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Sexual Orientation

Laws against discrimination on grounds of sexual orientation are built on the same principle as all equality law – respect for the dignity of all people, the Equality Commission’s Chief Commissioner Michael Wardlow said.

Important legislative changes in Northern Ireland over the past decade have afforded increased protection to individuals on grounds of sexual orientation, covering employment and the provision of goods facilities, services and the sale and renting of premises.

Section 75 of the Northern Ireland Act 1998, places a statutory duty on public bodies have to have due regard to the need to promote equality of opportunity on 9 grounds including sexual orientation.

Despite the existence of this legislation we cannot ignore the fact that many members of that community will have frequently experienced hurtful and discriminatory treatment. The Equality Commission’s legal services staff dealt with 82 enquiries about discrimination on grounds of sexual orientation in the year just past, and 57 of these concerned cases involving employment or the workplace. Although complaints regarding goods facilities and services had increased from previous years, workplace discrimination is still the most common form of complaint brought to the Commission.

The Commission is concerned about the issue of under-reporting in this area and is developing partnership projects as part of our commitment to ensure that everyone in our society is afforded respect and treated fairly, regardless of their sexual orientation.

In its response to the Northern Ireland Executive’s CSI consultation the Commission pointed out that it is not a dilution of CSI to recognize that it must go beyond issues of sectarianism and racism. We live in a complex society, with a changing and dynamic set of identities and this needs to be reflected in Government strategies, to promote a better future for all.

The Commission has set out, as guiding principles, that a Sexual Orientation Strategy should contain a separate commitment by departments, their agencies and other relevant statutory authorities to meaningful engagement with the LGB sector; to implementing the strategy; and to effective leadership. We proposed an action plan of measures to ensure the effective implementation of the Strategy. The Equality Commission has been in contact with OFMDFM for preliminary discussions on the draft

Strategy and we have met frequently with people from the Sexual Orientation sector to hear their concerns.

The Commission has a duty to keep sexual orientation legislation under review, and believes that reform is needed to address shortfalls regarding: -

- harassment;
- the exercise of public functions by public bodies;
- the breadth of the exception in the law for religious employers;
- and a number of areas where the law in Northern Ireland now falls short of the protections afforded in Great Britain by the Equality Act 2010 : - these include an expansion of positive action measures which employers, service providers and others may take to address disadvantage experienced by LGB groups, greater protection from victimisation for LGB pupils in school, and permission for civil partnerships to be registered on religious premises where faith groups wish to host them.

The Commission will be engaging with government and other bodies regarding these issues.