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 or via email - information@equalityni.org

www.equalityni.org/Section75