



**Response by the Equality Commission for Northern Ireland  
to the Consultation by the Education Authority, on the draft  
*'Interim Language Policies for the Irish and Ulster-Scots Languages'***

January 2023

## **1 Introduction**

- 1.1 The Equality Commission (the Commission) for Northern Ireland welcomes the opportunity to comment on the Education Authority draft *'Interim Language Policies for the Irish and Ulster-Scots Languages'*.
- 1.2 The Commission's remit is not directly or primarily concerned with the promotion of languages. Our response is provided within the context of our remit on Section 75 of the Northern Ireland Act 1998 and the provisions of the anti-discrimination legislation, specifically the Race Relations (NI) Order 1997 and the Fair Employment and Treatment (NI) Order 1998.

## 2 Key Provisions of the Draft Policy

- 2.1 The Commission acknowledges the approach proposed by the Education Authority (EA) to develop, in parallel, two separate policies for Irish and Ulster Scots commensurate with the needs and priorities of speakers belonging to these language groups.
- 2.2 We welcome the clarification that the policies will:
- set out the administrative services which people can expect from EA in Irish and Ulster-Scots and informs those who wish to use these languages how they can communicate with EA.
  - assist EA officers in making decisions around the provision of services and information in the languages, and arrangements for those seeking to interact with the EA in those languages.
  - support increased and better awareness of the languages and how they relate to the provision of education services for EA officers.
  - help EA officers apply consistent practices and judgement to the provision of information and EA services in respect of the languages.
- 2.3 We note that the Draft Interim Policies for Irish Language and Ulster Scots covers the provision of information and the delivery of corporate services of EA but not the provision of either language in the curriculum.
- 2.4 The Commission welcomes that the draft policies clearly set out roles and responsibilities across the Authority regarding implementation.
- 2.5 We welcome the provision within the policy to ensure that EA staff receive awareness and language training on Ulster-Scots and the Irish language, available to staff as part of the annual training programme from the Equality and Diversity Unit.

- 2.6 The Commission has previously responded to consultations welcoming the development of draft Strategies on Irish Language and Ulster Scots<sup>1</sup>.
- 2.7 We have set our comments in this section below, as they refer to the provision for Irish and Ulster Scots.

### **3 Irish and Ulster Scots**

- 3.1 We note that the Authority has acknowledged the relevant provisions within the international human rights framework that are integral to protecting and promoting regional and minority languages. The Commission endorses the EA's commitment to ensure that Everyone is entitled to respect and courtesy, which extends to their language and the Education Authority recognises both the Irish Language and Ulster Scots as expressions of the cultural wealth of Northern Ireland.
- 3.2 Furthermore, we acknowledge the statement that the policies may be updated and/or replaced following the appointment of Irish Language and Ulster Scots Commissioners, emanating from Identity and Language (Northern Ireland) Bill, the New Decade New Approach political agreement, and the publication of the Irish Language Standards for Public Authorities and the associated Guidance, as they apply to the Education Authority.
- 3.3 Aligned to our remit, the Commission recommends that any actions should be taken in the context of the anti-discrimination legislation and the statutory duty on public authorities to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations.
- 3.4 The Commission supports the use of minority languages where they are proportionate to the language needs of the situation and

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<sup>1</sup> For example, Equality Commission for Northern Ireland (November 2012): *Response to a consultation by DCAL on a Strategy for Ulster Scots Language, Heritage and Culture*.  
Equality Commission for Northern Ireland (November 2012): *Response to a consultation by DCAL on a Strategy for protecting and enhancing the development of the Irish Language*.  
Both available at: <http://www.equalityni.org/consultationresponses>

in a spirit of respect for the freedom of minority language speakers to speak or use their language of preference.

- 3.5 The Commission considers that the use of minority languages, particularly Irish or Ulster Scots languages in Northern Ireland, for common or official purposes would normally and objectively be considered to be a neutral act that would not be discriminatory.
- 3.6 The speaking or use of any language in Northern Ireland should be a neutral act and should not be perceived as a threat to any individual or group, nor should it be intended in such a manner.
- 3.7 The Commission considers that the speaking or use of the Irish language in the community does not diminish the entitlements of those whose right to their British identity is guaranteed in the Good Friday Agreement. Similarly, the Commission considers that the wider use of Ulster Scots does not diminish the entitlements of those whose right to their Irish identity is guaranteed.

## **4 Section 75 of the Northern Ireland Act**

- 4.1 The EA's equality scheme commits the Authority to undertake screening and consideration of EQIA as part of and in parallel with the policy development process and at the earliest opportunity in this process. In light of this, the Commission welcomes the provision of screening documents with the consultation documents on the Authority website.

## **5 Anti-Discrimination Legislation**

- 5.1 The Commission provides general advice to public authorities on the use of languages other than English in employment and/or service provision in the context of the relevant anti-discrimination legislation<sup>2</sup>. For example, we advise that:
- 5.2 Where an ability to speak and /or read a particular language is an objectively justified requirement of a job, then an employer may

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<sup>2</sup> Race Relations (NI) Order 1997, Fair Employment and Treatment (NI) Order 1998 and the Disability Discrimination Act 1995 (as amended).

place an advertisement exclusively in that language<sup>3</sup>. In selecting personnel, either initially or for promotion purposes, an employer may include criteria with regard to knowledge and skills of a certain language; as long as they are satisfied that such criteria and their relative importance are justifiable, appropriate to the job and clearly objective<sup>4</sup>.

- 5.3 The use of languages other than English, for example in corporate logos and communications, will not, in general, constitute an infringement of a good and harmonious working environment<sup>5</sup>.
- 5.4 Decisions must rest with the employer/service provider and should be based on relevant policies and procedures that are proportionate, reasonable and appropriate to the context in which the organisation operates. Each employer should work to ensure that their premises are a welcoming and harmonious space for their workers and customers alike<sup>6</sup>.
- 5.5 It is important to remember that on matters of discrimination in the workplace an employer may be held liable for the discriminatory impact of their actions, even where this is not their intention. Consideration should be given to the scope which exists in any specific situation for unlawful discrimination.
- 5.6 While appreciating that the Ulster Scots and Irish Language policies are currently interim policies and that further detail will be added as the respective policies are developed, we recommend that the resulting policies are considered within the context of the Authority's equality policies (employment and the provision of services) and the particularities of each of the relevant anti-discrimination statutes (Race Relations (NI) Order 1997 and the Fair Employment and Treatment (NI) Order 1998). The Education Authority should satisfy itself that its policies comply with the relevant provisions.

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<sup>3</sup> Recruitment Advertising: A Good Practice Guide for Employers (Equality Commission Guidance)

<sup>4</sup> General advice contained in the Fair Employment Code of Practice: Section 5.3 Good Practice for All Employers – Core Components

<sup>5</sup> Promoting a Good and Harmonious Working Environment: A Guide for Employers and Employees

<sup>6</sup> Promoting a Good and Harmonious Working Environment: A Guide for Employers and Employees

## **6 Conclusion**

- 6.1 The Commission recommends that the Authority refers to its Section 75 statutory duties and the relevant anti-discrimination legislation as highlighted above.
- 6.2 We trust this advice is of assistance to the Education Authority and we will engage further, as appropriate, as the policy is developed.

**Equality Commission for Northern Ireland**  
January 2023