

Section 75 of the Northern Ireland Act 1998 and Covid-19 related Policies

Equality Commission for Northern Ireland

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Section 75 of the Northern Ireland Act 1998

- Equality of Opportunity Duty
- Good Relations Duty
- Due Regard/Regard Duties
- Equality Scheme

The Section 75 duties and Covid-19 related policies

- Covid-19 related policies may need to be developed quickly and may involve challenging decisions
- Such decisions may have different impacts on different groups of people
- Section 75 duties continue to apply and provide a mechanism to identify and mitigate adverse impacts on people
- Still subject to challenge for alleged breaches

S75 and developing Covid-19 policies

- Continue to try to focus on duties – as far as practicable and demonstrate
- Screening – should at least begin when a policy is being developed
- If screening cannot be completed before the policy is implemented – then ensure ongoing monitoring and screening to examine equality impacts
- Public authorities should be able to demonstrate how they have adhered to their equality scheme commitments and the duties

S75 and developing Covid-19 policies

- Monitoring - Ongoing monitoring and the information to be used in any future decision making i.e. deciding whether to extend/amend the policy or not
- Mitigations - Throughout the process give due consideration to mitigating any anticipated or actual adverse impacts
- Consultation/EQIA – Equality scheme commitments and special circumstances regarding consultation BUT also remembering to involve equality groups in the process.

Assessing, monitoring and mitigating Anticipated/actual impacts on equality of opportunity

Some examples:

- Health & Social Care
- Education
- Economy, Employment, Welfare
- Housing & Accommodation
- Access to public services

In Summary

- Section 75 and equality scheme commitments continue
- Where full screening is not possible before implementation, maintain written record, monitor and review
- Mitigation and reducing adverse impacts

For advice and support from the
Equality Commission for Northern Ireland
contact our enquiry line on 02890 500600
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www.equalityni.org/Section75