

**EQUALITY COMMISSION FOR NORTHERN IRELAND****200<sup>TH</sup> COMMISSION MEETING**  
**HELD ON WEDNESDAY 22 MARCH 2023 AT 1.30 PM****PRESENT**

Geraldine McGahey	Chief Commissioner
Neil Anderson	Deputy Chief Commissioner
Maureen Brunt	
Lisa Caldwell	
Siobhan Cullen	
Duane Farrell	
Ellen Finlay	
Monica Fitzpatrick	
Jarlath Kearney	
Stephen Mathews	
John McCallister	
Preeti Yellamaty	
Harry Robinson	Boardroom Apprentice

**APOLOGIES**

Colin Kennedy  
Carmel McKinney  
Sheena McKinney

**IN ATTENDANCE**

Dennis McMahon	Permanent Secretary TEO (part)
Tara Kennedy	TEO Racial Equality Branch (part)
Keith Brown	Interim Chief Executive
Louise Conlon	Director, Communications
Lisa King	Director, Investigations and Research
Roisin Mallon	Director, Dedicated Mechanism Unit
Jacqui McKee	Director, Advice and Compliance
Darren McKinstry	Director, Policy and Strategic Engagement
Glenda Doherty	Senior Policy and Research Officer, DMU

## 1. TEO Permanent Secretary

Denis McMahon, Permanent Secretary, of The Executive Office joined the Commission to celebrate its 200<sup>th</sup> meeting and congratulated Commissioners on reaching this important milestone.

He thanked Commissioners and staff, both past and present, for the important work carried out by the Commission, since its establishment, to progress equality of opportunity for everyone in Northern Ireland.

Mr McMahon reflected on his personal experiences and interaction with the Commission and its work and provided information on the current context in which all Departments and their Arm's Length Bodies were working. The discussions covered the difficult financial context and continuing uncertainty around the re-establishment of an Executive and TEO workplans. There was a discussion on the importance of Departments adhering to their equality duties; the need for equality law reform including the upcoming consultation on race equality legislation and the impact that the loss of EU funding was having on delivering equality of opportunity for the most vulnerable in our society.

Commissioners expressed thanks to Denis McMahon for his encouragement, his openness to engagement and the opportunity he had provided to explore areas of mutual interest and concern.

Mr McMahon and Ms Kennedy left the meeting.

## 2. Introductions

The Chief Commissioner welcomed Lisa Caldwell and Stephen Mathews, recently appointed Commissioners, to the meeting.

## 3. Minutes of the one hundred and ninety ninth meeting held on 22 February 2023

EC/23/03/01

The minutes of the one hundred and ninety ninth meeting held on Wednesday 22 February 2023 were **signed** as a true and accurate record.

#### 4. Matters Arising

**Page 4: Investigation Report - Department for the Economy:** this report was published on 9 March 2022 and was widely covered in the media.

**Page 5: Investigation Report – Northern Ireland Office:** this report was published today.

**Page 5: Investigation Report – Ulster University:** this report is scheduled for publication prior to the end of March.

#### 5. Conflict of Interest

Stephen Mathews declared a potential interest in relation to consultation by the Department of Health on the Future of Muckamore Abbey Hospital.

#### 6. Policy Issues

- Windsor Framework: briefing

EC/23/03/04

Roisin Mallon, Director, DMU updated Commissioners on key elements contained in the Windsor Framework and more recent developments since its publication, particularly in relation to the 'Stormont brake'. She advised that there were no substantive changes to the equality obligations and no new policy positions and recommendations required. She explained that it was planned that the Commission would be engaging on this matter with the NIO, the Executive Office, and relevant Committees.

Commissioners discussed whether there was a potential for the Commission to take a more robust posture in respect to strategic litigation and the use of its Article 2 powers. The meeting was advised that cases can only be taken where there is a breach of Protocol Article 2 and it may be that legal action would not arise until when new legislation was enacted and breaches were identified.

It was agreed that the Commission had been proactive in its identification of current legislative developments with the potential to impact on the equality obligations during the past year. The importance of the Commission proactively horizon scanning in respect to possible future areas of potential legal action was stressed. The Chief Commissioner undertook to consider whether further action was needed in this regard. It was also agreed that efforts would continue to be made to highlight the impact of loss of structural funds on organisations and services for Section 75 groups.

The Chief Commissioner advised that the Commission's would take the opportunity to comment on its submission to any future Parliamentary inquiry in respect to the Windsor Framework. Commissioners would be kept informed of relevant key developments.

Commissioners **approved** the proposed positions and welcomed further engagement on the matter.

[Maureen Brunt left the meeting]

- Fair Employment Monitoring Report (2021) No 32 EC/23/03/02

Lisa King, Director of Research and Investigations, outlined the key findings of the latest Fair Employment Monitoring Report and next steps in respect to publication. She highlighted that for the first time since monitoring began that the Protestant and Roman Catholic composition of the workforce was 50% for each group. Although of course interesting, it must be noted that the overall goal of the legislation is to achieve fair participation in the workplace. Ms King also pointed out that this year's figures for the overall composition of the workforce by Community background were broadly in line with Labour Force Survey estimates.

A Commissioner noted that further census data had been released the previous day and suggested that the data on economic inactivity, women and part-time work would be useful to consider alongside the data for those in the Monitored Workforce.

It was explained that it was planned, in the next business year, to produce briefings from the Census data and that the areas discussed would be considered for the planned briefings.

Commissioners **noted** the Monitoring Report No.32 and planned next steps for publication.

- Promoting equal access to and Equal Opportunities EC/23/03/03  
for all at work: briefing.

Lisa King, Director of Research and Investigations provided an overview of the briefing paper on 'Promoting equal access to and equal opportunities for all at work'. This paper had been developed to provide an evidence base to in respect to its Corporate Plan priority area. It would also provide a useful resource for the Commission's stakeholders working in this area.

Commissioners **noted** the briefing paper and planned next steps and thanked Ms King and her team for the work that had been undertaken.

Commissioners thanked Ms Fitzpatrick for the very useful update.

## 7. Business Reporting

There were no matters to report.

## 8. Other Matters for Commission Decision

No further matters were discussed.

## 9. Chief Commissioner's Business

The Chief Commissioner informed Commissioners that the interviews for a new Chief Executive were taking place the following day.

[Ellen Finlay left the meeting]

The Chief Commissioner reported on a number of meetings/speaking engagements she had attended since the last Commission meeting. This included providing evidence to British-Irish Parliamentary Assembly inquiry into provision for indigenous minority languages on 7 March 2023. This proved to be a useful opportunity to raise the issue of sign language.

She had met with the Regulation and Oversight Commissioners, attended the World Social Work Day event on respecting diversity through joint social action and attended the BIIG's Joint St Patrick's Day reception.

Along with the Deputy Chief Commissioner, she had met with a Bahraini delegation from the National Institution for Human Rights.

The Chief Commissioner provided update in relation the recent media undertaken in the Lyons v Starplan case and on the publication of the Commission's s75 Investigation Reports.

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

## 10. Chief Executive's Report

EC/23/03/05

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

In respect to the business plan 2023/24, feedback had been received from TEO and only minor presentational changes were required. Whilst there was no confirmation of the Commission's opening budget allocation for the incoming year, based on information provided at the ALB Forum meeting on 8 March, staff were currently working on a draft budget based on a 10% reduction in funding from last year. He anticipated that both the draft Business Plan and budget would be on the agenda for the next Commission meeting.

Keith Brown drew attention to several areas of his report, including: the launch of TEO consultation on proposed changes to the Race Relations Order; an upcoming presentation to Sinn Fein MLAs and policy staff on the Commission's key policy priorities and forthcoming meetings with the leaders or key representatives of the five main local political parties to discuss the Commission's proposals for law reform.

He also noted the reference in his report to potential enforcement action re. failures to submit monitoring returns and undertook to keep Commissioners updated on this matter.

He reported that the Tribunal were piloting new judicial assessment and mediation arrangements and there would be an update paper on this at the next meeting.

The update in respect to NIPSA actions to protect their members' pension arrangements and in pursuance of an improved pay settlement were also noted. In response to a query, the Interim Chief Executive explained why it was considered appropriate to use of Departmental Solicitor's Office to advise on the legal action being undertaken by NIPSA in respect to pensions.

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

## 11. Matters for Information

- Guidance for Decision Making for Northern Ireland Departments

EC/23/03/06

The Director of Policy and Strategic Engagement summarised the above parliamentary paper, which contained guidance from the Northern Ireland Secretary of State following the Northern Ireland (Executive Formation etc)

Act 2022 and clarifies the powers civil servants have to take decisions in the continued absence of Executive Ministers. It was believed that this could assist with the progressing of some areas of work of interest to the Commission, including the consultation on the Race Relations Order, which had been referred to earlier.

Commissioners **noted** the guidance.

[Stephen Mathews declared a potential conflict of interest and left the meeting]

- Consultation by the Department of Health on the Future of Muckamore Abbey Hospital: Response EC/23/03/07

Commissioners **noted** the above matter for information.

## 12. Minutes of Committee Meetings

## 13. Any Other Business

- **Date of next meeting:** Two Hundred and First Commission Meeting on **Wednesday 26 April 2023, at 1.30 pm** – in person

**The meeting closed at 4.25pm**

Signed:



**Date: 16 April 2023**