

## POLICY POSITION: Key Point Briefing

# Race Law Reform

## Priorities and Recommendations

- 1.1 We continue to call for action to deliver harmonised single equality legislation for Northern Ireland. In the absence of this, we consider that urgent changes are required to strengthen the race equality legislation in Northern Ireland.
- 1.2 Race equality legislation protects individuals in Northern Ireland from being subjected to unlawful discrimination because of their race. Our recommended changes are aimed at strengthening, simplifying and harmonising the race equality legislation.
- 1.3 There are numerous wider benefits of reforming the race law legislation, including to: address key racial inequalities in Northern Ireland; harmonise, simplify and clarify the race equality legislation; keep pace with developments in Great Britain as a minimum; further the overarching aims and objectives of the Executive's Racial Equality Strategy 2015-2025; and ensure race equality legislation is in line with the UK Government's international obligations
- 1.4 In support of securing change, we would welcome any steps you could take to raise awareness of these recommendations and their supporting evidence base. We encourage you to engage with Ministers, wider elected representatives, or key government officials to call for the adoption of these proposals.

### ***Priorities for Action***

- 1.5 The Commission has highlighted five priority areas for change to the race equality laws:
  - Harmonise and expand the scope of racial grounds

- Increase protection for individuals against racial discrimination and harassment by public bodies when carrying out their public functions
- Introduce protections against combined discrimination
- Ensure greater protection for employees against third party racial harassment
- Expand the scope of positive action

## ***Recommendations***

1.6 The Commission has made the following recommendations in relation to racial equality law:

### **Forms of discrimination**

#### *Harmonise and expand the scope of racial grounds*

- Increase protection on grounds of colour and nationality
- Define ‘racial grounds’ non-exhaustively, and specifically include caste and descent

#### *Definitions*

- Remove the comparator requirement in the definition of victimisation
- Widen the definition of ‘racial harassment’

#### *Public functions*

- Increase protection for individuals against racial discrimination and harassment by public bodies when carrying out their public functions

#### *Combined discrimination*

- Introduce protections against combined discrimination

#### *Protections in employment and analogous situations*

- Ensure greater protection for employees against third party racial harassment
- Increase protection for agency and contract workers

- Clarify protections against victimisation for office-holders
- Expand protection for law enforcement officers
- Ensure protection for Councillors against racial discrimination and harassment by local councils
- Enhance protection against providers of employment services
- Provide legal protection for volunteers

#### *Protections in schools and training*

- Increase protection against victimisation for pupils in schools
- Ensure greater protection in relation to admission to educational establishments
- Clarify protection in provision of education
- Extend protection from qualification bodies

#### *Positive Action*

- Expand the scope of positive action to better address disadvantage and disproportionately low participation, and meet differential needs
- Allow political parties to take positive action measures when selecting candidates

#### *Influencing others and previous relationships*

- Introduce additional preventions against influencing others to discriminate
- Extend protection after relationships (members of clubs / associations) have come to an end

#### Exceptions

- Further limit exemptions to race equality law (public order, national security and public safety)
- Remove the immigration exception which permits discrimination on the grounds of ethnic or national origins in the carrying out of immigration functions.

- Narrow the employment exception on foreign nationals in public service
- Clarify, and extend the persons covered by, proportionate and legitimate exceptions from occupational requirements
- Clarify law regarding competitive activities

## Enforcement and Remedies

### *Commission Powers*

- Increase powers to issue Race Codes of Practice in a wider range of areas
- Strengthen formal investigation powers
- Strengthen and harmonise the Commission's grant-making powers
- Empower the Commission and other representative bodies to bring a claim on behalf of named individuals and in its own name

### *Procedural and remedies*

- Harmonise and simplify the enforcement mechanism for education complaints against schools
- Increase powers for tribunals
- Increase rights of individuals to take cases when they suffer detriment
- Maintain the questionnaire procedure

## Article 2 of the Ireland/ NI Protocol

- Ensure race law reform is in compliance with Article 2 of the Ireland/Northern Ireland Protocol

Please visit [www.equalityni.org/RaceLawReform](http://www.equalityni.org/RaceLawReform) for further information. There you can download full, summary and key point briefing versions of our recommendations and supporting arguments, along with wider materials.



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