

Equality Commission

KEY:

M: Marina
G: Geraldine McGahey
A: Anne Marie

M: Hello, everyone, and welcome to our session today. We are delighted to welcome the chief commissioner for the Equality Commission, Geraldine McGahey, to join us. And many of you will be aware of the work of the Equality Commission. And it's on the curriculum, as we know. And Geraldine is going to give us the insight of the Chief Commissioner. So thank you very much, Geraldine for joining us today.

G: OK, thank you very much for the invitation. Glad to be here.

M: And so I'm just going to begin by asking you, what is the Equality Commission for Northern Ireland? What is its role?

G: OK, well, a good question, because believe it or not, there would be some confusion amongst wider society as to what the role of the Equality Commission is. But in essence, the Equality Commission is a non-departmental public body. We were established by the Northern Ireland Act in 1998. As part of the follow up or the outworkings of the Good Friday Agreement. And before that indeed, there was a white paper seeking to progress equality in Northern Ireland.

So along comes Northern Ireland Act in 1998, and that gave rise to ourselves as the Equality Commission, bringing together a number of equality bodies which had existed prior to the Good Friday Agreement under Legislation that dated back way back to the 70s on fair employment and sex, and then later in the 90s, on race. So although we're funded by government and our sponsor department is the Executive Office, we are independent of government. Our role and remit is to advance equality, promote equality of opportunity, encourage good relations and challenge discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation, and the role is set out in a range of anti-discrimination statutes.

But I have to say part of our role is actually to challenge the progress and actions of government so hence the need for us to be seen and really to be independent of government. We also have responsibilities under the Northern Ireland Act in respect of the statutory equality and good relations duties which apply to public authorities in other words, government departments, councils, health bodies, et cetera. And on top of that, again, following the UK government's withdrawal from the EU, we have been given new powers and duties which enable us to oversee the commitment made by the UK government in the protocol of Ireland and Northern Ireland to ensure that there is no reduction in the rights, the safeguards and equality of opportunity as a result of Brexit.

M: OK, thank you very much, Geraldine that's it's quite a it's quite a role that the Equality Commission has and hopefully you're going to tease out some of those points that you've already raised. You mentioned your role in promoting equality and good relations, preventing

discrimination. How does the Equality Commission do that? And have you any examples for us of a current or recent work in those areas?

G: Yes, well, actually, we work to build understanding and increase awareness of the lives of many people in Northern Ireland who are impacted adversely by inequality and discrimination, and the action that is needed to tackle these. We use a combination of our powers to encourage and to enforce changes in policy practices and procedures all in favour of greater equality and good relations. You would be astonished to hear and understand just how many people would actually feel that equality really isn't a big issue, but in reality it is.

And our various equality awareness surveys highlight that. But the work that we undertake or the activities that we undertake include providing direct advice and support to individuals and assisting organisations to meet the requirements of equality law. We produce publications and we run conferences and seminars to help organisations undertake their role and to inform the wider public. We also undertake research and education activities and we endeavour to influence policy makers through the research and the policy recommendations that we make. And then again, we assist individuals with complaints of discrimination under the law.

On top of that, we also carry out investigations and consider complaints made by individuals that perhaps public authorities have failed to comply with their approved equality schemes. So there would be a bit of investigation work carried out in that regard. So a little bit more detail and maybe a little bit more interesting aspects for your viewers and listeners is how do we actually support complaints of discrimination by individuals? For most people and for wider society, the biggest interest that people have is in terms of the publicity that we get or give to individuals who have a complaint of potential discrimination.

And the media has covered loads of those over the past couple of years. But every year we receive around three and a half thousand enquiries and requests for support from individuals who believe that they have been discriminated against. And you know that individuals, people are protected against unlawful discrimination. So we would give free advice. And that advice is confidential to individuals who feel that they have been wronged. Many are then able to resolve their individual cases or their complaints without the need to go to court or tribunal because of the advice and the guidance that they've been given.

But others might find themselves in a position where they have no alternative but to seek the support or the redress through tribunals or the court. And around about 20 percent of those cases that come to us we will actually give legal support to so we can assist them through the process of taking their complaint either to the fair employment or to the employment tribunal or to the county court, depending on what circumstances might be. Then we would actually publicise the outcome of those cases so wider society get to know the issues that are affecting people on a day to day basis, and other employers can actually learn maybe about the circumstances of those cases and ensure that they amend or adopt practices that will ensure they're not falling into the same pitfall.

And then again, other service providers, whether they be retailers or whatever, can also learn from it. So it has many, many benefits for quite a small input in reality. Some examples of those cases that I'm sure you're well aware of over just over the past short period of time, there was a case of a young guy who applied for a position with BT. Now, he had himself sought to challenge that decision and action by BT through the courts, the tribunal himself.

And then BT decided that they were going to appeal. So at that stage, he came to the commission for support. In that particular instance, the young guy had applied for a graduate position. He had indicated that he wanted to seek the benefit of their disability confidence scheme. And as part of the recruitment process, he was asked to sit an online assessment test, something that his own disabilities made sure that he was actually going to fail that he was not going to progress very well.

And as a result of that, he did not progress through the recruitment process. That particular case, hinged on the fact that BT had not taken reasonable steps to ensure that people with disabilities were being given equality of opportunity, that they were being treated fairly through that process. Kevin actually won his case and won substantial damages as a result of that. Another case might be the case of the Polish chef who was working in Northern Ireland for a number of years, and he took a case against his employer on the basis that other members of staff were discriminating against him, making his life very uncomfortable, bullying and harassing him on the basis of his race.

That particular case, the chef won damages of over £15,000 because of the harassment that he was receiving. And then even more recently, we had Sarah Walker, who was the midwifery student with Queen's University, who suffered from cystic fibrosis. And as a result of her illness and despite the assurances that Queens would provide her with reasonable support, was asked actually to take a year out because she had effectively missed six weeks of her course. And then whenever she went to reapply the following year, there were more difficulties put in her way.

So the findings of that particular piece was that the university should have adopted much more reasonable steps to protect her and to support her through her education. And in that case, Sarah actually got £20,000 as a result of the tribunal. So there are many, many cases where people have sought to assert their rights to seek redress for the discrimination that they have suffered. And that in itself gives publicity to inequalities in Northern Ireland. So I've spoken there about individuals.

Then at the same time, we have probably an equal number of employers who will come to the commission and seek advice and guidance. And that might be in terms of developing their own policies and procedures, of training their staff, of potentially being aware that maybe there is an issue within the organisation and they want help to address it before it escalates out of control. So we do put a lot of work into providing advice and guidance for employers as well.

And then you might be aware that the fair employment legislation requires employers with 11 or more employees to register with the commission and to monitor and review the composition of their workforce in terms of community background and their employment practises. So each year we would help those employers compile that information and then we analyse it and provide a report that shows trends of employment practices and the workplace composition in Northern Ireland over the past 20 odd years. So our role is very wide and varied, but we use every aspect of that to provide us with the maximum opportunities to get our message out, to develop information and policy positions and research papers that we use to try to influence policymakers and ensure that everyone is complying with the law and seeks out opportunities to make equality better for all of us.

M: OK, thank you very much, Geraldine, I'm going to hand over to Anne Marie who is going to ask a few questions about your role.

A: OK, thanks very much, Marina, and thank you, Geraldine. Yes, Geraldine. Focusing now on your role as Chief Commissioner. How would you describe that role?

G: I would describe it as a challenging role, but an exciting role. I enjoy meeting the wide variety of people. Albeit that during the past year a lot of it's been virtual, but the number of different types of experiences that people have and the information and the wealth of experiences that they have that give me really makes my job exciting and the opportunity to do a little bit to try to help make people's lives better is really what I find the most exciting.

In terms of my own specific role as Chief Commissioner, I'm actually supported by 12 Commissioners and I also have a Deputy Commissioner. I work full time, whereas Commissioners work on a part time basis and we are charged collectively with setting this overall strategic direction for the organisation. We set the policy framework and we oversee the delivery of the planned work of the commission. So effectively we're ensuring that the commission acts within its statutory authority and we ensure that high standards of corporate governance are observed, ensure that each decision that we reach is, it takes proper account of the requirements of the departmental guidance that would be issued to us in terms of decision making and operating a business such as ours, which is non departmental.

So I would encourage anybody to take a role in public life. I think it's very, very rewarding and I particularly enjoy this one.

A: And what would you say makes a good commissioner?

G: I think being a good commissioner, you really need to have an understanding of some of the issues that society are facing. You need to have that interest in some aspects of discrimination or equality or fairness. I think that gives you the benefit of being able to empathise with the issues that people are feeling to be more tuned in to what is required. I think you need to be articulate as well. I think you need to be able to express your own views.

You need to be able to work in partnership with not just your fellow commissioners and the staff of the organisation, but also those other organisations that are able to join with you in amplifying the voice that's calling for change. And I think those are the key elements. Of course, you need to have an understanding of how public sector works. You need to have an understanding of accountability, integrity and, you know, audit and risk all of those sort of issues.

But I would say the key driver is you must have an empathy for equality matters to be able to be successful in this particular role.

A: And what would you say is the best part of the job?

G: Well, the best part of the job, I think, is working with the ordinary person on the ground, learning about their experiences, meeting that wide range of people that are so rich in terms of their understanding and I can tell you, they educate me, they educate all of us whenever they start to tell you about what impacts on their daily lives. I find that the most rewarding

A: And in terms of the work and the jobs that you do, what would you say are the causes and consequences of prejudice, discrimination and inequality?

G: Right. Well, causes of discrimination and inequality, they are an intricate matrix of all sorts of issues. You know, there isn't one simple thing that you can point to that says here this is what inequality is actually all about. We have seen great change in Northern Ireland and the society that we live in is now much different than those of our parents and our grandparents. But we as a society, we've come out of a conflict. But a lot of that still continues with us.

We carry that baggage. So there still remains structural issues in our workplace may still have prejudicial attitudes, even though most people don't even acknowledge that they might have a prejudice. So inequality still exists. Not everybody has equal opportunity to develop their talents to the full. Many people will encounter real inequality in their daily lives. Very many children have been born into a life which will make them struggle to get the very basic requirements, let alone full equality of opportunity.

Think of the children who are born to the Travelling community in terms of access to early years education, their culture, their way of life don't sit easy with what we expect to be a norm and do we really make sufficient efforts to be able to incorporate them into our normal society and give them the equality of opportunity? You know, the life enhancing, the transformative power of education is really absent from the experience of far too many children and then disabled people that continue to be confronted by very real obstacles in realising their capacity to participate in daily life.

I think the COVID pandemic of the past year really has highlighted that. Women face inequality in some workplaces and bear most of the responsibility for child care. I myself came up through what might be referred to as a STEM. I had a mathematical background that was my passion, I've civil engineering, building management qualifications, worked in building control, building services, you know. So I know that many of my peers didn't get the opportunities that I got and I wouldn't be where I am today if it wasn't for the support of a few individuals.

And then again, you have people in our society with mental health difficulties and they are particularly vulnerable and can face isolation that erodes their opportunities. Stereotypical attitudes towards those of a different race and Travellers exists. Look at the Black Lives movement and the issues that we've faced over the past year, again, in relation to racism. Those who are different because of race, religion, sexual orientation can and do face hostility and attack. Hate crime shows that, the evidence is there to demonstrate it, and too often behaviours in the workplace and elsewhere are not conducive to building a more equal and shared society.

So poor attitudes really do contribute towards difference. The lives of many, many people are impacted adversely by inequalities and disadvantage and discrimination, and we're aware of the barriers and inequalities. Everybody else needs to be aware of those as well. And we all collectively must call out discrimination and disadvantage where we see it. We have a role to play in all of this. And I think people need to take a step back and actually realise that if you have the right to be treated equally, if you have equality of opportunity, along with that goes responsibility.

And that responsibility means, giving everybody else the same rights as you have and ensuring that they can access those rights. So I think if we were to take equality rights along with our equality responsibilities, society would be a much better place.

A: Thank you for that response. You talked at the start of that about the aspect of change and how we've come a long way. What do you think are the most effective methods to bring about positive change?

G: I think there's not one simple solution to drive change and tackle inequality. And we as a commission use a combination of our powers to encourage and to enforce changes to policy practice and procedure, all in favour of greater equality and good relations. So, for example, publicity around the legal cases that I mentioned earlier, that we have supported providing advice to employers, communications. We will use the media, we use the TV, the newspapers, social media, all to promote and give a voice to the work that we're undertaking.

We have various campaigns. We research issues that are impacting on people's lives, and we use that research to inform policymakers and help advocate for change. We're determined to secure change by acting independently and robustly. As I said right at the outset, I think to be able to advocate change, you must be independent of government. Hence you can have that stronger voice. If you can call out government and say this isn't good enough or more needs to be done.

We recognise the need for us to be creative and innovative about how we work. And we will use social media, Instagram, LinkedIn, all of those platforms to get our message across. But we can't secure change on our own. And it's important that we develop and work through partnerships, partnerships that are advantageous not just to us, but to everybody that's part of the partnership. Because it's through that partnership working that we are in a best position, I believe, to affect change. Individuals and the representative organisations will also add their voices to that.

So it's about finding that common cause, getting the people involved who have a similar view and very loudly echoing the issues that need to be addressed.

A: Thank you. And hand over to Marina, who I know has a couple of questions to ask you. Thank you.

M: Geraldine you've mentioned the different groups in society who experienced perhaps discrimination and inequality. And earlier on you mentioned the Northern Ireland Act and how important in Section 75 in your work?

G: Section 75 is actually very, very important. Section 75 is that part of the Northern Ireland Act that requires public bodies to have due regard to equality, equality of opportunity and also to pay regard to the promotion of good relations between communities. Section 75 requires public bodies like when I say public bodies, I mean central government departments, I mean local government and I mean health trusts and generally all of the entire public sector where they are delivering services or making decisions, public policy decisions.

It requires them to develop and it what's called an equality scheme. And that equality scheme approved by us sets out how they will make their decisions and how they will ensure that equality underpins their decision making processes. It requires them to be aware of the needs and the issues that are affecting the 9 statutory equality groups that they are required to deliver policy for, because by being informed of what the needs and the impacts on the various equality grounds are, it ultimately leads to better decision making and better public policy, how can you develop a public policy to improve people's lives if you don't know what they need and how your policy is going to impact on them? So that consultation process is really,

really important. And I believe it requires real strong leadership within public bodies to ensure not just that the work is undertaken and consultation is a tick box exercise, but it's effectively mainstreamed in the way of thinking and the culture of an organisation. Because I think one thing that COVID has shown us, and I'm sorry to keep repeating that about COVID, but it really highlighted the fact that we have a lack of meaningful disaggregated data and if you have proper data to inform your decision making process, it gives you a better understanding and a better awareness of where you might inadvertently make life even more difficult for one of the Section 75 groupings.

G: So Section 75 to me is a vital tool. I think it is in some organisations, more than others, it's maybe used not just so well, but at the same time, I think it's important to know that members of society, individuals, if they feel that in making a decision, a public body has not complied with its equality scheme and its equality duties. They can raise an issue with us and we will conduct an investigation into that and verify whether or not they have complied with their scheme or they've breached it.

And in a worst case where they've breached it, we will go public with that. And we do report it to the Secretary of State so we couldn't survive without it. I'm afraid it's been very helpful in changing how public services are delivered.

M: OK, thank you very much Geraldine and Geraldine we also have a Human Rights Commission in Northern Ireland. How does the work of the Equality Commission differ from the work of the Human Rights Commission?

G: A little bit of confusion because in other jurisdictions such as GB the two commissions are joined together, they function together. And the same in Ireland where it's the Irish Human Rights and Equality Commission. But here Northern Ireland were two different bodies. And yes, we have been given birth, as it were, by the Northern Ireland Act in 1998. But that fell out of the Good Friday Agreement. And human rights and equality are underpinned within the Good Friday Agreement.

So under that piece of legislation, the two organisations are separate. Now, in addition to that, we have other legislation that provides our framework, but the two organisations are different. We do work very closely together on a whole range of issues and in fact, we're working together collectively as that joint dedicated mechanism to ensure the UK government's commitments under Brexit but no diminution of rights and safeguards. We work together to deliver that dedicated mechanism. But the Equality Commission itself has a central role in the architecture of the protections against all unlawful discrimination and support for the promotion of equality of opportunity in Northern Ireland.

So whilst we have very different roles, we work separately, but we work in a collaborative way.

M OK, thank you very much for that, Geraldine. And of course we have an Assembly Committee looking at the issue of a Bill of Rights for Northern Ireland. What would be the Equality Commission's view on that?

G: Well, the commission has actually given evidence on two separate occasions to the ad hoc committee where we are exploring with them our views on the Bill of Rights and how that might fit in with their own thinking. The commission believes that the introduction of a strong and inclusive Northern Ireland Bill of Rights is important.

We believe that it must include a principle of equality and it underpins the strengthening. It should underpin the strengthening of equality law in Northern Ireland. It could play a very important role in promoting equality and indeed underpinning the peace process and prosperity and political progress in Northern Ireland. So we would be very much in favour of having a Bill of Rights here in Northern Ireland and that principle of equality underpinning it.

M: OK, thank you very much, Geraldine. And just looking ahead a little bit, what do you see as the big issues of the future for the Equality Commission?

G: OK, well, I have to say, whilst there have been successes and many successes over the years, there are still lots of challenges and big issues that face us, and there is no doubt that there's still much to be done to secure greater equality for every single one of us. And there are enduring inequalities that have been about for a long time. Not much has changed on those issues, but there's also some new emerging ones. I think it's important that we all recognise that the lives of many people continue to be impacted by inequality, disadvantage, discrimination, and COVID again, spot on that big, massive spotlight on all of these.

So as a commission, we are as committed as ever to tackle them and to highlight the issues that every one of us face. We will continue to press decision makers to ensure that equality issues are considered in all policy responses and that equality duties, Section 75 duties that we referred to earlier, they are equally important now as they ever were, despite the fact that these are difficult times and emergency responses have had to be delivered. The equality duties are statutory duties and they are still there.

Northern Ireland's workplace, you know, it's had its issues. It has made good progress. But, you know, the number of cases that come to us for advice and guidance demonstrate quite clearly that there are still issues within the workplace and fair employment practices still need to improve to ensure that there's equality of opportunity for everyone. And I have to say there is definitely a widening gap in the level of protections afforded to people in Northern Ireland compared to those in the rest of GB or indeed Ireland.

And those gaps must be closed. In fact, the Equality Commission has been calling since 2014 for improvements to legislation to start to close that gap. GB has had a single Equality Act since 2010 and we don't. Another big challenge for us is again, Brexit. We must ensure that there is no reduction in our rights and equality of opportunity as a result of withdrawal from the European Union. And I think equality matters to people in Northern Ireland generally, and it must matter for society as a whole.

I think that's a big issue as we go forward. The Black Lives movement of last year highlighted that as well. And I think for our society to flourish and succeed, Northern Ireland not just has to be, but it must be seen to be a welcoming place, a society which accommodates difference and diversity and actually celebrates diversity because that kind of diversity enriches everyone's lives, enriches the fabric of our society. It brings new ideas and encourages people to be a little bit more open.

So everything the commission does aims to challenge discrimination and to champion equality. And I think not just me, but my fellow commissioners, collectively, we're all determined to do this independently and robustly. And we will join partnership with anyone who will help amplify our voice and we can amplify theirs.

M: Thank you, Geraldine. And I think Anne Marie has one final question, Anne Marie?

A: I do indeed thank you, Marina, and thank you, Geraldine. Geraldine, you've talked about quite a lot of things there, and I'm sure lots of people like myself will have learnt a lot. How would you suggest ways that the public could keep up to date on the work of the Equality Commission?

G: OK, I did mention earlier to you that we will use every media platform that we possibly can. We are a publicly funded body. Therefore, our budget is tight. So we are getting more and more expert in using social media. So we're on Facebook, we're on LinkedIn, we're on Instagram. You name it. We're there. So please go on and follow us and you will get your notifications through all of the blogs that we have, all of the tweets that we make, all of the retweets that we will make, anything that promotes our message.

We're there to do it. We have a very informative website (equalityni.org). It will be under review in the near future, but it has all of the policy papers and the recommendations that we have published. It also contains all of the information in relation to the various cases that we have supported through the tribunals and through the county court. So they're all there. And I think students generally would find it a very valuable website because it contains all of the advice that we give to individuals and to employers.

It will make reference to the legislation. It will show you in great detail where there are gaps in the legislation that we have here in Northern Ireland in comparison to other jurisdictions. But more importantly, it will provide you with a summary of the key inequalities that there are in our society, as well as the very in-depth policy papers that support and evidence those inequalities. So if you don't want to get into all of the nitty gritty and the statistics and the very academic type documents, there are high level summary documents there that even I can follow.

So if I can follow them, you can follow them.

A: Lots of great tips there. Thank you very much, Geraldine, and thanks for answering all my questions. I'll hand back to Marina for closing remarks.

M: Thank you Anne Marie. Geraldine, thank you very much. I have learnt so much myself, as Anne Marie has also said today, and we know that this will be a very valuable resource for teachers and students going forward. So thank you for taking time out of what seems like a very busy a very busy job to talk to us today.

G: Thank you both for the opportunity. And good luck, everyone. And if you need any more information, please feel free to contact the Equality Commission. That's what we're here for. Thank you.

A: Thank you very much, Geraldine.