

EQUALITY COMMISSION FOR NORTHERN IRELAND

**ONE HUNDRED AND SIXTY NINTH MEETING HELD
ON WEDNESDAY 26 FEBRUARY 2020 AT 1.30 PM
IN EQUALITY HOUSE**

PRESENT

Michael Wardlow	Chief Commissioner
Geraldine McGahey	Deputy Chief Commissioner
Neil Anderson	
Theresa Donaldson	
Duane Farrell	(part)
Helen Ferguson	
Hazel Francey	
Jarlath Kearney	
Stephen Mathews	
Robin Mullan	
Joe McVey	
Dawn Purvis	
Katy Radford	

APOLOGIES

June Best
Eileen Chan Hu
Deborah Donnelly

IN ATTENDANCE

Evelyn Collins	Chief Executive
Keith Brown	Head of Corporate Services
Lisa King	Director of Research and Investigation
Jacqui McKee	Director, Advice and Compliance
Darren McKinstry	Director, Policy and Strategic Engagement
Roisin Mallon	Senior Policy Officer
Glenda Doherty	Assistant Research Officer
Simon Hookham	Senior Research Officer
Louise Conlon	Manager, Secretariat
Adriana Morvaiova	Boardroom Apprentice

1. Introduction

The Chief Commissioner welcomed everyone to the meeting and provided an update on Commissioner appointments, noting that an announcement from NIO was imminent.

Minutes of the one hundred and sixty eighth meeting held on 22 January 2020.

EC/20/02/01

The minutes of the one hundred and sixty seventh meeting held on Wednesday 22 January 2020 were **signed** as a true and accurate record.

2. Matters Arising

Pg. 2 ***Proposed Regulations on same-sex religious marriage:*** the response to the NIO's consultation was submitted by the deadline of 23 February 2020 and published on the website.

Pg. 2 ***Fair Employment Monitoring Report (2018) No. 29:*** this was published on 11 February 2020; its publication received some coverage in the media.

Pg. 4 ***IMNI Disability Forum:*** the establishment of the Forum will be announced w/c 1 March 2020.

Pg 5 ***Draft Business Plan:*** this had been submitted to TEO on the basis that it will be reviewed in light of budget allocation and any new Programme for Government.

3. Conflict of Interest

No conflicts of interest were declared.

4. Policy Issues

- Hate Crime Law Reform: Proposed Additional Policy Positions

EC/20/02/02

Roisin Mallon, Senior Policy Officer, introduced additional policy positions noting that these supplemented policy positions previously considered and agreed in October 2019. Once agreed, these would form the basis of the Commission's response to the consultation on the

hate crime law review. The deadline for response was the end of March 2020.

The use of the term “intersectionality with other groups” in the context of sectarianism was queried. It was important that the Commission was clear what it means by this. It was noted that a strategic discussion on sectarianism was pending and it was important that the Commission gave the time and space to consider this and related issues, including the references to sectarianism “being systemically addressed” in the New Decade, New Approach document. It was agreed that sectarianism should be included as an indicator of hate crime.

[Duane Farrell joined the meeting at 2.20 pm]

The consultation document sought views on the scope of public order offences and proposed defences in relation to views on same sex marriage, sexual conduct, and freedom of speech in respect of religion.

There was a discussion on the enforcement of public order legislation and concerns were raised about introducing such defences and whether it would create gaps, for example, regarding hate speech against women. Commissioners also discussed the relationship between the right to freedom of expression and these areas; the role of education and developing and normalising behaviour; and the need to ensure ‘respect’ rather than ‘tolerance’.

It was agreed that further consideration would be given to any recommendations in relation to the inclusion of defences to public order offences, and that this would be discussed with the NIHRC. This would be considered further at the March Commission meeting.

The updated and new policy recommendations were agreed, including the inclusion of the additional ground of age.

- Welcoming and Inclusive Workplaces: Employer and Employee Information Gathering Exercise Reports EC/20/02/03

Simon Hookham, Research Manager, presented the two reports on Welcoming and Inclusive Workplaces, relating to the views gathered on this issue from both employees and employers. Earlier versions of both reports had previously been presented to Commissioners in March 2019 and these had been updated to include new qualitative analyses.

Discussion took place regarding the approach taken and the findings.

Commissioners **noted** the findings of the Employer and Employee Information Gathering Exercise and the planned next steps.

- Employment Trends in the Northern Ireland Policing Service EC/20/02/04

Jacqui McKee, Director, Advice and Compliance, presented the paper, which provided an overview of employment trends within the Police Service for Northern Ireland.

Commissioners noted its content. It was agreed that this was a matter that required further discussion by Commissioners in the context of the ongoing recruitment exercise and the calls for the reintroduction of 50:50 recruitment by some commentators. It was important that the Commission continued its scrutiny/monitoring of the composition of the PSNI and engage fully in championing the need for a representative police service.

5. Business Reporting

- Audit and Risk Committee – Terms of Reference EC/20/02/05

The Chief Executive presented the Audit and Risk Committee Terms of Reference, noting the changes to the dates and membership details.

Commissioners **approved** the updated Terms of Reference for the Audit and Risk Committee for 2020/21.

6. Other Matters for Commission Decision

No matters for decision.

7. Chief Commissioner's Business

EC/20/02/06

The Chief Commissioner updated on a number of meetings and events he had attended, including a meeting with Malaysian visitors; the newly formed Ethnic Minorities Council; and a delegation of visitors from Cameroon.

He updated Commissioners on meetings with the four equality and human rights commissions across the British Isles and on a briefing with Minister Walker MP of the Northern Ireland Office. This related to the forthcoming regulations to introduce a framework for abortion services into Northern Ireland. He answered a number of queries in relation to this briefing.

He also noted that the Head of the Civil Service was scheduled to attend the start of the March Commission meeting.

8. Chief Executive's Report

EC/20/01/07

The Chief Executive added detail to her previously circulated report. She updated on preparations of a business case for NIO in relation to the Dedicated Mechanism and on discussions regarding North/South scrutiny of the non-diminution commitment in the Ireland/Northern Ireland Protocol.

Commissioners **noted** the report.

9. Matters for Information

No matters for information were considered.

10. Minutes of Committee Meetings

- Minutes of the Audit and Risk Committee Meeting held on 5 November 2019. EC/20/02/08
- Minutes of the Statutory Duty Investigations Committee held on 20 November 2019. EC/19/02/09

Commissioners **noted** the above minutes

11. Any Other Business

Commissioners thanked Robin Mullan and Eileen Chan Hu, who were completing their terms of office at the end of February, for their contribution to the work of the Commission. The Chief Commissioner wished them well in their future endeavours.

On behalf of staff, the Chief Executive thanked the Chief Commissioner for the commitment and dedication he had shown in leading the Commission over the last eight years, including a great deal of media work and championing equality.

The Chief Commissioner thanked all the Commissioners for their invaluable support over his term as Chief Commissioner. He also thanked the staff of the Commission for their commitment and expressed particular thanks to the Chief Executive, Evelyn Collins.

On behalf of all Commissioners, the Deputy Chief Commissioner thanked the Chief Commissioner for his commitment and dedication to his role over the past eight years. His support and guidance was much appreciated by everyone. All Commissioners wished him well for the future.

12. Date of next meeting

One hundred and seventieth Commission Meeting on Wednesday, 25 March 2020, at 1.30 pm in Equality House.

Signed: _____ **Date:** _____