

ESF Operational Programme for Employability, Inclusion and Learning 2014–2020

Irish Human Rights and Equality Commission – input on Equal Opportunities and Non-Discrimination Horizontal Principle, Monitoring Committee 24 May 2018

Overarching picture

Several AIP's have generally developed better understanding of reporting on the horizontal principles of Equal Opportunities and Non-Discrimination since the last report. However, there appears to be a need for support to develop further understanding of the applicability of the 9 equality grounds throughout the projects and what it means to take steps to eliminate discrimination and promote equal opportunities in the running of their programmes and the implementation of specific actions.

It is particularly important to have a structured approach to comply with the horizontal principles and to apply this approach to activities and actions. AIP's are encouraged to take steps to proactively encourage participation of people who may fall under the 9 equality grounds and support statements of non-discrimination by quoting policies in place.

The last IHREC Report suggested examples of how the reporting could be developed which could include:

- providing a breakdown of data on participants across equality grounds where that data exists, or
- Providing information on the content of steps taken by the activity manager to ensure individual projects, service providers, firms, etc., are aware of or comply with equality legislation.

While some AIP's have included some data in relation to groups, it is still not indicated that all the AIP's understood the type of data that is relevant to reporting e.g. data of participants in projects broken down according to the equality grounds. Actions to promote further participation/outreach/promotion broken down per ground should complement data or, in the case that data is unavailable, compensate for lack of data.

It is worth considering that when the nature of the projects are tailored towards supporting a particular group/groups, it would be useful to give regard to intersectionality and attempt to capture data related to other equality grounds and/or content to indicate actions/steps taken to support participation/ promotion of activities.

In relation to outsourcing services by a project, it is important to note that AIP's still need to ensure that the service providers clearly understand equality legislation and demonstrate how they intend to comply with the horizontal principles aspect of the project.

Some projects have specific application criteria for individuals and must fulfil a list of requirements to receive grants or allowances.. In some instances this requires projects to collect data that may also be useful to analyse to inform approaches to promoting and implementing horizontal principals. It is also important to note that if data is not available, as indicated, compliance with horizontal principles can have several forms including training to staff and deciding officers on equality and /or promotion of awareness of the service.

The IHREC notes that some of the activity leaders reported issues with data including sensitivity of personal information and difficulties in gathering data on some grounds in areas of work undertaken in some of the activities, as well as the need for practical guidance on how to carry out impact assessment at project level. The Monitoring Committee or Managing Authority undertook some work to identify what barriers exist and how Activities can respond to these challenges. Details are enclosed in "Horizontal Principles Working Group - Update for the PMC meeting 24th May 2018" document.

The Public Sector Duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014 places a positive duty on public sector bodies to have regard to the need to eliminate discrimination, promote equality, and protect human rights, in their daily work. Section 42 states that: 42.

(1) A public body shall, in the performance of its functions, have regard to the need to:

1. Eliminate discrimination,

2. Promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
3. Protect the human rights of its members, staff and the persons to whom it provides services.

Section 42 of the IHREC Act 2014 sets out three core steps to be taken by public bodies

1. In preparing strategic plans, public sector bodies must assess and identify the human rights and equality issues that are relevant to their functions. These issues must relate to all of its functions as policy maker, employer and service provider.
2. Public bodies must then identify the policies and practices that they have in place or that they plan to put in place to address these issues.
3. Finally, in their annual reports, or equivalent documents, public bodies must report in a manner accessible to the public on their developments and achievement in that regard.

Summary remarks on the actions

ETB Training for the Unemployed

The AIP is strong on the horizontal theme of promotion of equal opportunities and non-discrimination. A substantive number of policies and consultation processes with stallholders to include groups that may fall under the 9 grounds was carried out and reported on in 2017. However, the report could have benefited from including analysis of specific data indicating participation or progress on any of the equality grounds or information on other steps to embed equality such as training, targeted awareness raising among potential beneficiaries/participants, etc.

Springboard

The AIP provides important references on the horizontal theme of promotion of equal opportunities and non-discrimination. The reporting template for 2017 reports that application is open to all regardless of the grounds named in the equality legislation. It also reports that successful providers were issued with a contract which reminds the provider of its obligations under the Equal Status act. It would be useful to report if this is monitored and

to provide a breakdown or analysis of data such as information on the numbers of those who are Travellers, those who are from other minority ethnic backgrounds and those who have a disability, etc. This would support analysis and review of who is and is not accessing the project and why as well as consideration of whether more targeted approaches are required to encourage people from some particular groups to participate etc.

Garda Youth Diversion Projects

The AIP is strong on the horizontal theme of promotion of equal opportunities and non-discrimination. The reporting template for 2017 contains a strong effort to capture data relevant to the equality grounds. Particularly in relation to disability, it would be useful to report on any reasonable accommodation measures for people with disabilities considering that 327 participants were reported with disabilities.

The report can be significantly enhanced by stating certain actions and measures taken to facilitate participants across the equality grounds, while in the programme, after the access phase.

Jobsplus

The AIP includes important references to the horizontal principle of equal opportunities and non-discrimination. Employers are reminded of their requirement under the equality legislation. It would be useful to report when and how this is done, and if this is monitored.

ICT Skills Conversion

The AIP includes important references to the horizontal principle of equal opportunities and non-discrimination. Service providers are reminded of their requirements under the equality legislation. It would be useful to report when and how this is done, and if this is monitored.

Intra EU Mobility

The AIP is strong on the horizontal theme of promotion of equal opportunities and non-discrimination. It is clear that in the 2017 template, contents developed further than the last report in relation to reporting on job fairs. However some additional information can be useful on how it was planned that “all events are organised on the basis of equal opportunity

and non-discrimination principles". It would be particularly useful to demonstrate issues including accessibility to events and accessibility to website. Dialog training "Diversity and Equality Works" and workshops on equality are good examples of specific activities supporting equality. Some data on the numbers and participants' profile in such training /workshops would give more strength to the report.

Gender Equality

The AIP is strong on the horizontal theme of promotion of equal opportunities and non-discrimination.

As this Activity has as its primary focus a group covered by one of the equality grounds, it is important that the application of the horizontal principles specifically addresses the issue of intersectional inequalities, and includes a clear focus on ensuring that the Activity meets the needs of Traveller women, women from other minority ethnic groups, women with caring responsibilities, women with a disability, older women, lesbian, bisexual and trans women, etc. The reporting template for 2017 reports that the all projects are required to report on the participants' data in the form of indicators and provide important data indicating participation of women who also come under other equality grounds.

Integration and Employment of Migrants

The AIP is strong on the horizontal theme of promotion of equal opportunities. As this Activity has as its primary focus a group covered by one of the equality grounds, it will be important that the application of the horizontal principle specifically addresses the issue of intersectional inequalities. The data in relation to the breakdown of age, gender and disability ground of migrants participating in the 45 projects.**Third Level Access**

The AIP is strong on the horizontal theme of promotion of equal opportunities and non-discrimination.

The reporting template for 2017 reports on the volume of supports delivered via the Fund for Students with Disabilities and from disadvantaged communities.

The template notes that following the review of Higher Education Authority of the Students Assistance Fund a steering group has identified actions including the inclusion of parents. A

further Review of the Funds for Students with disabilities was also published in 2017 and a steering group has been established to implement its recommendations.

The reporting template for 2017 notes the publication of the third National Action Plan for Equity of Access to Higher Education 2015–2019. However, it does not provide any information on the numbers of those who are Travellers or who are from other minority ethnic backgrounds or on steps taken to encourage their participation, although increased participation in higher education by members of the Traveller community is a specific target in the National Action Plan for Equity of Access to Higher Education 2015–2019 and is included in the Department of Education and Skills’ strategy statement, Action Plan for Education 2016-2019.

BTWEA

The AIP includes important reference to the horizontal principles of equal opportunities and non-discrimination. It would be useful to report further on how this is done.

Tus Nua

The AIP is strong on the horizontal principles of promotion of equal opportunities and non-discrimination. The reporting template for 2017 provides more information on the numbers of participating women who are from minority ethnic backgrounds, and those who have a disability. It would be useful to report on reasonable accommodation measures for the women with disabilities and further information on any actions taken to facilitate the needs of the women with minority ethnic backgrounds. A further improvement can be made by including other grounds such as sexual orientation, religion, family status ...etc.

SICAP Social Inclusion and Community Activation Programme

The AIP is very strong on the horizontal principles of equal opportunities and non-discrimination and sets an ambition that goes well beyond compliance with Article 8 of Regulation 1304/2013.

The reporting template for 2017 records concrete steps and innovative measures that seek to ensure that the aims of the horizontal principles are achieved in practice. Of particular

interest are the steps taken to ensure that the principles of equal opportunities and non-discrimination is factored in across the functions of the programme from procurement to implementation and review. The reporting template also provides a practical insight on the importance of equal opportunities at ground level through informative case studies. As the nature of the programme is to support targets groups reflected across the equality grounds the report could be further enhancement by bringing more focus to intersectionality in programme activities.

Young Person Probation Project

The AIP is strong on the horizontal theme of promotion of equal opportunities and non-discrimination. The report contains a strong effort to capture data relevant to the equality grounds. A further improvement can be achieved by reporting on actions taken to support participants under specific grounds. The report quotes that “Some of the projects have indicated that they ensure that particular supports are put in place to deal with participants with particular issues (e.g. language supports for participants from a migrant background)”. A more detailed description of such specific actions would constitute a significant improvement to the report.

Adult Literacy

The AIP is strong on the horizontal theme of promotion of equal opportunities and non-discrimination. The report contains significant amount on measures such as research and consultation, particularly in relation to inclusion of groups that may fall under the 9 grounds.

It also reports on Section 42 of the Irish Human Rights and Equality Commission Act as a legislative requirement and the inclusion of section 42 in the ETB Strategic Performance Agreement & Planning Framework 2018 – 2020 as a core planning requirement.

It would be very useful to include data on the numbers of participants under the equality grounds and specific measure taken to promote equality and non-discrimination.

Youth reach

The AIP is strong on the horizontal theme of promotion of equal opportunities and non-discrimination. The reporting template for 2017 contains significant amount on measures including research and consultations that promote an inclusive service. However the report may benefit from a further focus on the equality grounds, for example analysis of the data pertaining to the classification of participants enrolled at year end indicates the the diversity of the cohort includes lone parents, migrants, participants with a foreign background, participants with disabilities and people who are homeless. Further engagement with issues under the 9 equality grounds based on data analysis would be useful.

Back to Education Initiative

The AIP is strong on the horizontal principles of promotion of equal opportunities and non-discrimination. The report contains a significant amount on measures including research and consultation that promote an inclusive service. Further focus on the 9 equality grounds based on data analysis and actions could benefit the report.

Community Training Centres

The AIP is strong on the horizontal principles of promotion of equal opportunities and non-discrimination. While the report includes reference to significant measures in policy formation, it would benefit from further focus on the 9 equality grounds based on data analysis and actions.

Defence Forces Employment Support Scheme

The AIP includes important references to the horizontal principles of equal opportunities and non-discrimination. The report states that all participants are from disadvantaged communities between the ages of 18-24. It further states that the scheme requires substantial physical activities that may make it difficult for people with disabilities to participate in the scheme. It would be very useful to capture further data on participants under the other equality grounds.

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Public Sector Duty Team

Public Sector Duty: Eliminating discrimination, promoting equality and protecting human rights
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an Duine agus Comhionannas**
Irish Human Rights and Equality Commission