

## **Rights at Risk of Divergence on the Island of Ireland post-Brexit, Equality and Human Rights Commissions warn Oireachtas**

Speech by Geraldine McGahey, Chief Commissioner,  
Equality Commission for Northern Ireland

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Good afternoon everyone and thank you very much for the invitation to come and speak to you today.

As Sinead has said, you will be aware that Europe played a very significant role in strengthening and shaping equality rights in Northern Ireland because prior to Brexit, all three jurisdictions: Northern Ireland, Ireland and Great Britain, had to adhere to the same EU equality laws, and, in effect, a common standard was followed by all of us.

This was vital, because since the signing of the Good Friday Agreement, no equality law has been implemented in Northern Ireland as a result of Assembly legislation initiated by the Executive; although, on foot of a Private Members Bill, we do have some changes coming forward, which the Commission has been calling for for quite some time, in relation to the exception of teachers from our fair employment legislation.

Northern Ireland has already fallen way behind both Ireland and other parts of the UK in terms of some equality protections.

Our protections must not be allowed to fall further adrift from our nearest neighbours. We must actually take action to make sure these are addressed.

A survey that we commissioned in Northern Ireland last year showed that 42% of people who responded to that survey felt that their rights had already been impacted or reduced because of Brexit.

And there are some specific areas where there is the potential for equality and human rights to diverge on the island of Ireland either because of EU laws introduced post Brexit, or EU laws that may be introduced in the future.

The Equality Commission and Northern Ireland Human Rights Commission are calling for changes to NI laws in areas that change, where they strengthen rights, and where they align with international human rights best practice-to avoid a divergence of rights across the entire Ireland.

One specific area is that of introducing new protections against age discrimination in the provision of goods, facilities and services. An example of that would be health care. Unlike both GB and Ireland, in NI there is no protection against age discrimination outside the field of employment and training. There is also a draft EU Directive that would prohibit such discrimination, if it was to be introduced.

Another key area relates to gender pay transparency. Again, unlike Great Britain and Ireland, in NI, there are no gender pay gap reporting requirements on employers. In April this year, the European Council adopted the EU Pay Transparency Directive which aims to strengthen pay transparency and eliminate gender based pay discrimination, including by the introduction of gender pay gap reporting for certain employers, as Sinead already made reference to.

Proposed EU Directives on Binding Standards for Equality Bodies, published by the EU last December, would, if introduced in NI, be of value to people in NI seeking redress against discrimination.

Our view is that these proposed directives, if introduced, would amend several Annex 1 equality directives and that the UK Government is required to make changes to NI equality law to reflect those Directives.

Similarly, The EU Accessibility Act 2019 aims to benefit people with disabilities and indeed older people, including through providing more accessible products and services. The EU Directive on work-life balance, for example, for parents and carers aims to improve access to family leave and flexible working arrangements. Both of these have already been adopted by the EU, but post-Brexit, the UK is not required to transpose them into domestic law.

We are calling for steps to be taken to ensure that NI law voluntarily aligns with the provisions of the Act and the Directive that enhance protections.

In addition to these EU law developments, we have also set out measures that we consider that the NI Executive and relevant Departments can take to ensure that NI law keeps pace with evolving Court of Justice of the EU case law post-Brexit, relating to the Annex 1 equality Directives, including, for example, making changes to equality laws so to strengthen rights for disabled people.

We consider that strengthening rights in these areas will make a substantial difference for the day to day lives of many equality groups in NI, including older people, women, parents and carers and indeed disabled people.

Finally, on 8<sup>th</sup> June we published our research into the Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland. This important research found that people from these groups who participated in the research said that racism was a normal part of their daily lives, that there was a widespread perception that Brexit had led to an increase in the expression of racism.

This is backed up by what we've learnt at a series of face-to-face sessions with minority ethnic and migrant people and their support organisations.

In terms of some of the cross-border issues highlighted in our research, concerns raised included ~~about~~ racial profiling at the border, as well as the impact of Brexit on cross-border workers. As regards workers, this included concerns about the lack of information and support available in relation to applying for the cross border permit scheme, and the ramifications of that for those workers.

In conclusion, it is vital that, post Brexit, the equality and human rights of everyone who lives or works in NI do not continue to fall behind those in GB and Ireland.

We are calling on the UK Government, the NI Assembly and NI Executive to act on our recommendations, because we have a clear vision of ensuring that equality and human rights are protected and promoted in NI - a vision that reflects that equality was at the heart of the Belfast Good Friday Agreement.

Thank you, Mr Chairman.

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