



Presentation to Association of Irish Local Government

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Public Sector Duty Team



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas

Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission



IHREC is Ireland's national human rights and equality institution.

- IHREC is an **independent public body**, appointed by the President and directly accountable to the Oireachtas.
- We have a **statutory remit** to protect and promote **human rights and equality** and build a culture of respect for human rights, equality and intercultural understanding in Ireland.
- Our vision is of an **inclusive Ireland** where human rights and equality are respected, protected and fulfilled for **everyone, everywhere.**



The Irish Human Rights and Equality Commission

IHREC Strategy Statement 2022–2024.

Our strategic priorities for 2022 to 2024

- 1. Economic equality**
- 2. Justice**
- 3. Respect and recognition**
- 4. Futureproofing**
- 5. Public Sector Duty**





The Public Sector Equality and Human Rights Duty

Section 42 Irish Human
Rights and Equality
Commission Act 2014





What is the Public Sector Equality and Human Rights Duty?

S42 of the Irish Human Rights and Equality Commission Act 2014



Number 25 of 2014

Irish Human Rights and Equality Commission Act 2014

Public bodies

- 42.** (1) A public body shall, in the performance of its functions, have regard to the need to—
- (a) eliminate discrimination,
 - (b) promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
 - (c) protect the human rights of its members, staff and the persons to whom it provides services.

What do Public Sector Bodies have to do?



In summary, S42(2) of the IHREC Act 2014 requires a public body:

1. To assess



Set out in its **strategic plan** an **assessment** of the **human rights and equality issues** it believes to be relevant to the functions and purpose of the body, in a manner that is **accessible to the public**.

2. To address



Set out in its **strategic plan** the **policies, plans and actions** in place or proposed to be put in place to address those issues, in a manner that is **accessible to the public**.

3. To report



Report on **developments and achievements** in relation to 1 and 2 above **in its annual report**, in a manner that is **accessible to the public**.



Across the Functions

- Organisational Planning
- Corporate Services
- Human Resources
- Service Provision
- Regulatory Functions

Strategic Planning Cycle

- The Duty is an **ongoing** obligation on public bodies, which **must be** incorporated as part of an organisation's **strategic planning cycle**.





Three stage approach To implementing the Duty

Step 1: Assess

Step 2: Address

Step 3: Report





Step 1: Assess

Conducting a Human Rights and Equality Assessment

There are **three stages** to consider when undertaking the Human Rights and Equality Assessment.

It involves:

1. **Identifying** human rights and equality **issues**
2. **Identifying structures and initiatives in place** to support human rights and equality.
3. **Prioritising** areas for action





Step 1: Assess

Conducting a Human Rights and Equality Assessment

A Human Rights and Equality Assessment should focus on:

- **Service users and staff** covered by the nine grounds under **equality legislation**.
- **Human rights** that pertain to the purpose and function of a public body including its functions relating to staff.
- **Intersectionality:** Important to note that many people experience multiple forms of discrimination.





Step 1: Assess

Conducting a Human Rights and Equality Assessment

A Human Rights and Equality Assessment should be evidence based:

- **Consultation with staff** and service users
- **Representations** from Elected members
- Cases taken to **Workplace Relations Commission** under employment equality and equal status legislation
- **Civil society** organisations reports / submissions.



Step 2: Address

Addressing Human Rights and Equality issues identified



Agree priority actions to address equality and human rights issues identified

- Identify **Equality & Human Rights** issues
- Consider & prioritise actions
- Include actions in **Strategic Plan**
 - Annual Work Programme
 - Budget, Staff roles





Step 3: Report

Reporting on progress

- Public bodies should include in their **annual report** progress and achievements in relation to actions and plans identified.
- **Focus on outcomes**, taking into account the impact of actions for different groups of people to whom an organisation provides services





Monaghan County Council Pilot Project



Worked with IHREC to model how the PSD can be implemented in Local government

Steps involved	Monaghan County Council
<ul style="list-style-type: none">• SMT buy in• Cross department team• Mixture of seniority/roles• Values identified• Issues highlighted• Suggested actions put forward• Recommendations to IHREC	 An aerial photograph showing a lush green golf course with several fairways and greens, bordered by a large body of water (a lake or reservoir). The surrounding landscape is hilly and covered in trees, with some buildings visible in the distance under a clear sky.



Monaghan County Council Pilot Project



Worked with IHREC to model how the PSD can be implemented in Local government

Key outcomes

- Lack of awareness/understanding
- Inaccessible Communication
- Inaccessible Information
- Policy decision making
- Corporate planning guidelines
- Procurement
- Public Consultation

Monaghan County Council



Step 2: Address

Addressing Human Rights and Equality issues identified



Example: Actions to address equality and human rights issues identified in Monaghan County Council.

Issue identified	Suggested actions
1. Public Consultation processes is not inclusive, it doesn't provide equal opportunity to participate.	1. Develop an Inclusive Consultation policy that considers and accommodates the needs of all members of the public.
2. Information on voting in elections is not accessible.	2. Develop an Easy to Read Guide to Voting -setting out easy to read information on all stages of the voting process.



The Public Sector Equality and Human Rights Duty

Why is it important?

It is the **State's responsibility** to:

- **respect, protect and fulfil human rights**, in line with its international commitments.
- to be **proactive** in ensuring that all public bodies are **human rights and equality** compliant.
- **Improving public services** by addressing issues so that they **meet the needs of everyone** who requires them.



The Public Sector Equality and Human Rights Duty

Elected members



- As an Elected member of your Local Authority you will make decisions which **inform the practice and policies** of the council.
- You can make a real difference by bringing **equality and human rights** into your analysis into plans, programmes and policies that you make decisions on.



The Public Sector Equality and Human Rights Duty

What can you do?

Ask your Chief Executive what they are doing with regards to the **Public Sector Equality and Human Rights Duty**.

- Is there is someone who has responsibility within the council for the **Public Sector Duty**?
- Has an **assessment of equality and Human rights issues** been completed or is it planned?
- Has an **action plan to address equality and human rights** issues been prepared/planned?



The Public Sector Equality and Human Rights Duty

What can you do?

Ask your Chief Executive to include an update on progress with the public sector duty in **monthly management reports**.

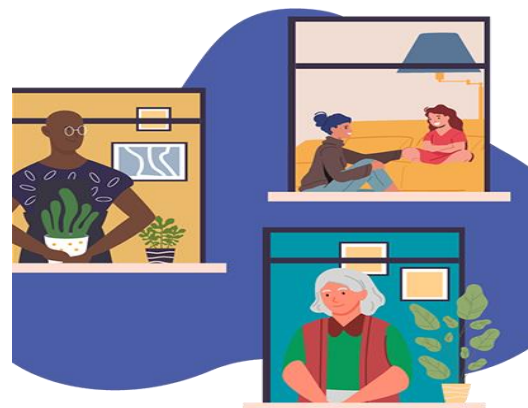
- Ensure the **Annual report** includes progress on the implementation of the duty before adopting it at council.
- In the preparation for the next **Corporate plan**, ensure the duty is embedded in the strategic planning process
- Ask your executive for **more information on equality and human rights** if you need it.



The Public Sector Equality and Human Rights Duty

What can you do?

- Elected members should become familiar with the **Equality and Human Rights** in the public service.
- Consider completing **Introductory module in Equality and Human rights in the public service** eLearning from IHREC.
- Engage with your **PPN** to identify issues in your community.



The Public Sector Equality and Human Rights Duty

What can you do?

Ask your Chief Executive if **Equality and Human**

Rights proofing has been conducted on any all plans, policies adopted by the council.

- Think about the **purpose of the policy** presented and how the propose actions relate to and impact on the **people you represent**.
- Before you sign off on plans, programmes and policies put forward to Council you should be confident that **no one in the community** will be left behind by decisions made.





The Commission's Role Re: the Duty

- **Section 42(3):** May **give guidance** to public bodies in developing policies of, and exercising, good practice and operational standards in relation to, human rights and equality.
- **Section 42(4):** May **issue guidelines** or **prepare codes of practice**.
- **Under section 42(5),** the IHREC may, in certain circumstances, invite public bodies to:
 - carry out a **review** in relation to the performance by that body of its functions
 - prepare and implement an **action plan** in relation to the performance by that body of its functions
 - such a review or action plan may be general or have a specific focus related to an aspect of human rights or discrimination

Implementing the Public Sector Equality and Human Rights Duty



The Public Sector Equality and Human Rights Duty



- 1 in 6 Irish Adults have **difficulty with written word**.
- 1 in 4 Irish adults have **difficulty with numbers and basic maths**
- 42% of Irish adults describe themselves as being below average for **digital skills**.
- 13% of the population **don't speak English** well.
- 13.5 % of the population has a **disability**.





Animation: Implementing the Public Sector Equality and Human Rights Duty

<https://vimeo.com/467731986>





**If you have any queries, questions or would
like further information email**

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