

MEETING THE PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY

The Irish Human Rights and Equality Commission recently published guidance setting out the key steps to be taken by local authorities and other public bodies to meet their obligations under the Public Sector Equality and Human Rights Duty.

With local authorities now in the process of developing new corporate plans to 2024, the question being asked is – *Does your Corporate Plan meet your council's obligations under the Public Sector Equality and Human Rights Duty? And if not, why not?*

Since 2014 all public bodies in Ireland have a statutory obligation to have regard to the need to: eliminate discrimination, promote equality of opportunity and treatment for staff and protect the human rights of their staff and service users.

The Public Sector Equality and Human Rights Duty' is set out in Section 42 of the Irish Human Rights and Equality Commission Act 2014. It is an ongoing obligation on public bodies, which must be incorporated as part of the organisation's overall strategic planning cycle.

The legislation requires each public body to 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 and the policies, plans and actions in place or proposed to be put in place to address those issues"*. It then has to report on the delivery of these commitments in its Annual Report.

IMPLEMENTING THE DUTY

Implementing the Duty has an important role to play in supporting local authorities to proactively and positively respond to growing diversity in Irish society, improving quality of service delivery and the experience of staff in the workplace.

The Duty provides an opportunity for local authorities to realise their vision, mission and values and improve outcomes for people and communities.

With the current corporate planning cycle now underway, it is an opportune time for Local Authorities to engage with the Duty. The Department of Housing, Planning and Local Government plan to include a reference to the Duty in their forthcoming guidelines for Local Authority Corporate Plans.

COMMISSION GUIDANCE

To support local authorities and other public bodies in implementing the Duty, the Irish Human Rights and Equality Commission has published guidance setting out the key steps to be taken.

The guidance draws on work undertaken by the Irish Human Rights and Equality Commission over the course of a year with



five pilot sites from diverse sectors of the public service.

Working closely with the LGMA, two pilots were identified in the local authority sector – Monaghan County Council and Cork City Council. The guidance document along with video case studies of each of the pilots and other resources are available on the Commission website www.ihrec.ie/our-work/public-sector-duty.

THREE-STEP APPROACH

Assess, Address and Report: The three-step approach to implementation is recommended, in line with Section 42 as follows:

Step 1: Assess

Step 1 requires identifying equality and human rights issues relevant to the purpose and functions of an organisation and identifying structures and initiatives in place to support human rights and equality.

It is key to identify and build on structures and initiatives already in place. No local authority is starting from scratch in terms of equality and human rights so it's about identifying the gaps across the functions.

An evidence-based approach is critical to a meaningful assessment that will have tangible outcomes for both staff and service users of local authorities. This involves consultation with staff and service users and information gathering (internal and external) to inform an assessment.

PUBLIC SECTOR DUTY

Furthermore, the Duty can provide a coherent framework for progressing actions committed to under national policies and strategies such as the Migrant Integration Strategy and the National Traveller and Roma Inclusion Strategy.

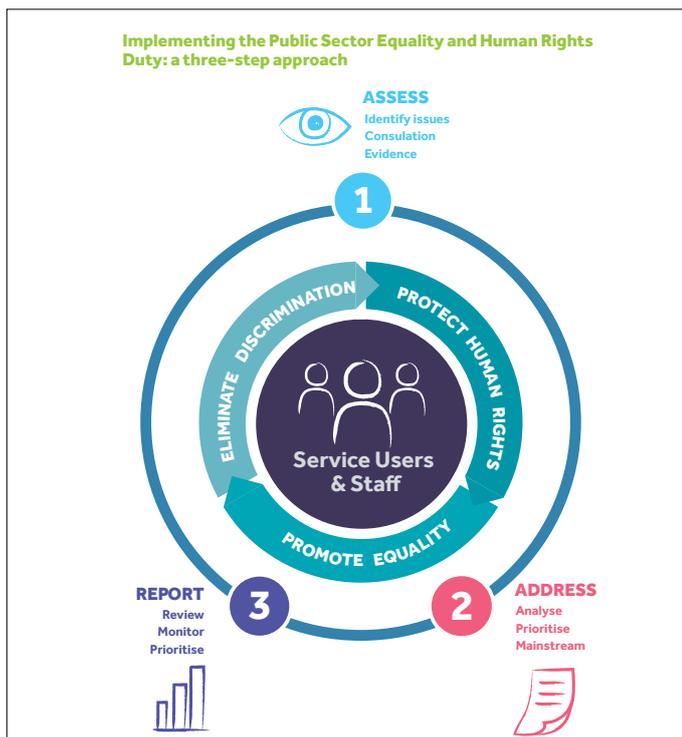
Step 2: Address

Step 2 requires an organisation to agree and prioritise actions to address the equality and human rights issues identified and to put in place organisational processes to strengthen implementation of equality and human rights actions.

It is important that agreed actions are included in an organisation's strategic plan and annual work programme, so that equality and human rights become part of daily work.

Step 3: Report

Step 3 involves reporting on developments and achievements arising from implementation of the Duty in a manner that is accessible to the public. The objective is to review and communicate progress in relation to addressing equality and human rights issues relevant to the purpose and function of an organisation.



OUTLINE OF THE FUNCTIONS

At each step in the process it is important to remember that the Duty applies across the functions of the organisation. This is key to ensure that work on the Duty does not get siloed into corporate services or other divisions such as a social inclusion unit.

A whole of organisation approach is taken and contributes to a sustainable cultural change within the organisation with regard to equality and human rights.

Examples of functions include organisational planning/ corporate services (strategic planning, budget allocation, procurement, grant funding), human resources (recruitment, HR



policies and practices, staff capacity building), service provision (delivery of a service or engagement with key stakeholders) and research and policy.

REFLECTING ON VALUES

During the pilots with public bodies such as Monaghan Country Council and Cork City Council, organisational reflection on values emerged as an important part of the process.

Implementation of the Duty can assist an organisation to define, and give expression to, equality and human rights values related to its purpose, and to key public sector values.

Explicit equality and human rights values, such as non-discrimination or dignity for service users, can motivate and guide public bodies to assess and address equality and human rights issues relevant to their functions.

During the pilots phases with Monaghan Country Council and Cork City Council, values became a useful vehicle to motivate a concern for equality and human rights and through which a meaningful assessment can be achieved.

AN OPPORTUNE TIME

This is an opportune time for local authorities to engage with the Duty in light of the current corporate planning cycles. The importance of senior management commitment from the outset is key to ensuring that the Duty's ethos is embedded in the activities of local authorities. This also makes sure that equality and human rights are integral to the corporate planning process.

Implementing the Duty has an important role to play in supporting local authorities to respond positively to growing diversity in Irish society.

As local authorities engage with equality and human rights relevant to their purpose and functions, their proactive implementation of the Public Sector Equality and Human Rights Duty will contribute to improving the quality of public services and the experience of staff in the workplace.

In addition to the guidance, the Commission has held information sessions on 'Implementing the Duty', the next of which will take place on 19 September in Dublin.

To register for this event and find information on video case studies on the pilot sites visit www.ihrec.ie/our-work/public-sector-duty