



Equality Commission

FOR NORTHERN IRELAND

Promoting Equality Challenging Discrimination

A short guide to the role and services of
the Equality Commission

Key equality laws in Northern Ireland:

Northern Ireland's equality laws cover discrimination in employment and the workplace, but some also cover the provision of goods, facilities and services.

- ✓ Northern Ireland Act 1998
- ✓ Equal Pay Act (NI) 1970
- ✓ Sex Discrimination (NI) Order 1976 *
- ✓ Disability Discrimination Act 1995 **
- ✓ Race Relations (NI) Order 1997 *
- ✓ Fair Employment & Treatment (NI) Order 1998 *
- ✓ Special Educational Needs & Disability (NI) Order 2005 ***
- ✓ Employment Equality (Sexual Orientation) Regulations (NI) 2003
- ✓ Equality Act (Sexual Orientation) Regulations (NI) 2006 *
- ✓ Employment Equality (Age) Regulations (NI) 2006

'Goods, facilities and services' include:

- ✓ access to and use of any place which members of the public or a section of the public are permitted to enter, for example, shops.
- ✓ accommodation in hotel, boarding house or other
- ✓ banking, insurance, grants, loans, credit, finance
- ✓ educational facilities
- ✓ facilities for entertainment, recreation or refreshment
- ✓ facilities for transport or travel
- ✓ services of any profession, trade, local government or other public authority

* applies to the provision of goods, facilities, services, education and premises

** applies to the provision of goods, facilities, services and premises

*** applies to the provision of education

The Equality Commission's roles and responsibilities include:

- ✓ Giving advice and support to people with potential complaints under the anti-discrimination laws
- ✓ Giving guidance to employers and service providers about their obligations under the law and good practice advice
- ✓ Encouraging public authorities to promote equality of opportunity and address inequalities in fulfilling their equality and good relations duties
- ✓ Ensuring that equality considerations are central to decision-making by focusing particular attention in a number of key public policy areas.

Everyone who lives or works in Northern Ireland, regardless of whether or not they were born here, has rights under equality and anti-discrimination laws.

These equality laws provide protection for everyone in Northern Ireland against discrimination on the grounds of

- ✓ Age
- ✓ Disability
- ✓ Race
- ✓ Religious or similar philosophical belief/political opinion
- ✓ Sex
- ✓ Sexual orientation



Supporting people with complaints of discrimination

Every year, around 3,500 people contact the Equality Commission with complaints about discrimination.

People are protected against unlawful discrimination on the grounds of

- ✓ age
- ✓ disability
- ✓ colour
- ✓ race
- ✓ nationality
- ✓ ethnic or national origins
- ✓ religious or similar philosophical belief or political opinion
- ✓ sex
- ✓ married or civil partnership status
- ✓ gender reassignment
- ✓ sexual orientation

Not all complaints of unfair treatment may come within the protective scope of the equality laws, as there are some exceptions and gaps in coverage.

We give free and confidential advice and information to everyone who asks for it. Most people are able to resolve their cases without going to court or tribunal, by using our discrimination advice service.

Assistance by the Commission can range from simply giving advice to, in some cases, arranging for legal representation.

We can also take legal action against individuals and organisations in some circumstances, eg if they have published a discriminatory advertisement.

We do not decide whether unlawful discrimination has taken place, this is for a court or tribunal to decide.

Equality and public authorities

The Northern Ireland Act 1998 also imposes another important duty on designated public authorities - Section 75. Its main aim is to ensure that the need to promote equality of opportunity and the desirability of promoting good relations are 'mainstreamed' by public authorities into their policy making processes.

All designated public authorities are also required to have an approved equality scheme which sets out their arrangements for complying with the main Section 75 duty. An equality scheme provides the main mechanism for ensuring that a public authority complies with its Section 75 duties.

A 'public authority' in carrying out its functions has a duty to have due regard to the need to promote equality of opportunity between

- ✓ persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- ✓ men and women generally
- ✓ persons with disability and without
- ✓ persons with dependants and without

Our work in this area includes

- ✓ keeping under review the effectiveness of the duties imposed by Section 75
- ✓ offering advice to public authorities and others in connection with those duties
- ✓ approving equality schemes
- ✓ preparation of guidelines
- ✓ investigating complaints of failure to comply with an approved scheme. Under paragraph 10 and 11 of Schedule 9 of the Northern Ireland Act, the Commission has the power to investigate complaints that public authorities have failed to comply with their equality schemes from people who are directly affected by such failure, and we can also initiate such investigations.

Designated public authorities include local councils, government departments and the bodies they fund, the Education Authority and Libraries NI, further education colleges, health boards and trusts.

More details about Section 75 are available on our website at www.equalityni.org/S75duties

Disability Duties

Section 49A of the Disability Discrimination Act also imposes on designated public authorities a duty to have due regard

- ✓ to the need to promote positive attitudes towards disabled people and
- ✓ to encourage participation by disabled people in public life.

It is similar to the Section 75 duty and is enforced through the Disability Action Plans that public authorities are also obliged to have.

Our work in this area includes issuing guidance, such as guidance on developing Action Plans.



Working with employers

More than 3,500 employers contact us every year for advice on promoting equality of opportunity and avoiding discrimination.

We run a programme of training for employers and service providers to help them comply with equality law.

Under the Fair Employment legislation, certain employers must register with the Commission and monitor and review the composition of the community background of their workforces and their employment practices. We offer help in complying with this duty and every year we publish an analysis and summary of the monitoring returns.

A special section of the website offers tailored information for employers and service providers

www.equalityni.org/Employers-Service-Providers

Research

We undertake research or pay for research to be carried out by others to provide reliable information and inform the debate on equality issues.

Legislative Review

The Commission monitors the way the Northern Ireland's equality laws are working, and makes recommendations to government on ways in which they can be improved.

International Equality Frameworks

We work on a number of international equality conventions to which the UK Government has signed up.

- ✓ The United Nations Convention on the Rights of Persons with Disabilities, UNCRPD
- ✓ The UN convention on the Elimination of All Forms of Discrimination against Women, CEDAW
- ✓ The UN Convention on the elimination of Racial Discrimination, CERD
- ✓ Framework Convention for the Protection of National Minorities, FCNM
- ✓ European Commission against Racism and Intolerance, ECRI

Can we help you?

There's lots more information on our website:

visit www.equalityni.org/individuals

You can also ask for advice or information from there.

If you need advice or information about discrimination, call us and ask to speak to a discrimination advice officer, or arrange an appointment to come in.

If you need a reasonable adjustment to enable to use this service, please just ask – eg a BSL interpreter or a foreign language interpreter.

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