



Article for 15th anniversary NICEM magazine

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The Equality Commission has key responsibilities, under the Race Relations (Northern Ireland) Order 1997, to work towards the elimination of racial discrimination, to promote equality of opportunity and good race relations, and keep the law under review. We also work to mainstream race equality through the effective application of the equality and good relations duties set out in Section 75 of the Northern Ireland Act 1998.

In our 'Statement on Key Inequalities in Northern Ireland', race issues are at the heart of our assessment of inequalities in the field of education, employment, health and social care, housing and participation in public life. Particular issues such as the treatment of migrant workers, racial harassment at work, refusal of service on grounds of race and educational achievement of Traveller children have been the focus of some of our activities on race equality in recent years.

The findings of our last Equality Awareness Survey, 2009, also highlighted the problem of prejudice and negative attitudes in Northern Ireland. 20% of people surveyed felt negative towards Eastern European migrants, 28% would mind having a migrant worker as an in-law and 23% and 22% respectively would mind having a migrant worker as a neighbour or work colleague.

Seeking change to the law on race

One of our current priorities is to work towards having the law here amended to keep pace with the Equality Act 2010, which came into effect in Britain on 1 October 2010, and ensure that people in Northern Ireland have the same protection from discrimination as people in Great Britain.

We have identified six proposals for urgent legislative reform¹, which include the harmonisation of the Race Relations (NI) Order 1997 so that colour and nationality has the same level of protection as other racial grounds. There was a commitment by OFMdFM to address this when they consulted on a Single Equality Bill for Northern Ireland in 2004 but this has not yet happened.

We met with OFMdFM Junior Ministers in 2009 to discuss our proposals for legislative reform and we have since then been raising awareness of our

¹ ECNI proposals for legislative reform, 2009

proposals for change with key stakeholders, including the Assembly All-Party Group on ethnic minority communities and the BME Forum.

We have also been raising concerns with OFMDFM about the need for domestic legislation to comply with EU Directives.

Reforming the law in this way is in keeping with the aims and objectives of the OFMDFM's Racial Equality Strategy for Northern Ireland 2005-2010.

Monitoring the workforce

The Commission would like to see a change in the law on monitoring workforce composition, to require registered employers to collect monitoring information on the nationality and ethnic origin of their employees and job applicants. They already monitor their community background and sex.

The collection of such data is a key recommendation of the Commission's Race Code of Practice for employers, in addition to the monitoring of workplace practices which is an important part of the process of promoting equal treatment on the grounds of racial or ethnic origin.

Good Relations Work

We have produced guidance for public authorities on promoting good relations as part of their statutory equality and good relations duties. We also seek to influence the work of Government departments in Northern Ireland on race and good relations related issues through such mechanisms, for example, as the Good Relations Forum, which we co-chair with the Community Relations Council. We have issued a number of challenge papers over the last few years, including 'New Migration, Equality and Integration: Issues and Challenges for Northern Ireland', ICR, 2008, and more recently 'Ensuring the Good Relations work in our Schools Counts' (2010).

Working with employers and service providers

We provide employers with advice, information and support on race issues in employment – with events such as conferences, a programme of employer training and the popular employer networks across NI.

Five years on from the first influx of A8 migrant workers, the challenges for employers have evolved. Instead of the early problems with language and the practical problems of moving and settling a family, employers are now dealing with diverse and multi-cultural workforces. We are helping employers deal pro-actively with the challenges this new reality creates.

Access to services

Equality of access to public services such as accommodation, health and social services is another important focus for the Commission.

The Commission has submitted a draft Code of Practice on Race and Housing, drawn up under the Race Relations Order's provisions, to the OFMdfM for approval. The Code of Practice will provide practical guidance on the law and good practice in the provision of housing and accommodation, for individuals, the public and private sectors. At the time of writing, it has not received Departmental approval.

We produced a good practice guide for Health and Social Services in 2002, which is currently being updated.

We also have a programme of free training and advice for businesses to help them provide services for all of their customers, including those who need specialist advice, such as the hospitality and tourism sectors.

Public Policy Work

The role of Commission in terms of public policy is to keep under review the effectiveness of the duties imposed on public authorities by Section 75; offer advice to public authorities and others in connection with those duties; and carry out the functions conferred on it by Schedule 9 of the Northern Ireland Act 1998.

We have just produced new guidance on Section 75 and are working with the public sector to ensure new equality schemes and action plans are developed and submitted.

We are part of the the Traveller Education Task-force which is working towards an action plan to improve educational outcomes for Travellers - 92% of Travellers have no GCSE-level or higher qualifications.

We produced a research report in 2009 outlining minimum standards for Traveller accommodation and two subsequent focus groups informed our policy position.

Financial cuts and their effects

We all know that public spending decisions taken now will shape our lives for at least a decade. Spending decisions by the Executive and Government

Departments will be crucial for everyone, whether as a public service employee or a service user.

We have written to the First and Deputy First Ministers, the Minister for Finance and all Permanent Secretaries to remind them of their obligations under Section 75 to pay due regard to the need to promote equality of opportunity and to assess the impact their policy decisions may have across the nine equality grounds including race.

We have also had discussions with representatives of all government departments on how their legal obligations can be met in the context of the Spending Review. We will be carrying this work forward through continuing contact and through our responses to policy initiatives.

Legal work and enforcement

We have seen an increase in the overall number of enquiries from people who believe they have experienced racial discrimination, from just over 9% of our calls in 2005/6 to a current level of 12.2% of all calls.

We provide advice to everyone who asks for it and legal assistance to some individuals to pursue a case of unlawful discrimination in the courts and tribunals.

Last year the Commission granted assistance in 38.5% of the race applications made to it. We are currently legally assisting 24 cases of race discrimination. That assistance covers all legal work in preparing the case, concluding a conciliated settlement or running the case in a court or tribunal. During the past year (2009-10), we achieved successful settlements in 5 cases taken on grounds of race (2 of which were on grounds of race and one other area of discrimination). Almost half (48%) of those enquiries are about employment or the workplace and around 30% of those involved racial harassment at work.

Racism at work

In 2009, we supported a Zimbabwean-born vet who had difficulties over a long period following initial complaints he made of racial discrimination at work. This resulted in disciplinary proceedings and penalties being imposed on him which his employer subsequently acknowledged should not have occurred. Another 2009 case involved a Malaysian man whose complaint to the Industrial Tribunal that he was subjected to race discrimination, harassment on grounds of race and unfair dismissal, was upheld. Both were compensated.

Most of the other enquiries were because people believed they had been provided with a worse or different service, or indeed been denied service, on the grounds of their race.

Race - goods and services

In June 2009, a black man, supported by the Commission, alleged unlawful discrimination by staff in a public bar in Belfast, followed by a further act of unlawful discrimination and victimisation by the bar owners. The court awarded him compensation. Another case in 2010 supported by the Commission involved two friends, one black and one white, who were denied access to a Belfast nightclub and subjected to a torrent of racist and sexist abuse. The friends were awarded the maximum possible sum by the Belfast Recorder's Court, which also awarded them costs. . The judge said it was 'the worst form of discrimination'.

Our Strategic Enforcement Division also carried out a formal investigation into migrant workers and the role of recruitment agencies, which we published in June 2010. Its aim was to examine the issues around equality of opportunity for newly-arrived job-seekers and also those who decide to stay for longer periods.

The investigation found that considerable good practice exists in the recruitment sector and with employers and highlights a number of key examples including the provision of help with banking, transport and accommodation, but also identified a number of areas where further change is recommended.

We made specific recommendations to address language barriers, and on easier access to data about which international qualifications are equivalent to UK qualifications, so that there is equal opportunity for migrant workers who wish to use their qualifications, skills and experience to obtain suitable work.

Promotional Work

Over the years we have run annual race campaigns, specific race equality events and one-off initiatives, mostly in partnership with key stakeholders such as community and voluntary sector groups, schools, employers and businesses.

The fourth Traveller Focus Week, a week-long programme of events for Travellers, statutory bodies and the public took place in December 2010.

Another recent example was Race Equality Month, which saw more than 50 events all over Northern Ireland aimed at raising awareness of the issue of racism, making information on rights available and promoting the role of the Equality Commission in challenging racism.

[artwork for What colours? poster goes in here]

caption: 'What colours your judgement?' is our current anti-racism poster campaign.

Unite Against Hate campaign

We are key partners in the Unite Against Hate campaign, supporting the campaign to create a more tolerant and peaceful Northern Ireland. Most recently we supported the poster campaign to address the under-reporting of hate crime and added a new 'Challenge Discrimination' button to the UAH homepage.

Progress on racial equality and good relations is a core commitment for the Equality Commission. Making an impact on these vital issues can change many lives for the better, and it poses a challenge not just to the Commission, but also to government, to society and to individuals.

ENDS

Our publications and website, www.equalityni.org, are accessible in a number of different languages. All our publications are available to view or to download free. If you feel you have been discriminated against, please ring our advice line 028 90 890 890.