



## **Key Point Briefing: Gaps in Equality Law between Great Britain and Northern Ireland (October 2015)**

### **Significant gaps exist in equality law between GB & Northern Ireland**

There are significant gaps between equality law in Great Britain (GB) and Northern Ireland (NI); gaps which have widened following the introduction of single equality legislation – the Equality Act 2010 - in Great Britain. These differences mean that in a number of key areas, individuals in Northern Ireland have less protection against discrimination and harassment than people in other parts of the United Kingdom.

### **There is a need for NI equality law to be harmonised and simplified**

Unlike in GB, there remains a need for NI equality law to be harmonised and simplified so as to address significant inconsistencies, unjustified anomalies and complexities and to ensure uniform protection against discrimination across all grounds, where appropriate. For example, unlike in NI, the race equality legislation in GB has been harmonised so that individuals have the same level of protection on grounds of colour and nationality as well as race, ethnic origin and national origin.

### **There is a need for age discrimination protection beyond the workplace**

There is currently no protection in NI against age discrimination when accessing goods, facilities and services, in the exercise of public functions, and by private clubs/ associations. This legislation was introduced in GB in 2012. Although we welcome the recent OFMDFM consultation on proposals, we continue to press for protections for all ages.

### **There is a need for disability legislation to be strengthened**

Unlike in NI, the disability legislation in GB has been strengthened and harmonised. For example, in GB, employers are prohibited from asking job applicants questions related to disability, prior to making a job offer, except in certain limited circumstances; schools are under a duty to make reasonable adjustments to auxiliary aids and services in respect of disabled pupils; the law was strengthened to prohibit both 'indirect disability discrimination' and 'discrimination arising from disability'; the definition of disability was amended to make it easier for people to fall within the definition; and there is

improved protection for disabled people against harassment when accessing goods and services.

### **There is a need to address gaps in sex equality/ equal pay legislation**

There are key gaps in protection under the sex equality/ equal pay legislation. For example, unlike in GB, in NI there is no protection against sex discrimination by public bodies, when carrying out their public functions, or by private clubs/ associations. There is also no protection against 'pay secrecy clauses' that are designed to prevent or restrict employees from discussing or disclosing their pay.

### **There is a need for stronger positive action measures**

Compared to GB, under NI equality law there is less scope for employers, service providers and others to take positive action; namely, voluntary measures aimed at alleviating disadvantage experienced by under- represented groups.

### **The Commission is calling for urgent reform of equality law**

The Equality Commission is calling for urgent reform of equality law to address gaps in protection. We consider that single equality legislation would best harmonise and simplify the protections available. In the absence of single equality legislation, we have set out proposals for reform in key areas; including under the equality legislation relating to age; race; disability; sex; fair employment; sexual orientation; as well as wider changes to the law that impact on Section 75 groups; for example, changes to law so as to permit same-sex marriage in Northern Ireland.

### **Further Information:**

For further information on Gaps in Equality Law between Great Britain and Northern Ireland see our summary policy position: [Gaps in equality law between Great Britain and Northern Ireland](#) (pdf, 7 pages, 2014)

For a more detailed consideration of our specific proposals for law reform see:

**Race:** [ECNI \(2014\): Race law reform proposals](#) (pdf)

**Disability:** [ECNI \(2012\): Strengthening Protection for Disabled People](#)

**Gender:** [ECNI \(2009\) Proposals for Legislative Reform](#) (pdf), and draft proposals for reform of sex discrimination law [ECNI \(2015\): Gender Position Paper](#) (pdf)

**Fair Employment** (recruitment of teachers; and fair employment monitoring) - [ECNI \(2009\) Proposals for Legislative Reform](#) (pdf) and [ECNI \(2014\): Race law reform proposals](#) (pdf)

**Sexual Orientation:** [ECNI \(2013\): Sexual Orientation Policy Position](#) (pdf)