also a need to ensure that the information collected may be analysed easily. It may, for example, be more difficult for smaller employers to do this the longer the list of identities grows.

The following questions are based on the corresponding questions asked in the 2021 Northern Ireland Census. They are questions about three particular identities (country of birth; national identity; ethnic group) that are commonly deemed to reflect elements of racial or ethnic group.

In some cases, religious belief can also be an indicator of a person's racial or ethnic group and we have suggested an appropriate question for that in a separate section ([see page 25](#)) below.

In some cases too, a person's use of a main or first language can also be an indicator of their racial or ethnic group. We have not suggested an appropriate question in relation to language, but you may decide to monitor language if it would assist you to develop or review of your employment policies. The corresponding questions about language that were included in the 2021 Northern Ireland Census were: (a) What is your main language?, and (b) How well can you speak English? Employers may consider that qualitative information may also assist in this regard.

Racial or ethnic group

A person's racial or ethnic group may depend on several factors including nationality, colour, descent, shared religion, shared language, shared culture and traditions. To reflect this complexity, we ask three different questions. You can answer as many as you like – or none at all – and you can use the space after the “any ethnic group not mentioned above” option to describe yourself in your own words if you prefer.

Country of birth

My country of birth is:

National identity

(e.g. British, Irish, Northern Irish, English, Polish, Filipino, Canadian, etc.)

My national identity is:

Ethnic group

Please indicate which of the following applies to you

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> White | <input type="checkbox"/> Chinese |
| <input type="checkbox"/> Irish Traveller | <input type="checkbox"/> Roma |
| <input type="checkbox"/> Indian | <input type="checkbox"/> Filipino |
| <input type="checkbox"/> Black African | <input type="checkbox"/> Black Other |

Mixed ethnic group (please state which):

Any ethnic group not mentioned above (please state which)

I prefer not to answer any of the above questions

Religious belief questions

Religious belief is a protected category under the Fair Employment & Treatment (NI) Order 1998. That law prohibits discrimination in employment on the ground of religious or similar philosophical belief, although the law does not require employers to monitor that ground – “community background” being the mandatory category instead.

Religious belief is also a category to which the [section 75](#) duty of public authorities applies.

The mandatory question on community background ([see page 20](#)) that many employers are obliged to ask under the Fair Employment law can be a useful indicator of religious belief for many in the Northern Ireland population, however, some employers may also decide to monitor religious belief in more detail.

Employers who might do this (most likely public authorities for [section 75](#) purposes) will need to decide for themselves why they may need such levels of detail for employment purposes and of the best way to collect it.

The following question is based on the corresponding one that was asked in the 2021 Northern Ireland Census, which means that it can be used by employers to compare the profile of their workforces against that of the wider population. Employers may also wish to list additional response options, such as non-Christian religions, such as Islam and Judaism.

Religious beliefs

Please indicate your religious beliefs.

Roman Catholic Presbyterian

Church of Ireland Methodist

Other (please specify which):

None

I prefer not to say

Age

Age is a protected category under the Employment Equality (Age) Regulations (NI) 2006. That law prohibits discrimination in employment on that ground.

Age is also a category to which the [section 75](#) duty of public authorities applies.

Date of birth provides the most accurate record of age and maintains that accuracy as time passes.

Age

Please state your date of birth:

I prefer not to say

Disability questions

Disability is a protected category under the Disability Discrimination Act 1995 (DDA). That law prohibits disability discrimination in employment.

Disability is also a category to which the [section 75](#) duty of public authorities applies.

The DDA provides a [legal definition of disability](#) for these purposes and it is common for employers to incorporate that into their monitoring questionnaires.

The suggested question outlined here uses identity and person-first language instead. It is preferred by most disabled people and is based on the corresponding questions that were asked in the 2021 Northern Ireland Census.

Some disabled people may not consider that they have disabilities. For example, older people whose daily activities become permanently limited by the loss of function that comes with age may not consider this as an “impairment”, or that it amounts to their having a disability. We, therefore, suggest that employers use prompts to help people reflect on the nature and impact of their condition.

Some employers may decide to seek further details about the nature of their job applicants’ or employees’ disabilities: if so, we have suggested additional questions that may be asked for that purpose. Large employers may decide to add in more categories, for example for visual and aural impairment, if this can help them understand different support requirements.

Employers will be mindful of their duty to make reasonable adjustments for disabled people, but, [as noted in Chapter 4](#), question about that are best asked on a standard application form rather than on a monitoring questionnaire.

Disability

Think about how much your current daily activities are affected. Remember to:

- include any health condition and problems related to aging, or
- consider any treatment, medication or devices, such as a hearing aid, that you may receive or use

Choose “Yes, limited a lot” if you rely on support from others, such as friends or home-help services, to carry out your usual day-to-day activities.

Day-to-day activities include everyday tasks, for example, eating, washing, walking and going shopping. Include problems related to old age.

Are your day-to-day activities limited because of a health problem or disability which has lasted or is expected to last at least 12 months?

- No
- Yes, limited a little
- Yes, limited a lot
- I prefer not to say

If you answered “yes”, please indicate the nature of your impairment by ticking the appropriate box or boxes below.

- Physical impairment, such as difficulty using your arms, or mobility issues requiring you to use a wheelchair or crutches
- Sensory impairment, such as being blind or having a serious visual impairment, or being deaf or having a serious hearing impairment
- Mental health condition, such as depression or schizophrenia
- Learning disability or difficulty, such as Down’s Syndrome or dyslexia, or cognitive impairment, such as Autistic spectrum disorder
- Long-standing or progressive illness or health condition, such as cancer, HIV infection, diabetes, epilepsy or chronic heart disease
- Other (please specify):
- I prefer not to say

Sexual orientation question

Sexual orientation is a protected category under the Employment Equality (Sexual Orientation) Regulations (NI) 2003. That law prohibits discrimination in employment on that ground.

Sexual orientation is also a category to which the [section 75](#) duty of public authorities applies.

The following question is based on the corresponding one that was asked in the 2021 Northern Ireland Census.

Sexual orientation

Please indicate your sexual orientation by ticking the appropriate box below.

I am straight (heterosexual)

I am gay or lesbian

I am bisexual

I prefer to self-describe as:

I prefer not to say

Marital or civil partnership status question

Married or civil partnership status is a protected category under the Sex Discrimination (NI) Order 1976. That law prohibits discrimination in employment on that ground.

Marital status is also a category to which the [section 75](#) duty of public authorities applies.

The following question is based on the corresponding one that was asked in the 2021 Northern Ireland Census.

Marital or civil partnership status

Please indicate your marital or civil partnership status

- Single (never married or in a civil partnership):
- Married or in a civil partnership:
- Separated (but still married or in a civil partnership):
- Divorced, or formerly in a civil partnership that is now legally dissolved:
- Widowed, or surviving partner from a registered civil partnership:
- I prefer not to say:

Dependants and caring responsibilities

Having dependents or not is a category to which the [section 75](#) duty of public authorities applies.

It is open to employers to frame their own questions in relation to whether job applicants or employees have dependents and caring responsibilities, ensuring that the information being collected has a purpose. For example, it may be appropriate to ask a simple question as to whether a person has dependents or not; e.g. “*Do you have dependants: yes or no?*”, or to seek additional information about the particular kinds of people who are being cared for. By way of comparison, the 2021 Northern Ireland Census focused on the time that people spent in their caring roles (e.g. 1 to 19 hours per week, 20 to 34 hours, etc.)

The following question is in two parts.

Dependants and caring responsibilities

Do you have dependants or caring responsibilities for family members or other persons?

Yes No I prefer not to say

If you answered “yes”, are your dependants or the people you look after
(you may tick more than one box)

- a child or children
- disabled person or persons
- an elderly person or persons
- other

If “other”, please describe who you care for:

I prefer not to say

Political opinion

Political opinion is a protected category under the Fair Employment & Treatment (NI) Order 1998. That law prohibits discrimination in employment on that ground, although it does not require employers to monitor it – “community background” being the mandatory category instead.

Political opinion is also a category to which the [section 75](#) duty of public authorities applies and, for that reason, monitoring people on this ground is more likely to be relevant to public authorities.

Our separate guidance on section 75 monitoring: [Monitoring Guidance for Use by Public Authorities \[2007\]](#) and its associated [Addendum \[2022\]](#) is the best source of guidance.

If an employer is considering monitoring political opinion for employment purposes, they should contact the Equality Commission to discuss.

Other non-statutory questions

Some employers may decide to monitor other characteristics that are not protected grounds under equality law, but which may further help them remove barriers to employment or career progression. These could include socio-economic background or educational attainment, for example.

The data protection laws are also likely to apply to the processing of such personal data.



Equality Commission

FOR NORTHERN IRELAND

Further Information

Equality Commission for Northern Ireland

Equality House, 7-9 Shaftesbury Square
Belfast, BT2 7DP

Telephone: **028 90 500600**

Email: **information@equalityni.org**

Website: **www.equalityni.org**

Information Commissioner Office – Northern Ireland

3rd Floor, 14 Cromac Place
Belfast, BT7 2JB

Telephone: **0303 123 1114**

Email: **ni@ico.org.uk**

Website: **<https://ico.org.uk>**