



Galway City Community Network
Lionra Pobail Chathair Na Gaillimhe



Coiste um Fhorbairt Pobail Áitiúil
Chathair na Gaillimhe
Galway City Local Community Development
Committee



Galway City Partnership
Comhpháirtíocht Chathair na Gaillimhe

a tide for change
an taoide ag casa



EQUALITY AND RIGHTS IN ACTION GALWAY

A Grass Roots Approach to the Public Sector Equality and Human Rights Duty A Resource from Experience



Coimisiún na hÉireann
um Chearta an Duine
agus Comhionannas
Irish Human Rights and
Equality Commission

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Are you a community organisation or group working to promote equality and human rights at local level?

Do you struggle to find ways to ensure that state agencies you deal with place human rights and equality at the core of what they do?

If so – you are not alone.

This short resource aims provide you with some information on the Public Sector Equality and Human Rights Duty and the work done by the Civil Society Panel in Galway City.

We hope it will help your group in working to ensure implementation of the Duty by state agencies/Public Sector Bodies in your area.

Public Sector Equality and Human Rights Duty

WHAT IS IT?

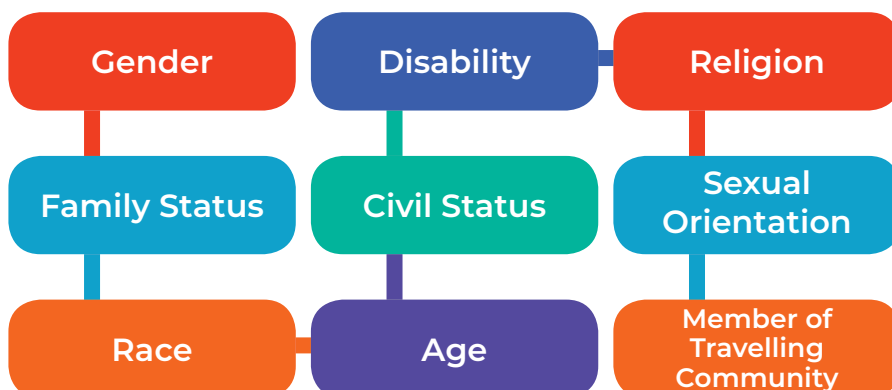
The Public Sector Equality and Human Rights Duty is an important piece of legislation for all community groups and organisations. Section 42 of the Irish Human Rights and Equality Commission Act 2014 says that:

A Public Body must have regard for the need to;

- **Eliminate discrimination**
- **Promote equality of opportunity and treatment** for its staff and service users
- **Protect the human rights** of its members, staff and people who use its services.

WHO ARE THE GROUPS THE DUTY IS FOCUSED ON?

The primary focus of the duty is on the communities protected by Irish Equality laws. These outlaw discrimination on 9 grounds:



And a 10th “Socio Economic Ground” that includes people at risk of poverty and social exclusion

The main laws are;

- The Equal Status Act, which makes it illegal to discriminate in providing goods and services
- The Employment Equality Act, which makes it illegal to discriminate in relation to pay, vocational training, access to employment, work experience and promotion.

WHO IS RESPONSIBLE FOR OVERSEEING AND IMPLEMENTING THE DUTY IN IRELAND?

The Irish Human Rights and Equality Commission (IHREC) has overall responsibility for supporting implementation of the Duty by Public Sector Bodies.

All State Agencies in Ireland have a statutory obligation to perform specific tasks on behalf of the Government of Ireland and as such have an obligation to implement the Duty.



WHAT IS A PUBLIC BODY?

The definition of a public body for the purposes of the Duty includes:

- a Government department
- a local authority
- the Health Service Executive
- a university or institute of technology
- an education and training board
- any other person, body or organisation established under statute, or under any scheme administered by a Government Minister, excluding the Defence Forces
- a company wholly or partly financed by or on behalf of a Government Minister, in pursuance of powers conferred by or under another enactment
- a company where the majority of shares are held by or on behalf of a Government Minister

In addition, any other person, body, organisation or group financed wholly or partly out of moneys provided by the Oireachtas, may, in the public interest, be prescribed as a public body by the Minister for Justice and Equality, following consultation with the Irish Human Rights and Equality Commission.

WHAT DO THEY HAVE TO DO?

Public Sector Bodies are required to do 3 things to comply with the Public Sector Duty

1. ASSESS

2. ADDRESS

3. REPORT

1. ASSESS: Every public body must set out in its strategic plan or corporate plan the equality and human rights issues relevant to their work.

This assessment must be **based on evidence such as** research or government policies (e.g. National Strategy for Women and Girls, National Traveller and Roma inclusion Strategy), consultation with staff and service users.

2.ADDRESS: Every public body must set out in its **strategic plan** the policies, plans and actions that they have or will put in place to address those issues, in a way that is transparent and accessible to the public.

This includes positive actions to bring people to a level playing field.

3. REPORT: On developments and achievements in its annual report, in a manner that is accessible to the public.

Q. WHAT PARTS OF AN ORGANISATIONS WORK ARE COVERED? A. ALL PARTS

- **Organisational Planning / Corporate Services** (planning, budgets, procurement, grants)
- **Human Resources** (recruitment, HR staff training)
- **Service Provision** (delivery of a service or engagement with key stakeholders)
- **Research and Policy**
- **Regulation and Oversight**



THE IMPORTANCE OF CONSULTING WITH CIVIL SOCIETY

The Irish Human Rights and Equality Commission guidance on implementing the Public Sector Duty states that consultation and engagement with staff and **service users** are important **throughout the process of assessing, addressing and reporting** on the public sector duty. It states that the purpose of consulting and engaging is:

- To ensure that assumptions are not made about the level of impact in terms of equality and human rights
- To ensure that the experiences of diverse groups are recognised
- To determine why certain groups are accessing a service and why others are not
- To gather information where data is not available
- To hear the views of staff across the organisation and access relevant information
- To find solutions to issues identified by learning directly from those impacted by a policy or practice (staff or people availing of services).

IHREC state that those who should be consulted and engaged include

- Service-users
- Staff
- **People with experience of discrimination and human rights abuses and their representative organisations.**



The KEY PRINCIPLES OF CONSULTATION INCLUDE:

- a. **Participation** - an inclusive approach which encourages a **diversity of voices**, as appropriate.
- b. Targeted and appropriate consultation methods which take into account how to **reach and engage different audiences**.
- c. **Transparent, open and accountable** showing how the consultation has informed the issue, taking into account resources available, effectiveness, coherence and mandate of the public body.
- d. **Clear, concise communication** providing clear guidelines outlining objectives and timelines.
- e. **Accessibility** including taking into account the **needs of people with disabilities, literacy issues and English as a second language**.
- f. **Reasonable accommodation and positive action measures** including a commitment to ensuring access and inclusion of disabled people and targeting marginalised communities.¹

¹ <https://www.ihrec.ie/our-work/public-sector-duty/>

IHREC'S KEY MESSAGES TO PUBLIC BODIES

- ✓ Consult with service users and staff at each of the three stages of Assess, Address and Report in a timely way – strategic planning cycle
- ✓ Ensure inclusive consultation with all identified groups – nine grounds and persons at risk of poverty and social exclusion
- ✓ Invite groups to give feedback on draft assessment, draft action plan and the draft report on progress and achievements
- ✓ The Duty must be central to and align with strategic planning process/cycles on an ongoing basis
- ✓ Human Rights and Equality must be at the heart of the vision and values of the organisation
- ✓ The duty applies to Staff and Service Users in their daily work, across all functions. It is about everyday practice, a culture of respect for human rights and equality
- ✓ An evidence based approach is required: with an emphasis on the importance of data, and participation mechanisms for listening to and understanding diverse communities and groups
- ✓ An Implementation structure is required to drive the Duty
- ✓ Build on structures and initiatives already in place
- ✓ Coherent framework for progressing actions relating to equality and human rights under national policies, strategies

Implementation of the duty requires senior level commitment, leadership, and strategy



THE ROLE OF COMMUNITIES AND CIVIL SOCIETY

- To lobby the Public Sector Bodies to implement the Public Sector Duty
- To use the Duty as a tool to highlight our equality and human rights issues when Public Sector Bodies fail to protect and promote equality and the human rights of the communities we work with.
- To use our expertise as Rights Holders to support Public Sector Bodies to develop their equality and human rights assessment and action plan
- To act as partners in monitoring compliance with the Duty



Equality and Rights in Action Galway

In 2021, Galway City Community Network and Galway City Partnership received funding from IHREC to support civil society engagement with the Public Sector Duty and to work with Public Sector Bodies working to implement the duty.

The objectives of the Equality and Rights in Action Galway project were:

1. To enhance and build the capacity, voice and solidarity of Rights Holders in Galway City.
2. To support and mentor Rights Holders to engage in the process of implementation of the Public Sector Duty
3. To raise the profile of the Public Sector Duty amongst Public Sector Bodies
4. To provide a service to Public Sector Bodies so that plans and policies can be assessed from an equality and human rights perspective.



THE PROJECT STEERING GROUP

A project steering group was established to advise on and oversee the implementation of the project. Collaboration with stakeholders was considered to be key to the success of the project and in that spirit, membership was drawn from state agencies, local development, community development and civil society groups in the city.

The role of the Steering Group was to advise and support the development of the project, agree project work plans and receive and provide feedback on reports and updates.

The role of members of the Steering Group was to represent the interests of the project within their own organisations.

THE CIVIL SOCIETY PANEL

The key focus of the project was to establish a Civil Society Panel in Galway City.

The Civil Society Panel was developed as a Panel of Rights Holders, representing communities covered under the legislation with the capacity to engage and support the implementation of the Public Sector Duty by Public Sector Bodies in the city.

A primary focus of the Panel was on building collective capacity and understanding of the Public Sector Duty. This involved;

- **Learning** about the Public Sector Duty, equality and human rights – using material from IHREC and material generated by the project
- **Learning by doing** - undertaking role plays and mock assessments of two local authority Customer Service Charters

Membership of the Panel reflected the 10 grounds covered by the Duty with a particular emphasis on people with lived experience. This was a critical aspect of the project, recognising that it is those with direct experience of discrimination, inequality and a denial of human rights who are best placed to engage in developing solutions and critiquing responses by Public Sector Bodies under the Public Sector Duty.

The process focused on building momentum, solidarity and team working and the panel met regularly to ensure progress and ongoing learning and development.

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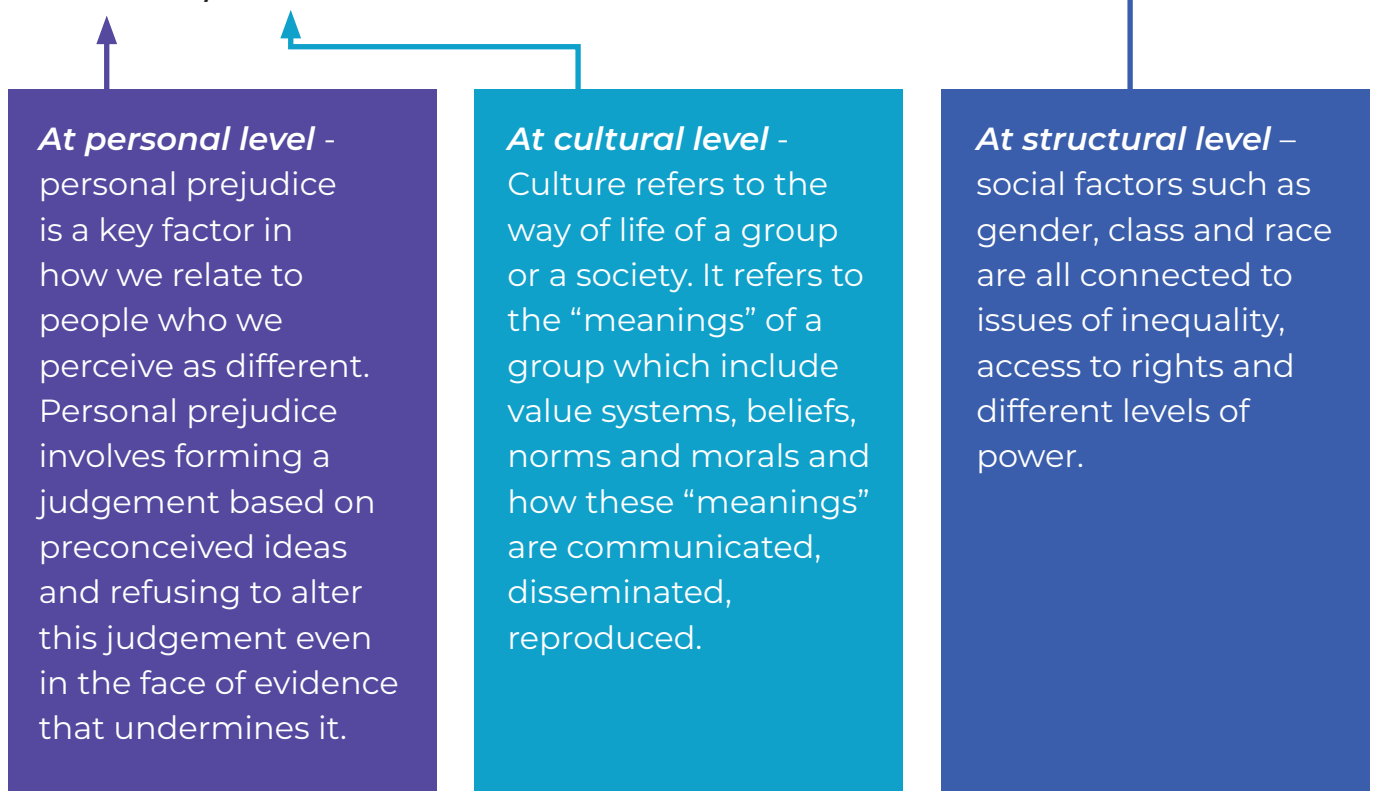
- Presentations to the panel by the project Co-ordinator on the Duty and related issues
- Watching IHREC video clips on the Duty
- A presentation from IHREC that included a discussion on issues, challenges and opportunities regarding the Duty
- Undertaking role plays and mock assessments of two local authority Customer Service Charters with assistance from an external facilitator with significant expertise in equality and human rights and the Public Sector Duty.



BUILDING OUR COLLECTIVE UNDERSTANDING

In order to ensure that Panel members had a chance to reflect, learn and share their views on equality and human rights, there was a focus specifically on these issues. This included discussion on:

- What is equality? - the idea that at a basic level all human beings have equal worth and importance and therefore are equally worthy of concern and respect.
- The UN definition of Human Rights - 'Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination'.
- Inequality happens at three levels, **Personal, Cultural and Structural.**



- **Liberal and radical approaches to looking at equality.**

- **A liberal approach** is one that is of the view that inequality will always exist and is concerned to secure fairness and limiting inequality to a degree. Some believe that inequality is necessary for Society.
- **A more radical approach** is one which Recognises that inequality is rooted in social, economic and political structures and it is at this level that change must occur.
- **Social cohesion and how** the promotion of equality and human rights can lead to greater levels of **social cohesion** that is a common sense of belonging and inclusion, good and strong community relationships, unity, working together, justice, a sense of shared responsibility to others and the goal of a just and equal society.

See here the slides used in building our collective understanding

- [Introduction – Civil Society Panel PSD – Presentation – March 2021](#)
- [Civil Society Panel PSD – Presentation](#)
- [Equality and Social Cohesion – Presentation – May 2021](#)
- [Implementing the Public Sector – Presentation](#)



LEARNING FROM EACH OTHER AND SHOWING SOLIDARITY

Members of the Civil Society Panel felt they should have an understanding of the issues that each of the communities represented are facing. Some issues overlap and others do not. The Civil Society Panel focussed on sharing the equality and human rights concerns faced by their communities. We held broad discussions on a range of themes including anti-Traveller racism at individual and structural levels, issues for older people during the COVID-19 pandemic, access and use of appropriate language when talking to and about disabled people, the use/misuse of gender pronouns and how language can be either inclusive or exclusive, sometimes in an unconscious way.

These discussions helped to raise awareness and consciousness amongst the Panel members of the importance of taking into account the concerns and show solidarity with all marginalised communities when working on the Public Sector Duty. This was recognised as being particularly important as there may be times when some communities are not at the table to raise issues affecting their communities themselves.

SHARING OUR MESSAGE

The project developed a [web presence](#) on the Galway City Community Network website that profiled the work of the project, the Civil Society Panel and the Public Sector Duty.

The project also developed a video that included the voices of agencies, Civil Society Panel members and those with expertise in relation to the Positive Duty and Equality and Human Rights more broadly.

VALUING THE CIVIL SOCIETY PANEL

From the outset it was recognised that the work of the panel required time, commitment and dedication and the project felt it was important to recognise this by providing tokens in lieu of payment.

ENGAGING WITH PUBLIC BODIES

The Galway City Civil Society Panel provides a unique platform that can be used as a consultative forum by Public Sector Bodies engaged in implementing the Public Sector Duty as part of the assessment of their plans and reports. In this context, the Panel engaged with two Public Sector Bodies during the course of the project.

The first involved members of the Panel and of the Project Steering Group meeting with the Public Sector Body to discuss on their assessment of equality and human rights issues. The assessment used a values-based framework that included the values of Dignity, Autonomy, Participation, Inclusion, Social Justice and Environmental Justice. The process of developing the assessment by the Public Body had been supported by an external consultant with expertise in equality and human rights and the Public Sector Duty who also supported the assessment by the Civil Society Panel.

The second involved members of the Panel and the Project Steering Group meeting with a section of a Public Sector Body to discuss a new strategy. A draft of the strategy was presented, and Panel members had an opportunity to raise key equality and human rights concerns that they wished to have taken into consideration in the strategy. The Panel were pleased that their observations were taken into consideration in the final draft of the strategy.

In addition to the above, members of the Project Steering Group met with representatives of two other Public Sector Bodies in the city to raise greater awareness of the Duty and to explore the potential for working together on Public Sector Duty initiatives in both institutions. We hope to proceed with this work in the future.

THE COLLABORATIVE FORUM

Another important element of the project was the establishment of a Collaborative Forum in the city. The aim of the Collaborative Forum is to bring together Public Sector Bodies to support their implementation of the Duty. The Forum seeks to provide peer support for those who have been through the process of engaging with the Duty. There are currently 5 members of the Forum, but it is hoped to expand its membership to include representatives from Public Sector Bodies who are intending to implement the Duty in the foreseeable future.

THE LESSONS

1. A Civil Society Panel is a good way to proceed to build a platform of people with lived experience and their representative organisations to engage with the Public Sector Duty.
2. Training and capacity building in relation to the Public Sector Duty and human rights and equality issues is essential to ensure panel members have sufficient capacity to engage.
3. Numbers on the panel do not have to be limited. What is important is that all grounds covered by the Duty are represented with particular attention being paid to membership by those with lived experience.
4. Panel members participating in a process to examine and discuss assessments, plans and reports should be reimbursed for their time (through payment or vouchers). This should be the responsibility of the Public Sector Body concerned. This is particularly important for those who are engaging on a voluntary basis.
5. Make sure to have the documentation in time for all panel members to read in advance.
6. Seek follow up meetings with the Public Sector Body or look to see amended documents to make sure your concerns have been incorporated.
7. It is not necessary to wait to start engaging with a Public Sector Body for when their corporate or strategic plans are being developed. An assessment can take place in advance of the planning process and should inform that process when the time comes.
8. Start small. If a Public Sector Body is undertaking an initiative or plan e.g. a Local Economic and Community Plan, an Arts Strategy or any other plan/strategy, approach them and see if they would be willing to engage with you on the Public Sector Duty.
9. Whilst a values-based approach is worthwhile and important for the Public Sector Bodies themselves, ensuing dialogue can get confused between the values as set out and where the concerns raised by the Panel should fit. From the perspective of this project, a more straightforward way of working is to look at the functions of the Body, discuss the equality and human rights implications of each function and then identify which value applies to the concerns raised.
10. There remains a lack of understanding and awareness of the Duty amongst some Public Bodies. The role of civil society in advocating for compliance with the Duty and raising awareness of how this can be done should not be under-estimated.

11. A primary concern is the lack of sanctions for those who fail in their obligations to implement the Duty. The review of the equality acts being undertaken at the time of writing this resource should strengthen sanctions in this regard.
12. The private sector can play an important role in either promoting equality, human rights and anti-discrimination or exacerbating social exclusion, inequality and the undermining of rights. They should also be subject to the Duty.
13. Collaboration and support for Public Sector Bodies is an important element to provide guidance and advice to those seeking to meet their obligations. The Collaborative Forum idea can provide a useful and important space in that regard.
14. Civil society panels and collaborative forums need to be resourced and supported. An established non-statutory independent organisation at local level needs to take responsibility for overall organisation and co-ordination. Funding will need to be accessed from IHREC or other sources to sustain this work in Galway and to enable it throughout the country.

For further information contact:

Galway City Community Network
Westside Community Resource Centre
Seamus Quirke Rd.
Galway.
info@galwaycitycommunitynetwork.ie
www.galwaycitycommunitynetwork.ie