

## EQUALITY COMMISSION FOR NORTHERN IRELAND

### ONE HUNDRED AND NINETY NINTH MEETING HELD ON WEDNESDAY 22 FEBRUARY 2023 AT 1.30 PM

#### PRESENT

Geraldine McGahey	Chief Commissioner
Neil Anderson	Deputy Chief Commissioner
Maureen Brunt	
Siobhan Cullen	
Duane Farrell	
Helen Ferguson	
Monica Fitzpatrick	
Jarlath Kearney	
Colin Kennedy	
Deepa Mann-Kler	
John McCallister	
Carmel McKinney	
Sheena McKinney	(virtual)
Preeti Yellamaty	

#### APOLOGIES

Ellen Finlay	Commissioner
Harry Robinson	Boardroom Apprentice

#### IN ATTENDANCE

Keith Brown	Interim Chief Executive
Louise Conlon	Director, Communications
Lisa King	Director, Investigations and Research
Jacqui McKee	Director, Advice and Compliance
Darren McKinstry	Director, Policy and Strategic Engagement
Glenda Doherty	Senior Policy Officer, DMU

#### 1. Introduction

The Chair welcomed all to the Commission meeting and welcomed Keith Brown, to his first meeting as Interim Chief Executive and Accounting Officer.

## 2. Minutes of the one hundred and ninety eighth meeting held on 25 January 2023

EC/23/02/01

The minutes of the one hundred and ninety eighth meeting held on Wednesday 25 January 2023 were **signed** as a true and accurate record.

## 3. Matters Arising

**Page 3: Draft Business Plan 2023/2024:** the draft Plan was submitted to TEO on 30 January 2023.

**Page 4: DMU Business case:** The NIO confirmed on 14 February 2023 that the Business Case had received Treasury approval.

**Page 5: Commissioner Appointments:** The Secretary of State announced the Commissioner appointments on 20 February 2023.

## 4. Conflict of Interest

The Chief Commissioner advised that she had previously declared a conflict during the Statutory Duties Investigation Committee discussions on one of the reports being presented later. She would leave the room at this point and the Deputy Chief Commissioner would take over the Chair for that item.

## 5. Policy Issues

- Teachers Exception: Briefing paper

EC/23/02/02

Jacqui McKee, Director, Advice and Compliance provided an overview of the Fair Employment (School Teachers) Act (NI) 2022 (the Act), the advisory and compliance work arising from it and the proposed next steps. This update followed the Commissioner Strategic Discussion session the previous month. She gave an overview of engagement, including with the Education Authority, CCMS and The Executive Office. A plan of work was being developed through the next business year, to equip the education sector for the commencement of the Act in May 2024. Commissioners will be updated on the progress of this work. A business case for additional resource was included in this plan.

Commissioners discussed the decision taken by the Executive Office with regard to fair employment specification and the implications of this for the monitoring arrangements.

Commissioners **noted** the work underway.

- MLA Panel Survey

EC/23/02/03

Louise Conlon, Director, Communications presented the latest MLA panel survey report which was used to track MLA opinions via the Stratagem's MLA Panel Survey. Similar questions were asked in surveys undertaken in autumn of 2020 and 2021. The latest results were appended. It was anticipated that the Political Engagement Strategy would be updated in due course.

Commissioners discussed the trends emerging, whilst recognising the sample size was small and noting that the MLAs participating varied between surveys. The meeting noted the disparity between the views of the Unionist parties compared to the other parties. There was a discussion on the need for focussed engagement with Unionist parties and for a strategy that can push incremental positive change. There was a discussion on the perceptions of political parties in respect to equality and the Commission's Article 2 role. The level of support for a single equality framework was also noted. Confidence and trust were identified as being particularly important.

It was also agreed that it would be useful to delve beneath these results and to get more of a flavour of the issues resonating with each political party and their voters. There was agreement that the Commission should continue to push on with its Communications Strategy objectives and to further develop its grassroots engagement.

It was agreed that the Commission needed to have a sustained focus on political engagement and the review of its political engagement Strategy was timely and appropriate. They looked forward to considering the draft Strategy in due course.

Commissioners **noted** the report.

- Research report on the Impact of Brexit on minority ethnic and migrant people in Northern Ireland

EC/23/02/04

Glenda Doherty, Senior Policy Officer, DMU presented the findings and recommendations of the research report on the 'Impact of Brexit on minority ethnic and migrant people in Northern Ireland'. This had been carried out by Pivotal.

Commissioners agreed that this was a powerful report and the findings in

respect of racism were deeply depressing, particularly that there was a clear perception that there had been an increase since Brexit. However, given the increase in anti-migrant campaigning in the South, it was clear that the issue was not simply Brexit related. There was a discussion in respect to racial profiling and it was noted that whilst this appears to be happening, much of the evidence remains anecdotal at this stage. It was considered that there may be lessons to be learned from approaches to tackling racism across the islands, particularly from Scotland.

Although some concerns were raised about the representative nature of working through groups and campaigning organisations, it was felt that the insights to be gained through such qualitative research methods were very important.

Commissioners noted the next steps in terms of publication and policy development and agreed that this was an important report for the Commission to publicise.

Commissioners **noted** the report and proposed next steps.

## 6. Business Reporting

- Audit and Risk Committee: Terms of Reference EC/23/02/10

Commissioners **approved** the Terms of Reference, including the change of the title to Audit and Risk Assurance Committee.

## 7. Other Matters for Commission Decision

The Chief Commissioner left the meeting, and the Deputy Chief Commissioner took the Chair.

- Investigation Report - Complainant & Department for the Economy EC/23/02/05

Helen Ferguson, Chair of SDIC Committee introduced the Report of the Commission's investigation of Complainant & Department for the Economy conducted under Paragraph 10 of Schedule 9 of the Northern Ireland Act 1998. She explained that the Committee had concluded that the Department had not complied with its own Equality Scheme commitments, and it had made a number of recommendations to the Department.

Commissioners considered and **approved** the Investigation Report, with its

findings and recommendations and **noted** the proposed next steps.

The Chief Commissioner re-joined the meeting and resumed as Chair.

- Investigation Report - Complainants & University of Ulster EC/23/02/06

Helen Ferguson, Chair of SDIC Committee introduced the Report of the Commission's investigation of Complainants & University of Ulster conducted under Paragraph 10 of Schedule 9 of the Northern Ireland Act 1998. She explained that the Committee had concluded that Ulster University had complied with its own Equality Scheme commitments, but a number of recommendations for improvement in the processes had been recommended.

Commissioners considered and **approved** the Investigation Report, with its findings and recommendations and **noted** the proposed next steps.

- Investigation Report – Commission investigation under Paragraph 11 Investigation of the Northern Ireland Office EC/23/02/07

Helen Ferguson, Chair of SDIC Committee introduced the Report of the Commission's investigation of the Northern Ireland Office, conducted under Paragraph 11 of Schedule 9 of the Northern Ireland Act 1998. This investigation, undertaken by the Commission on its own fruition had concluded that the NIO had failed to comply with its own Equality Scheme commitments.

Commissioners considered and **approved** the Investigation Report, with its findings and recommendations and **noted** the proposed next steps.

## 8. Chief Commissioner's Business

EC/23/02/08

The Chief Commissioner outlined a number of meetings/speaking engagements she had attended since the last Commission meeting. This included a speaking engagement at The Royal Irish Conference "Sign Languages on the Island of Ireland: recognition and Human Rights".

She met with Jacqui Durkan from the Criminal Justice Inspectorate and had attended, along with the Director of Policy, a meeting of Faith Groups co-convened by the Commission and NIHRC. She had a meeting with Sally Burris who was leading a campaign in relation to domestic violence against men and boys which followed correspondence

over the last period with respect to the Commission's positions on this matter.

She noted an upcoming briefing for a delegation from Bahrain which herself and the Deputy Chief Commissioner were participating in.

The Chief Commissioner also updated Commissioners in relation to the Chief Executive Recruitment.

Commissioners **noted** the update from the Chief Commissioner.

The Chief Commissioner took the opportunity to wish Helen Ferguson and Deepa Mann Kler farewell. This was their last Commission meeting as they stood down at the end of the month. She wished them both luck in their future endeavours and thanked them for all the hard work and dedication they had shown to the Commission. She thanked Helen for her work as Chair of the Statutory Duties Investigation Committee and advised members that Siobhan Cullen would replace Helen as the Committee Chair.

## 9. Chief Executive's Report

EC/23/02/09

Keith Brown, Interim Chief Executive referred to his previously circulated report.

He provided detail of the recent Accountability meeting on 15 February 2023, including updating on discussions on the 2023/24 budget and progress regarding a new TEO Partnership framework. He updated on the DMU business case which had received Treasury approval and on the timeframe in respect to the annual audit, noting that it was in line with previous years.

Keith Brown also provided an update in respect to an upcoming case involving the Commission as the employer, supported by NIPSA in respect to pension provision. He also noted potential legal action against a small number of employers in respect to non-return of monitoring information, noting that it included two larger employers. He also highlighted ongoing activity in the House of Lords around the Retained EU Law Bill.

Commissioners **noted** the update from the Chief Executive's Report.

## 10. Matters for Information

Commissioners noted the following items.

- Response to the European Commission's proposals

EC/23/02/11

on Binding Standards for Equality Bodies.

- Response to Department of Health's public consultation on proposed amendments to Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (Northern Ireland) 2016 EC/23/02/12
- Chair of the Protocol on Ireland/Northern Ireland Sub-Committee's letter to the Secretary of State for Trade and Industry EC/23/02/13
- Witness Statement to Covid Inquiry EC/23/02/14

## 11. Minutes of Committee Meetings

- Minutes of the Audit and Risk Committee Meeting held on 9 November 2022. EC/23/02/15
- Minutes of the Statutory Duty Investigations Committee held on 23 November 2022. EC/23/02/16

Commissioners **noted** the Minutes outlined above.

## 12. Any Other Business

13. **Date of next meeting:** Two Hundredth Commission Meeting on **Wednesday 22 March 2023, at 1.30 pm** – in person

**The meeting closed at 4pm**

Signed:



Date: **22 March 2023**