

## How do public authorities know what to do?

The equality duties require public authorities to collect evidence to understand what and where the most significant inequalities are and what should be done about them. Most public authorities have committed to do an 'audit of inequalities' which will gather this evidence in a comprehensive way.

There are also legal obligations to consult with the people affected by the decisions of public authorities. Effective consultation means involving people directly in both identifying problems and influencing policy.

## What about human rights?

Standards agreed internationally note that equality is both a human right itself and central to all other human rights. Public authorities can turn these standards into practice throughout Northern Ireland, by designing effective services that treat everyone fairly.

## Where do I fit in?

The equality and good relations duties are intended to create a healthy **three way relationship** between:

- ▶ **you and other service users:** e.g. people from minority groups, women, older and younger people etc.
- ▶ **the public authority**
- ▶ the **Equality Commission** who provide advice and guidance and has an important enforcement role.

The requirement on public authorities to consult reinforces this relationship. The duties should be considered by public authorities before decisions are taken, to help them deliver their functions better. So the emphasis is on how the authorities can be helped to meet their obligations rather than remedying problems after the fact. However, if problems arise, a discrimination claim can be pursued in the courts. Or if the equality duties are not met, an individual affected by the failure can make a formal complaint.

## Getting Involved

This is an introductory leaflet to the Equality and Human Rights Framework Booklet Series produced by NICEM. The rest of the pack contains a series of booklets and resources designed to support you to get involved.



To find out more about any of the information contained in this leaflet please contact:

Northern Ireland Council for Ethnic Minorities  
1/F Ascot House,  
24-31 Shaftesbury Square,  
Belfast, BT2 7DB.

**Ph:** +44 (0) 28 9023 8645  
**Fax:** +44 (0) 28 9031 9485  
[www.nicem.org.uk](http://www.nicem.org.uk)

**Date of publication:** November 2012  
**Author:** Tansy Hutchinson

### NOTICE

This leaflet is intended to explain how the law works in practice. It is not however a legal document and many of the terms have been simplified for easier understanding.



## BUILDING A FAIRER Northern Ireland

Working with Public Authorities:  
**Getting involved**

Equality and Human Rights Framework Booklet Series

## Why is inequality an issue?

92% of people in Northern Ireland surveyed in 2005, and again in 2010, believed that there was prejudice against minority ethnic people.

(Source: Northern Ireland Life and Times Survey 2010)

- ▶ **37%** of people would not accept a Muslim as a close friend;
- ▶ **83%** had no friends from a minority ethnic group;
- ▶ **58%** had no work colleagues from a minority ethnic group.

As well as direct personal discrimination, wider inequalities persist. For example:

- ▶ Traveller infants are **3.6 times** more likely to die than infants in the general population;
- ▶ hate crime has seen a **10-15%** increase
- ▶ harassment and exploitation are major concerns for **migrant workers**.

## What is being done?

There are laws that ban direct and indirect race **discrimination** as well as discrimination because of religious belief or political opinion, sex, sexual orientation, age or disability.

These give important rights to individuals: for example, you can take an employer to court if they refuse you a job because you are a traveller or you can challenge a doctor's surgery that refuses to register you because you do not speak English.

But there are also laws that are intended to be more positive. Instead of simply challenging discrimination, these laws deal with **inequalities** that may not be the fault of any one individual, but still result in people not getting the jobs or service they should get. These disadvantages arise from '**institutional discrimination**', which has been defined in the Macpherson report as:

“ *The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which disadvantage minority ethnic people.* ”



### Equality in Action

**FACT:** pupils needing language support do roughly 50% worse at A level than others.

**CAUSES:** a combination of factors that includes - ability to access language teaching support; the methods used to assess academic ability; inadequate contact between the school and family; the language support parents can access; availability of after school clubs, levels of bullying in schools etc.

#### What could the Department of Education and education bodies do?

Change policy on how language support is provided to make sure it reaches those who need it; review assessment methods to take account of language differences; review guidance given to schools on family engagement; run anti-bullying activities in schools.

Challenging inequality does not have to involve court cases or blaming individuals: it is about making changes to policies and practices to provide an appropriate and professional service, or just checking that what is being done is working properly.

The law, therefore, places specific obligations on **public authorities** to think about ways to **promote equality and good relations**. These obligations apply to government departments, local authorities, colleges and universities, the police, housing bodies etc.

The aim is to improve the way that organisations deliver their functions: to enable them to work better and to make sure that everyone's needs are taken into account.

'Good relations' includes things like taking action that addresses prejudice against minority groups and, along with equality, helps secure more equal outcomes. So in the example given, if racist bullying is contributing to poor exam results, action to improve community relations between children and reduce bullying, will support equality as well as promote good relations.

The terms '**the equality duties**' or sometimes the '**equality and good relations duties**' are used throughout this booklet series. These are also often called '**the positive duty**', or '**the section 75 duties**' because the duties are stated in section 75 of the Northern Ireland Act 1998.