

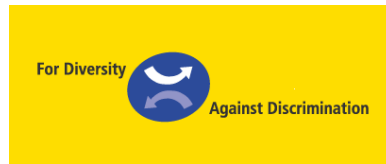
THE ROMA EDEM PROJECT

Promotion of Roma/Traveller Integration and Equal Treatment in Education & Employment

TRANSNATIONAL SEMINAR: 24 & 25 NOVEMBER 2005

Good Practice Workshop: Employment Equality Law and Mainstreaming measures in Northern Ireland

Paul Noonan (Equality Commission for Northern Ireland)



Work of Employment Development Division of Equality Commission

- **Promoting Equality of Opportunity**
- **Promoting Good Employment Practice**
- **Promoting Positive/Affirmative Action**
- **Employment Equality Plans**
- **Employment Related Equality Impact Assessments (equality proofing)**
- **Settlements**
- **Works with all Public Sector Employers**
- **Works with Private Sector Employers with 11 or more employees**

Fair Employment Law in Northern Ireland

- **Fair Employment Act 1976**
 - **Fair Employment Agency with investigatory powers**
- **Fair Employment (NI) Act 1989**
 - **compulsory religious monitoring by employers**
 - **Range of affirmative actions but not positive actions**

Fair Employment Law in Northern Ireland

- **1998 Equality Commission for NI**
- **Fair Employment and Treatment (Northern Ireland) Order 1998 aka FETO**
 - **extended monitoring requirements to part-time workers**
 - **provided for specific forms of affirmative action by employers**

Fair Employment Law in Northern Ireland

- **Affirmative actions include:**
 - **encouragement of applications for employment or training for people from under-represented groups;**
 - **targeting training in a particular area or at a particular class of person**
 - **provision of training for non-employees of a particular religious belief**
 - **recruiting from the unemployed (Article 75)**

Fair Employment Law in Northern Ireland

- **Recruiting from the unemployed – special provisions:**
 - **Waiving qualification requirements**
 - **Waiving experience**
 - **Guaranteeing job interviews**

Recruiting from those not in employment

- **Irish Traveller community**
- **Those without qualifications**
- **Women returning to the workforce**
- **Those with a disability**
- **Older workers/younger workers**

Fair Employment and Treatment (Northern Ireland) Order 1998 (as amended)

The aim of Article 75 of FETO (Article 36A Race Relations Order) is to make it lawful to give preference to people who have not been in employment for a defined period of time (length of time is to be specified by the employer)

Recruiting from those not in employment

- **184 companies targeted**
- **All had Catholic under-representation**
- **52% in the manufacturing sector**
- **12% retail**
- **7% construction**
- **Documentation sent explaining FETO changes to employers**

Recruiting from those not in employment

- **84% of respondents did not prioritise this measure (many already recruiting from government training programmes)**
- **Hard to fill vacancies filled by migrant workers**
- **5% of companies reserved job vacancies**
- **5% used statements on job adverts welcoming applications from those not in employment**
- **7% guaranteed job interviews**
- **7% waived qualification requirements**

Recruiting from those not in employment

Some problems identified:

- **Some stereotypical attitudes from employers in the course of interviews**
- **Poor work ethic**
- **Benefit trap**
- **Lack of training and/or experience**
- **Unlikely to turn up for interview**

Recruiting from those not in employment

Recommendations from responding firms:

- Need for pre-employment training**
- Wage subsidies**
- Grant aid for in-company training**

Discriminatory training

- **Article 37 of Race Relations (Northern Ireland) 1997**
- **No persons of that group among those doing that work in Northern Ireland**
- **The proportion of persons of that group among those doing the work in Northern Ireland was small in comparison with the proportion of persons doing that work in Northern Ireland**

The Duty to promote equality: Section 75 of the Northern Ireland Act 1998

Section 75 (1): A public authority shall in carrying out its functions relating to Northern Ireland 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;
- Between men and women generally;
- Between persons with a disability and persons without; and
- Between persons with dependants and persons without.

The Duty to promote good relations: Section 75 of the Northern Ireland Act 1998

Section 75 (2): without prejudice to its obligations under subsection (1) ... to have regard to the desirability of promoting **good relations** between persons of different:

- religious belief
- political opinion
- racial group.

Application of Section 75

- **240 public authorities designated, NI and UK based bodies included**
- **Each public authority must prepare an *Equality Scheme* and submit it for approval to the Equality Commission**

Equality Scheme – Key Elements

- ***Introductory statement***
- ***Management Arrangements***
- ***Screening, Prioritisation & Impact Assessment***
- ***Monitoring***
- ***Decision Making***
- ***Staff Training & Communication***
- ***Access to Information***
- ***Timetable of Measures***
- ***Complaints***
- ***Review of Scheme***

Policy Screening Criteria

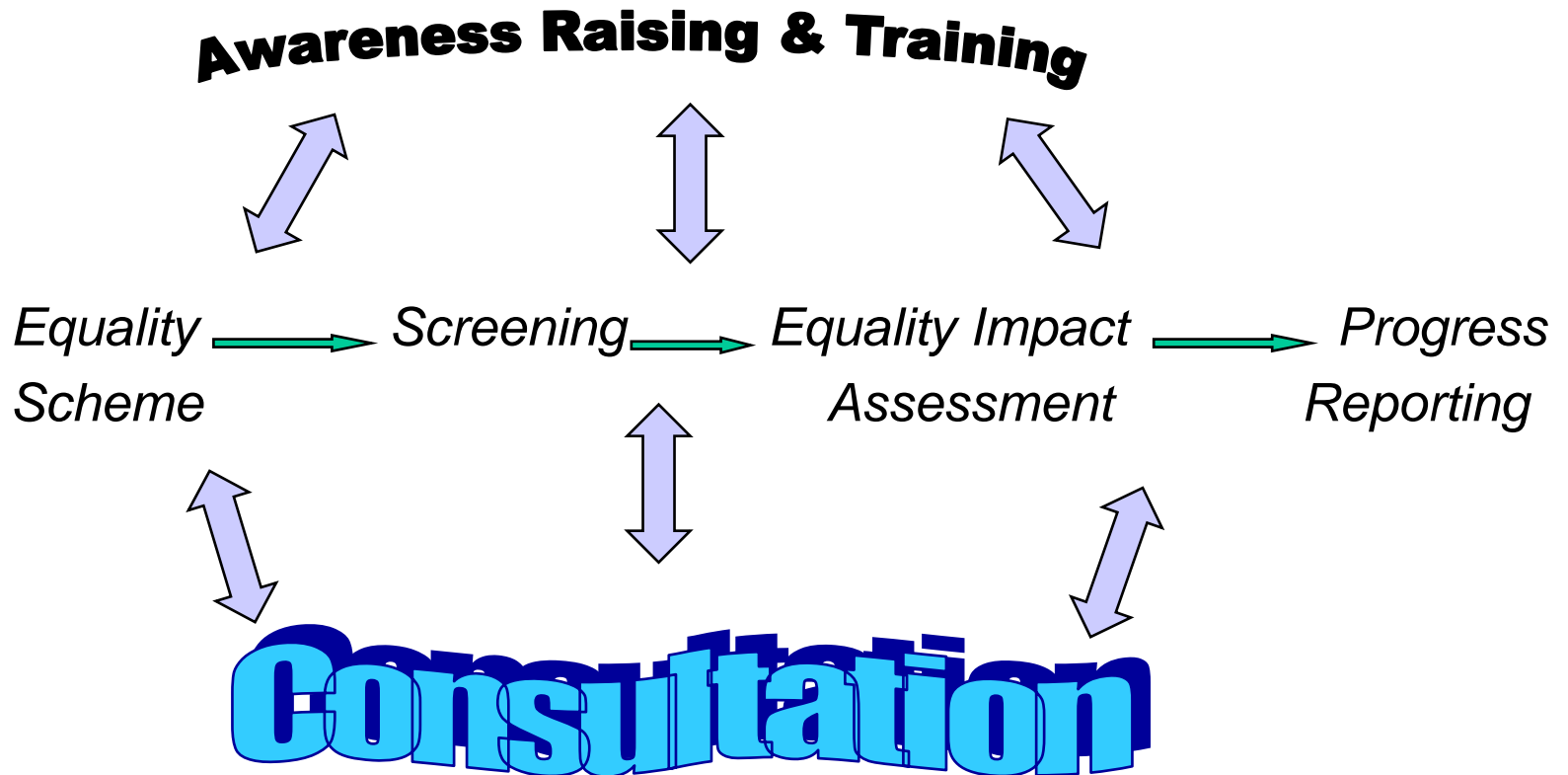
Must be considered:

- is there any evidence of higher or lower participation or uptake by different groups?
- is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy?
- is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in government or in the larger community?
- have consultations with relevant groups, organisations or individuals indicated that particular policies create problems which are specific to them?

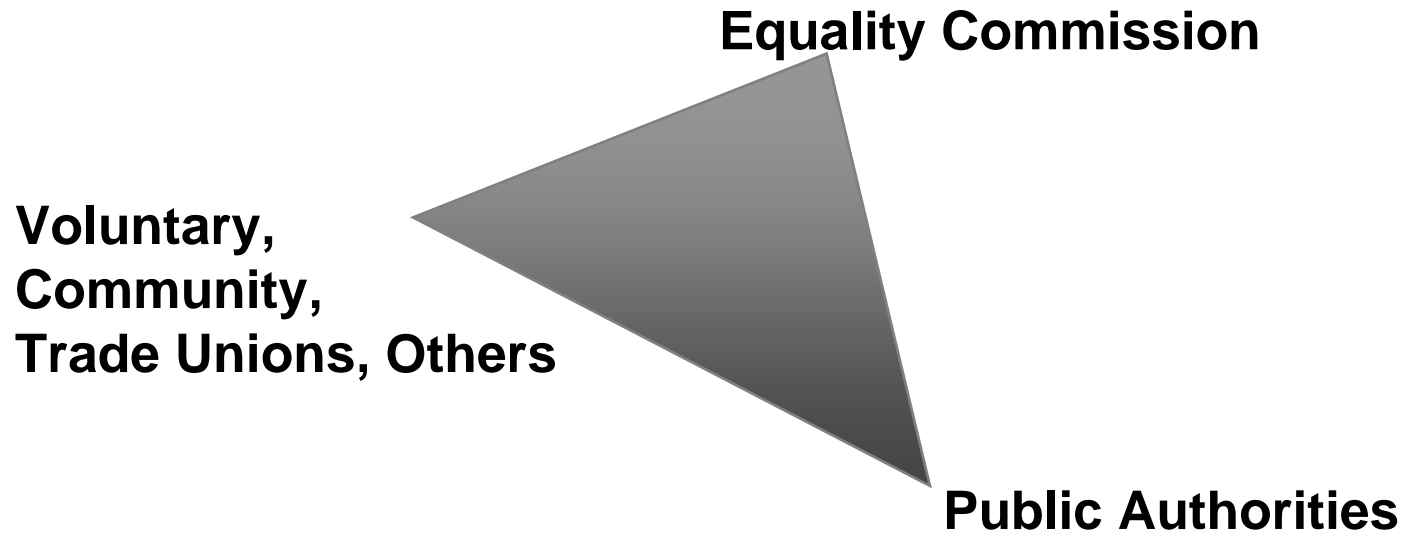
Equality Impact Assessment – the 7 steps

- Consider available data and research
- Assess impacts
- Consider measures to mitigate adverse impact and alternative policies to better promote equality
- Use formal consultation to assess impact of existing policy and likely impact of proposed policy
- Take decision based upon evidence and consultation outcomes
- Publish results of the EQIA
- Monitor for adverse impact and publish the results

Outline of Overall Requirements



Process of Change Building Co-operation & Partnership



Equality Commission

FOR NORTHERN IRELAND

A Single Equality Act – ECNI recommendations

- Extend work force monitoring to racial groups so that employers can be encouraged to assess participation and take action to reduce under-representation
- Extend contract compliance to race, sex and disability

A Single Equality Act - ECNI recommendations

- Specialist Equality Tribunal to deal with all equality cases
- Allow for representative claims including class actions

Equality Commission for Northern Ireland

Website Address: www.equalityni.org

Equality Commission

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