



**Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas**

Irish Human Rights and Equality Commission

**Programme for Employability, Inclusion, and
Learning (PEIL) 2014-2020**

**Report on Equal Opportunities and Non-
Discrimination Horizontal Principle to the
Monitoring Committee**

May 2020

1. Introduction¹

The horizontal equal opportunities and non-discrimination principle, set out in Article 7 of the Common Provisions Regulation for the ESIF², requires Member States to “ensure that equality between men and women and the integration of gender perspective are taken into account and promoted throughout the preparation and implementation of programmes, including in relation to monitoring, reporting and evaluation”.

It further requires that Member States “shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation and implementation of programmes. In particular, accessibility for persons with disabilities shall be taken into account throughout the preparation and implementation of programmes”.

The ESF Regulation³, Article 7, requires promotion of gender equality by way of mainstreaming and specific targeted action “with the aim of increasing the sustainable participation and progress of women in employment, thus combating the feminisation of poverty, reducing gender-based segregation, combating gender stereotypes in the labour market and in education and training, and promoting the reconciliation of work and personal life for all as well as the equal sharing of care responsibilities between women and men”.

Article 8 requires promotion of equal opportunities on grounds of sex, age, racial or ethnic origin, religion or belief, disability, and sexual orientation by way of mainstreaming non-discrimination and specific targeted action to “combat all forms of discrimination as well as to improve accessibility for persons with disabilities, with a view to improving integration into employment, education and training, thereby enhancing social inclusion, reducing inequalities in terms of educational attainment and health status, and facilitating the transition from institutional to community-based care, in particular for those who face multiple discrimination”.

The PEIL operational programme operates to five priorities:

1. Promoting the attainment of sustainable and quality employment through relevant upskilling measures and supporting labour mobility.
2. Promoting social inclusion and combating discrimination in the labour market.
3. Investing in education, training and lifelong learning with a view to upskilling and re-skilling the labour force.
4. Youth employment initiative.
5. Technical Assistance.

¹ This report was prepared for the Irish Human Rights and Equality Commission by Values Lab www.values-lab.ie for submission to the PEIL Monitoring Committee for 2020 reporting cycle.

² [Regulation \(EU\) No. 1303/2013](#) of the European Parliament and of the Council of 17 December 2013, Official Journal of the European Union L347/320, 20.12.2013.

³ [Regulation \(EU\) No. 1304/2013](#) of the European Parliament and of the Council of 17 December 2013, Official Journal of the European Union L347/470, 20.12.2013.

2. Overarching Comment

Introduction

The reports received on the implementation of the horizontal principle across the priority areas of the PEIL reflect a valuable engagement with the horizontal principle, an engagement that is central to achieving outcomes for all within the groups targeted by the various initiatives. There is evident good practice in a number of the reports and exemplary action is noted in the response to individual reports in section 3. This good practice could be deployed as a useful learning resource as there remain challenges to securing a systematic approach to implementing the horizontal principle across all initiatives. A number of these challenges are set out below with suggestions as to how they might be addressed.

2.1 Ambition and Outcomes Focus

The horizontal principle is concerned with: ensuring non-discrimination across the grounds of sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation; addressing multiple discrimination on more than one of these grounds; implementing reasonable accommodation of people with disabilities; and achieving more substantive forms of equality from ESF funded initiatives. Many of the reports, however, articulate an ambition that is limited to non-discrimination.

The ambition to advance substantive equality, for the groups covered by the horizontal principle, points to the need for steps to secure participation by these groups in the initiatives, and outcomes for them that are on a par with the general population. This emphasises the need for equality mainstreaming and specific targeted actions across all the grounds covered. It involves a proactive approach to address barriers, take account of disadvantage, and respond to specific needs of people from these groups. While little detail is provided, this approach is evident in some initiatives and could be further extended to others.

It would be important to: establish and report on the ambition to advance substantive equality for all groups covered by the horizontal principle in the initiatives. This ambition would encompass commitment to: achieving outcomes for people from these groups; addressing specific needs of these groups and removing barriers they experience; making reasonable accommodation for people with disabilities; and preventing discrimination.

2.2 Systematic Approach

The horizontal principle with its focus on mainstreaming and specific targeted actions requires a systematic approach by programme implementers. This approach needs to include: establishing and applying an equality and non-discrimination standard for the initiative; learning from and disseminating good practice from the initiative; strengthening the equality capacity of staff involved; gathering and analysing equality data on groups covered by the horizontal principle; and participation by people and organisations from these groups, in the design, planning, implementation and review of initiatives.

A number of reports provide valuable evidence of the different elements in such a systematic approach:

1. **Standard Set:** An equality framework, initiative guidelines, reporting requirements, and contractual obligations for programme implementers are used to establish an equality and non-discrimination standard in a number of initiatives. However, such

standards are not widespread, it is not clear how those in place are supported, tracked and required, and, in a number of instances, the standards are limited to compliance with equal treatment legislation rather than a more substantive approach.

2. **Coherence in Good Practice:** A number of initiatives report on instances of good practice pursued by different programme implementers. However, no system for learning from and disseminating such good practice is identified to ensure a coherent take-up of this across all programme implementers.
3. **Capacity Building:** Few initiatives identify steps taken to strengthen the knowledge, skills and awareness, of staff members involved in planning and delivering initiatives, in relation to promoting equality, adjusting for diversity, and preventing discrimination.
4. **Data Gathering and Application:** Equality data are gathered and provided in relation to participants, including intersectional data where the initiative is targeted on single group, though only in some instances. Equality data are not provided in relation to outcomes for the various groups. No information is provided on how these equality data are used in planning and ongoing implementation of the initiative.
5. **Consultation Process:** There is reference to the involvement of an equality expertise in the implementation of one initiative. However, reference, in the reports, to involving people and organisations from the groups covered by the horizontal principle in planning for and delivering the initiatives is limited.

GDPR is cited in a number of reports as an impediment to collecting equality data. However, guidance published by the European Commission establishes that GDPR does not prohibit the collection of such data, it establishes the conditions under which such data collection is allowed⁴.

It would be important to: establish a standard for each of these five elements of a systematic approach to the horizontal principle and to report on their implementation within each initiative.

2.3 Ensuring Accessibility

While a number of initiatives report the inclusion of participants with disabilities and some are targeted on people with disabilities, there is limited information provided on the steps taken to ensure accessibility for people with disabilities.

Reasonable accommodation for people with disabilities, in the provision of services, is a requirement under the Equal Status Acts. It involves dialogue with people with disabilities and their organisations and with the individual participant or potential participant. It encompasses communication and outreach, internal policies and procedures, physical environment, and delivery systems for any initiative.

It would be important to: establish a standard for reasonable accommodation for people with disabilities and report on its implementation within each initiative.

⁴ [Guidelines on Improving the Collection and Use of Equality Data](#), Equality Sub-Group, High Level Group on Non-Discrimination, Equality and Diversity, European Commission, DG Justice and Consumers, Brussels, 2018.

2.4 Intersectionality

Intersectionality and multiple discrimination address the situation and experience of people who are vulnerable to discrimination and inequality on more than one protected equality ground. It has a particular relevance to initiatives that are specifically targeted to the groups named under the horizontal principle.

The PEIL includes initiatives targeted to women, people with disabilities, migrants, and young people. A number of these are exemplary in their focus on intersectionality and provide data on participants in this regard. It would be useful to provide further information on the steps taken to identify and respond to the specific needs or particular barriers for people at the intersections of the grounds.

It would be important to: establish a focus on intersectionality in all specific targeted actions, identifying steps taken to address intersectionality and providing data on participation by and outcomes for people at the intersections.

2.5 Public Sector Equality and Human Rights Duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014 places a statutory obligation on public bodies, in the performance of their functions, to have regard to the need to eliminate discrimination, promote equality of opportunity and protect human rights of staff and service users. All public sector providers of PEIL initiatives, therefore, are subject to this public sector equality and human rights duty (the Duty)⁵. This requires public bodies to undertake an assessment of the equality and human rights issues relevant to their function and purpose, take action to address these issues, and report on progress made. The Duty provides an important and enabling framework within which to fulfil the requirements of the horizontal principle.

Few reports reference the Duty. It is not clear that an assessment of equality and human rights issues has been undertaken by the public bodies involved in the PEIL initiatives, and where such assessments have been undertaken, it is not identified if they have been used in the design and ongoing implementation of initiatives.

It would be important to: establish and report on how the Duty is being applied within planning for, implementations of, and reporting on initiatives. This could usefully draw from the guidance on the Duty developed by the Commission⁶.

2.6 Reporting Process

The commitment and engagement of the PEIL initiatives in implementing the horizontal principle, and in this process of reporting annually on their progress, is welcome and is of benefit to the groups covered by the horizontal principle.

Many of the reports submitted, however, do not reflect any significant response to the recommendations made in the previous report of 5 June 2019⁷. This process of engagement with, and reporting on the horizontal principle needs to be dynamic in order to serve a

⁵ See: [Implementing the Public Sector Equality and Human Rights Duty](#), Irish Human Rights and Equality Commission, Dublin, 2019.

⁶ Ibid.

⁷ ESF PEIL OP (June 2019). Irish Human Rights and Equality Commission – input on Equal Opportunities and Non-Discrimination Horizontal Principle, Monitoring Committee.

source of learning and evolution for the programme and its initiatives over time, if the aspirations that inform the horizontal principle are to be fully realised.

It would be important to: establish and implement a system for exchange on the horizontal principle, between Monitoring Committee meetings, that allows an exchange of good practice identified to support mutual learning, and that enables a practical response to suggestions made in relation to each initiative in this report.

2.7 Learning for the Next Programming Period

This report and its predecessor reports offer learning for implementing the horizontal principle over the next programming period. Three key elements to this learning are evident. These are the importance of:

1. **Solid foundation:** The public sector equality and human rights duty provides an important impetus and framework for implementing the horizontal principle to a high standard⁸. In particular, the assessment of equality and human rights issues required under the Duty provides a key frame to assist in ensuring initiatives include the appropriate actions and processes necessary to fully respect the horizontal principle. The Duty and its requirements need to be formally integrated into the preparation, planning, and implementation, monitoring and reporting of programme initiatives.
2. **Systematic approach:** The horizontal principle requires a systematic approach by programme implementers. The key elements to such an approach need to be agreed and pursued coherently by all programme implementers at the start of the programming period. They could usefully include the elements identified in 2.2 above: standard set; coherence in good practice; capacity building; data gathering and application; and consultation.
3. **Technical assistance:** Programme implementers are at different stages in their approach to implementing the horizontal principle. The technical assistance budget could usefully be deployed to support a shared capacity for a more uniform approach among programme implementers. This capacity building could be reinforced by a networking process for peer support and peer stimulus in relation to the horizontal principle.

It would be important to: take steps to identify, agree on, and apply the key learning from this programming period that would inform the approach to implementing the horizontal principle over the next programming period.

⁸ See: Op. cit. Irish Human Rights and Equality Commission, Dublin, 2019.

3. Summary Remarks on Action under the Five Priority Areas

3.1 PRIORITY ONE:

ESF 1.1 Training for the Unemployed (SOLAS)

This initiative involves a suite of training programmes in three categories: Specific Skills Training; traineeships; and bridging/foundation courses. It targets a range of learners including: early school leavers, unemployed/job-seekers, ethnic minorities, lone parents and other “at risk” priority cohorts. ETBs are identified as providers.

The report provides detail on positive steps of an exemplary nature taken at national level by SOLAS, relevant across the full spectrum of FET provision, in relation to the horizontal principle. This includes: staff training and development; the centrality of the Active Inclusion pillar of the FET strategy; national guidelines with relevance to the inclusion of people with intellectual disabilities, ESOL, universal design for learning, and language competency assessment of migrants; an awareness raising campaign that included targeting of Travellers and migrants; the national adult learner forum; strategic performance agreements with the ETBs; the inclusion of reference to the public sector duty, and the needs of specific groups covered by the horizontal principle, in the FARR process; guidance for ETBs on inclusion strategies that include a focus on specific groups covered by the horizontal principle; and data collection and data reports that encompasses a number of the groups covered by the horizontal principle.

The report provides detail on good practices by ETBs in staff training, and in targeting some of the groups covered by the horizontal principle. It makes mention of technology assisted learning. Data are provided on those accessing training for the unemployed that include data on young and older people, people with disabilities, and migrants. GDPR is cited as a barrier to data collection.

SOLAS sets a positive leadership for implementation of the horizontal principle that could usefully be shared across other programmes. The work done could usefully be further developed. It would be important to:

- report on data in relation to participation and outcomes of women and men and of Travellers and Roma, and in relation to outcomes for the different groups participating in training for the unemployed, and identify how these data are used in planning and service design,
- identify the issues in relation to GDPR, taking account of the work of the European Commission on this matter⁹,
- report on progress made by ETBs on implementing the public sector equality and human rights duty and how the FARR process is enabling this,
- identify how SOLAS is implementing the public sector equality and human rights duty in its planning for the FET sector,
- report on how the review of the Strategic Performance Agreements addresses progress made relative to implementing the horizontal principle as it pertains to training for the unemployed,

⁹ [Guidelines on Improving the Collection and Use of Equality Data](#), Equality Sub-Group, High Level Group on Non-Discrimination, Equality and Diversity, European Commission, DG Justice and Consumers, Brussels, 2018.

- report on the steps taken to establish and implement a standard for making reasonable accommodation for people with disabilities in accessing and benefiting from training for the unemployed,
- report on action taken to ensure access to technology assisted learning for all groups covered by the horizontal principle,
- include a specific focus on the needs and experiences of learners from across all groups covered by the horizontal principle in the work of and reports from the national adult learner forum,
- report on action taken to learn from, and disseminate, good practice by ETBs, in relation to the groups covered by the horizontal principle, in order to develop shared ambition and coherent responses across the sector, and
- build on the good practice example of continued professional development to sustain a coherent approach to equality and human rights training for SOLAS and ETB staff.

The report could have further responded to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle¹⁰.

ESF 1.2 Springboard+ (Higher Education Authority)

This initiative enables participants to remain close to the labour market by accessing part-time flexible higher education and training opportunities to upskill or reskill in areas where labour market opportunities exist.

Course providers are selected by the HEA on foot of an annual competitive call. The report notes that the contract includes a reminder of obligations under the Equal Status Acts.

The report provides very limited information and data on the implementation of the horizontal principle. It would be important to:

- gather data and report on the gender balance in the take up of the initiative and on the take-up of the initiative by members of other groups covered by the horizontal principle, and include information on the steps taken to ensure substantive equality outcomes,
- provide evidence of a gender perspective being applied to the design, promotion, and delivery of the initiative, and include information on the steps taken to ensure substantive equality outcomes,
- provide an analysis of and response to the barriers to accessing and participating in the initiative that might be experienced by other groups covered by the horizontal principle, and include information on the steps taken to ensure substantive equality outcomes,
- provide information on the policy and practice of making reasonable accommodation for people with disabilities to access and participate in the initiative, and
- identify and report on the steps taken to ensure that course providers fulfil their obligations under the Equal Status Acts, how these are monitored, and how this might be extended to reflect the broader requirements of the horizontal principle.

¹⁰ ESF PEIL OP (June 2019). Irish Human Rights and Equality Commission – input on Equal Opportunities and Non-Discrimination Horizontal Principle, Monitoring Committee.

The report does not evidence any significant response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle¹¹.

ESF 1.3 ICT Skills Conversion (Higher Education Authority)

The ICT Skills Conversion initiative responds to employer needs for ICT graduates with requisite skills. An annual competitive call is made to secure course providers.

The report notes that the contract for course providers refers to the Equal Status Acts. It notes that participation is open to all who fulfil the eligibility criteria “regardless of gender, civil status, family status, age, disability, race, sexual orientation, religious belief or membership of the Traveller Community”.

The report provides very limited information and data on the implementation of the horizontal principle. It would be important to:

- gather data and report on the gender balance in the take up of the initiative and on the take-up of the initiative by members of other groups covered by the horizontal principle, and include information on the steps taken to ensure substantive equality outcomes,
- provide evidence of a gender perspective being applied to the design, promotion, and delivery of the initiative, and include information on the steps taken to ensure substantive equality outcomes,
- provide an analysis of, and response to the barriers to accessing and participating in the initiative that might be experienced by other groups covered by the horizontal principle, and include information on the steps taken to ensure substantive equality outcomes,
- provide information on the policy and practice of making reasonable accommodation for people with disabilities to access and participate in the initiative, and
- identify and report on steps taken to ensure that course providers fulfil their obligations under Equal Status Acts, how these are monitored, and how this could reflect the broader requirements of the horizontal principle.

The report does not evidence any significant response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle¹².

ESF 1.5 Intra-EU Mobility (Department of Employment Affairs and Social Protection)

This initiative is focused on the free movement of labour and, specifically, on recruiting EU workers for ‘difficult to fill’ vacancies in Ireland and on migrant worker integration (DIALOG). This is a specific targeted action to migrant workers.

The report establishes the commitment to actions being organised on the basis of the equal opportunities and non-discrimination principle. It identifies the participation of Diversity and Equality Works trainers at DIALOG events.

¹¹ Ibid.

¹² Ibid.

The report provides very limited information and data on the implementation of the horizontal principle. It would be important to:

- gather data and report on the gender balance in participation at events and on participation at events by members of other groups covered by the horizontal principle,
- include information on the steps taken to ensure substantive equality of participation and outcomes from this participation for women and men,
- report on needs identified that are specific to each of the groups covered by the horizontal principle and the manner in which these were responded to as part of an intersectional approach,
- provide information on the policy and practice of making reasonable accommodation for people with disabilities to access and participate in the events,
- report on the role played by Diversity and Equality Works in the DIALOG events, and
- establish the commitment of the project to advancing substantive forms of equality beyond the positive commitment to non-discrimination.

The report does not evidence any significant response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle¹³.

3.2 PRIORITY TWO:

ESF 2.1 SICAP (Department of Rural and Community Development)

The Social Inclusion and Community Activation Programme (SICAP) is a specifically targeted action to promote social inclusion and equality. It is concerned with supporting communities and supporting individuals in this regard. It is delivered through 49 organisations, primarily local development companies.

The report presents exemplary participation data, exemplary both in the levels of participation achieved and in being broken down across most of the grounds covered by the horizontal principle. This is driven by a horizontal theme: promoting an equality framework, with a particular focus on gender equality and anti-discrimination practices. SICAP Programme Implementers are required to incorporate this horizontal theme into their strategic and annual planning processes. There is a concern to ensure compliance with the Equal Status Acts and to advance outcomes for a more equal society. Innovative work is reported to extend the focus on outcomes to both hard and soft outcomes.

SICAP sets a positive leadership for implementation of the horizontal principle that could usefully be shared across other programmes. The work done could usefully be further developed. It would be important to:

- provide the data on hard and soft outcomes in a manner that is broken down across the horizontal grounds, as has been done for participation data,
- report on steps taken to set, support, and monitor standards for the horizontal theme for an equality framework, to ensure a coherent ambition for and approach to this theme across all the groups covered by the horizontal principle,

¹³ Ibid.

- report on steps taken to analyse and make use of the equality data gathered to further enhance programme outcomes for all the groups covered by the horizontal principle,
- identify the need for an intersectional approach in actions targeted on specific groups covered by the horizontal principle and report on support for intersectional approaches,
- report on action taken to disseminate and promote instances of good equality practice, as are evident from the report, among programme implementers, and
- identify how the requirement on programme implementers to comply with the Equal Status Acts is monitored, supported and enforced, and how this might be extended to include the Employment Equality Acts and the broader requirements of the horizontal principle.

The report does not evidence any significant response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle¹⁴.

ESF 2.2 Youthreach (SOLAS)

This initiative is aimed at young, unemployed, early school leavers aged 15-20. It provides this cohort with an opportunity to progress their education and training and acquire certification over a two-year period in 'out-of-school' settings such as Youthreach centres and Community Training Centres. It is a flexible programme, in design and delivery, to accommodate specific needs. ETBs are identified as providers through Youthreach Centres for this report.

The report provides detail on positive steps of an exemplary nature taken at national level by SOLAS, relevant across the full spectrum of FET provision, in relation to the horizontal principle. This includes: staff training and development; the centrality of the Active Inclusion pillar of the FET strategy; national guidelines with relevance to the inclusion of people with intellectual disabilities, ESOL, universal design for learning, and language competency assessment of migrants; an awareness raising campaign that included targeting of Travellers and migrants; the national adult learner forum; strategic performance agreements with the ETBs; the inclusion of reference to the public sector duty and the needs of specific groups, covered by the horizontal principle, in the FARR process; guidance for ETBs on inclusion strategies that include a focus on specific groups covered by the horizontal principle; and data collection and data reports that encompasses a number of the groups covered by the horizontal principle.

The report references an evaluation by the ESRI of the initiative concluded in 2019 and recommendations emanating from this. There is limited reference as to how this evaluation referenced the horizontal principle and the groups it covers. SOLAS has undertaken to review the programme guidelines, monitor completion rates, and seek to identify actions to ensure clarity, consistency and best practice across centres and ETBs.

The report provides detail on a range of good practice by ETBs in staff training and in some targeting of a number of the groups covered by the horizontal principle. It makes mention of technology assisted learning. Data are provided on those accessing Youthreach that

¹⁴ Ibid.

include data on people with disabilities, and migrants. GDPR is cited as a barrier to data collection.

The positive approach evident in the report could usefully be further developed. It would be important to:

- report on data in relation to participation and outcomes of young women and young men and of Travellers and Roma young people, and in relation to outcomes for the different groups participating in Youthreach, and identify how these data are used in planning and service design,
- identify the issues in relation to GDPR, taking account of the work of the European Commission on this matter¹⁵,
- report on how the horizontal principle was addressed in the Youthreach evaluation and how it will be addressed in the subsequent review of programme guidelines, monitoring of completion rates, and identification of best practices,
- report on progress made across the ETBs on implementing the public sector equality and human rights duty and how the FARR process is enabling this,
- report on how the review of the Strategic Performance Agreements addresses progress made relative to implementing the horizontal principle as it pertains to the Youthreach,
- report on the steps taken to establish and implement a standard for making reasonable accommodation for people with disabilities in accessing and benefiting from Youthreach,
- report on action taken to ensure access to technology assisted learning for all groups covered by the horizontal principle,
- include a specific focus on the needs and experiences of learners from across all groups covered by the horizontal principle in the work of and reports from the national adult learner forum,
- report on action taken to learn from, and disseminate good practice by ETBs, in relation to the groups covered by the horizontal principle, in order to develop shared ambition and coherent responses across the sector, and
- build on the good practice example of continued professional development to sustain a coherent approach to equality and human rights training for SOLAS and ETB staff.

The report could have further responded to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle¹⁶.

ESF 2.3 Garda Youth Diversion Project (Department of Justice and Equality)

The Garda Youth Diversion Project (GYDP) supports young people at risk of becoming involved, or who are actively involved in criminal and/or anti-social behaviour. It is delivered in a range of locations across the country through community-based and multi-agency initiatives.

¹⁵ [Guidelines on Improving the Collection and Use of Equality Data](#), Equality Sub-Group, High Level Group on Non-Discrimination, Equality and Diversity, European Commission, DG Justice and Consumers, Brussels, 2018.

¹⁶ ESF PEIL OP (June 2019). Irish Human Rights and Equality Commission – input on Equal Opportunities and Non-Discrimination Horizontal Principle, Monitoring Committee.

The report presents exemplary participation data broken down across most of the grounds covered by the horizontal principle. It identifies a broad and diverse range of new actions specifically targeting groups covered by the horizontal principle. Participation is by referral and the report notes that the service is provided “to those at risk, regardless of the equality grounds of gender, civil status, family status, disability, race, sexual orientation, religious beliefs or ethnicity”.

The positive approach evident in the report could usefully be further developed. It would be important to:

- provide data on outcomes for participants in a manner that is broken down across the groups covered by the horizontal principle, as has been done for participation data,
- report on steps taken to analyse and make use of the equality data gathered to further enhance project outcomes for all the groups covered by the horizontal principle,
- report on steps taken to set, support, and monitor standards for working with members of groups covered by the horizontal principle, to ensure a coherent approach across all projects,
- report on the steps taken to make reasonable accommodation for people with disabilities referred to the projects,
- report on action taken to disseminate and promote instances of good equality practice, as are evident from the report, among projects, and
- identify how the requirement on programme implementers to comply with the Equal Status Acts is monitored, supported and enforced, and how this might be extended to include the Employment Equality Acts and the broader requirements of the horizontal principle.

The report evidences some response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle¹⁷.

ESF 2.4 Young Person Probation (Department of Justice and Equality)

These four projects deliver support to young people who are under the supervision of the Probation Service or at risk of becoming involved in crime.

The report provides data on participants that include gender, disability, and ‘minority’ status. A range of good practices are presented that include: organisational policy, targeted intervention, adaptation for diversity, volunteer training, and equality data gathering. These practices encompass a focus on minority ethnic, including Traveller, people.

The positive approach evident in the report could usefully be further developed. It would be important to:

- provide comprehensive data on participation and outcomes in a manner that is broken down across the groups covered by the horizontal principle,
- report on the steps taken to make reasonable accommodation for people with disabilities referred to the projects, and

¹⁷ Ibid.

- report on steps taken to set, support, and monitor standards, based on the good practice evident, for working with members of the groups covered by the horizontal principle, to ensure a coherent approach across all projects.

The report does not evidence any significant response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle¹⁸.

ESF 2.6 Ability (Department of Employment Affairs and Social Protection)

This initiative supports the employability of young people with disabilities who are distant from the labour market. It is a specific targeted action on the grounds of disability and age under the horizontal principle. It involves twenty-six funded programmes with different grantees, and includes work with employers.

The report is exemplary in providing data on participation that include different groups of people with disabilities, and intersections with age, gender, ethnicity, and socio-economic status. A number of positive outcomes from the initiative, for young people with disabilities, are presented alongside good practice initiatives with employers. Barriers of transport and of employer reticence are usefully noted.

The positive approach evident in the report could usefully be further developed. It would be important to:

- provide data on outcomes for participants in a manner that is broken down across the groups covered by the horizontal principle, as has been done for participation data,
- report on steps taken to analyse and make use of the equality data gathered to further enhance project outcomes for all the groups covered by the horizontal principle,
- report on action taken to learn from and disseminate good practice by grantees in order to developed shared standards and coherent responses to the needs of young people with disabilities, and
- report on steps taken with employers so that they are aware of their obligations under the Employment Equality Acts and have a capacity to respond to these.

ESF 2.7 Integration and Employment of Migrants (Department of Justice and Equality)

The Integration and Employment of Migrants initiative supports the employability of EEA Nationals who are resident in Ireland and Third Country Nationals with permission to enter employment in Ireland. It is a specific targeted action advancing equality and integration for migrants.

The report notes that the initiative is based on the principles of equal opportunities for all and non-discrimination on any of the prohibited grounds. Project reporting is exemplary in requiring inclusion of information on categories of “age, migrants, disability, and other disadvantaged”. A breakdown of participants on the initiative on these grounds is provided. GDPR is cited by projects as a barrier to including other groups of migrants in this data gathering. The report notes that it is planned to seek “an equal opportunities horizontal principle report” from projects.

¹⁸ Ibid.

The positive approach evident in the report could usefully be further developed. It would be important to:

- report on steps taken to analyse and make use of the intersectional equality data gathered to enhance project outcomes for migrants from these groups,
- provide data on outcomes for participants in a manner that is broken down across the horizontal grounds, as has been done for participation data,
- report on steps taken to set, support, and monitor standards for working with migrants from the other groups covered by the horizontal principle, to ensure a coherent approach across all projects to equality, diversity, and non-discrimination on these grounds,
- report on the steps taken by projects to make reasonable accommodation for migrants with disabilities,
- identify and report on the steps taken to ensure that project promoters fulfil their obligations under the Equal Status Acts, how these are monitored, and how this might be extended to include the broader requirements of the horizontal principle, and
- report on progress made in seeking annual equal opportunities horizontal principle reports from projects and the use to which these have been put.

The report evidences a limited response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle¹⁹.

ESF 2.8 Tus Nua (Department of Justice and Equality)

This initiative provides women leaving prison, and women with a history of offending, with safe supported housing and a positive environment in which to enhance their life-skills for independent living. It is a specific initiative targeted on women, located within commitments in “An Effective Response to Women who Offend” 2014-2016 and the “National Strategy for Women and Girls 2017-2020”.

The report, positively, provides intersectional data in relation to minority ethnic women and women with a disability and commits to monitoring these data. It commits to having a “low threshold ethos” and to making provision “irrespective of background, ethnic origin etc.”.

The positive approach evident in the report could usefully be further developed. It would be important to:

- provide data on outcomes in the same manner as the data on participation,
- report on the steps taken by projects to make reasonable accommodation for women with disabilities and to make adjustments for the specific needs of migrant women,
- report on steps taken to analyse and make use of the intersectional equality data gathered to enhance outcomes for women from these groups, and
- establish the commitment of the project to advancing substantive forms of equality beyond the positive commitment to non-discrimination.

¹⁹ Ibid.

The report evidences a limited response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle (5 June 2019).

ESF 2.9 Gender Equality (Department of Justice and Equality)

This initiative supports two strands of activity: women returning to the workforce; and women's entrepreneurship. It is a specific targeted action to contribute to gender equality in the labour market. Eighteen projects around the country are supported on the basis of an open call for proposals in 2016. A further twelve projects are supported on the basis of a similar call in 2019.

The report notes that the initiative is targeted at women only but includes for "open access to all women, regardless of civil or family status, race, disability, etc., provided they are detached from the labour market". It is exemplary in providing data on participation by older women, women with disability, and migrant/minority ethnic women. GDPR is cited by projects as a barrier to including other groups of women in this data gathering. The report points to two projects from the 2016 call for proposals that reflect an intersectional approach in the initiative in supporting migrant women and lone parents respectively, and there would appear to be a further three projects from the 2019 call for proposals supporting migrant women. Project reporting requirements include "information such as Labour Market Status, Age, Educational Attainment, and whether a participant is Disadvantaged".

The positive approach evident in the report could usefully be further developed. It would be important to:

- report on steps taken to analyse and make use of the intersectional equality data gathered to enhance project outcomes for women from these groups,
- provide data on outcomes for participants in a manner that is broken down across the horizontal grounds, as has been done for participation data,
- report on steps taken to set, support, and monitor standards for working with women from the other groups covered by the horizontal principle, to ensure a coherent approach across all projects to equality, diversity, and non-discrimination on these grounds,
- report on the steps taken by projects to make reasonable accommodation for women with disabilities, and
- identify and report on the steps taken to ensure that project promoters fulfil their obligations under the Equal Status Acts, how these are monitored, and how this might be extended to reflect the broader requirements of the horizontal principle.

The report evidences a limited response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle²⁰.

3.3 PRIORITY THREE:

ESF 3.1 Third Level Access (Higher Education Authority)

This initiative is a specific targeted initiative for equality involving the Fund for Students with Disabilities and the Student Access Fund. The Funds sit within the National Plan for Equity of Access to Higher Education 2015-2019. The Funds were reviewed in 2016 and

²⁰ Ibid.

2017 respectively and HEA-chaired Implementation Groups have been established, for both Funds, to progress the recommendations made. Improvements are reported in relation to each Fund during 2018/2019.

A number of issues emerge in relation to implementation of the horizontal principle for this valuable initiative. It would be important to:

- gather data and report on the take up of each Fund by the other grounds covered by the horizontal principle. At a minimum, this intersectional approach should address gender and could further include minority ethnic people, including Travellers, and older people,
- provide evidence of a gender perspective being applied to promoting the Funds and in the management of the Funds, and include information on the steps taken to ensure substantive equality outcomes,
- provide evidence of a wider analysis of the barriers to taking advantage of the Funds experienced by the other groups covered by the horizontal principle, and include information on the steps taken to ensure substantive equality outcomes for all these groups,
- report on the steps taken to make reasonable accommodation for and the take up of the Fund for Students with Disabilities by people with disabilities with different types of impairment, and
- report on the inclusion of representatives of the groups covered by the horizontal principle on the two implementation groups established.

The report does not evidence any significant response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle²¹.

ESF 3.2 Back to Education Initiative (SOLAS)

This initiative seeks to increase the number of adults with upper second level education and enable their progression to further education and training. Programmes are flexible in design and delivery to meet the needs of a range of learners. Programmes can be run in local areas using local facilities. Tuition is free for those in receipt of unemployment payments or means-tested social welfare benefits, and holders of medical card. The operational guidelines focus attention on substantive equality, equality proofing, and targeting the groups covered by the horizontal principle is noted. ETBs are identified as providers.

The report provides detail on positive steps of an exemplary nature taken at national level by SOLAS, relevant across the full spectrum of FET provision, in relation to the horizontal principle. This includes: staff training and development; the centrality of the Active Inclusion pillar of the FET strategy; national guidelines with relevance to the inclusion of people with intellectual disabilities, ESOL, universal design for learning, and language competency assessment of migrants; an awareness raising campaign that included targeting of Travellers and migrants; the national adult learner forum; strategic performance agreements with the ETBs; the inclusion of reference to the public sector duty and the needs of specific groups covered by the horizontal principle in the FARR process; guidance for ETBs on inclusion strategies that include a focus on specific groups covered by

²¹ Ibid.

the horizontal principle; and data collection and data reports that encompasses a number of the groups covered by the horizontal principle.

The report provides detail on a range of good practice by ETBs in staff training and in targeting some of the groups covered by the horizontal principle. It makes mention of technology assisted learning. Data are provided on those accessing BTEI that include data on young and older people, people with disabilities, and migrants. GDPR is cited as a barrier to data collection.

The positive approach evident in the report could usefully be further developed. It would be important to:

- report on data in relation to participation and outcomes of women and men and of Travellers and Roma, and in relation to outcomes for the different groups participating in BTEI, and identify how these data are used in planning and service design,
- identify the issues in relation to GDPR, taking account of the work of the European Commission on this matter²²,
- report on progress made across the ETBs on implementing the public sector equality and human rights duty and how the FARR process is enabling this,
- report on how the review of the Strategic Performance Agreements addresses progress made relative to implementing the horizontal principle as it pertains to the BTEI,
- report on steps taken to monitor and ensure a coherent and consistent implementation by BTEI providers of the equality requirements in the operational guidelines,
- report on the steps taken to establish and implement a standard for making reasonable accommodation for people with disabilities in accessing and benefiting from BTEI,
- report on action taken to ensure access to technology assisted learning for all groups covered by the horizontal principle,
- include a specific focus on the needs and experiences of learners, from across all groups covered by the horizontal principle, in the work of, and reports from the national adult learner forum,
- report on action taken to learn from, and disseminate, good practice by ETBs, in relation to the groups covered by the horizontal principle, in order to develop shared ambition and coherent responses across the sector, and
- build on the good practice example of continued professional development to sustain a coherent approach to equality and human rights training for SOLAS and ETB staff.

The report could have further responded to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle²³.

²² [Guidelines on Improving the Collection and Use of Equality Data](#), Equality Sub-Group, High Level Group on Non-Discrimination, Equality and Diversity, European Commission, DG Justice and Consumers, Brussels, 2018.

²³ ESF PEIL OP (June 2019). Irish Human Rights and Equality Commission – input on Equal Opportunities and Non-Discrimination Horizontal Principle, Monitoring Committee.

ESF 3.3 Adult Literacy (SOLAS)

This initiative provides a range of tuition options to adults with unmet literacy needs. It is a subset of the wider FET provision and is one of the largest programme areas in FET by learner participation numbers. ETBs are identified as providers. A new literacy and numeracy strategy is in preparation as part of the Active Inclusion pillar of the new FET Strategy 2020-2024.

The report provides detail on positive steps of an exemplary nature taken at national level by SOLAS, relevant across the full spectrum of FET provision, in relation to the horizontal principle. This includes: staff training and development; the centrality of the Active Inclusion pillar of the FET strategy; national guidelines with relevance to the inclusion of people with intellectual disabilities, ESOL, universal design for learning, and language competency assessment of migrants; an awareness raising campaign that included targeting of Travellers and migrants; the national adult learner forum; strategic performance agreements with the ETBs; the inclusion of reference to the public sector duty and the needs of specific groups covered by the horizontal principle in the FARR process; guidance for ETBs on inclusion strategies that include a focus on specific groups covered by the horizontal principle; and data collection and data reports that encompass a number of the groups covered by the horizontal principle.

The report provides detail on a range of good practice by ETBs in training staff, advancing access for people with disabilities, responding to the needs of refugees and asylum seeker, targeting Roma and Traveller learners, and partnerships with NGOs representing these groups. Data are provided on those accessing adult learning that include data on young and older people, people with disabilities, and migrants. GDPR is cited as a barrier to data collection.

The positive approach evident in the report could usefully be further developed. It would be important to:

- report on data in relation to participation and outcomes of women and men and of Travellers and Roma, and in relation to outcomes for the different groups from adult literacy provision, and identify how these data are used in planning and service design,
- identify the issues in relation to GDPR, taking account of the work of the European Commission on this matter²⁴,
- report on progress made across the ETBs on implementing the public sector equality and human rights duty and how the FARR process is enabling this,
- identify the SOLAS approach to implementing the public sector equality and human rights duty in the new literacy and numeracy strategy,
- report on how the review of the Strategic Performance Agreements addresses progress made relative to implementing the horizontal principle as it pertains to adult literacy provision,
- report on the steps taken to build on the evident good practice reported in individual instances to establish a standard for making reasonable accommodation for people with disabilities in accessing and benefiting from adult literacy provision,

²⁴ [Guidelines on Improving the Collection and Use of Equality Data](#), Equality Sub-Group, High Level Group on Non-Discrimination, Equality and Diversity, European Commission, DG Justice and Consumers, Brussels, 2018.

- include a specific focus on the needs and experiences of learners from across all groups covered by the horizontal principle in the work of and reports from the national adult learner forum,
- report on action taken to learn from, and disseminate good practice by ETBs, in relation to the groups covered by the horizontal principle, in order to develop shared ambition and coherent responses across the sector, and
- build on the good practice example of continued professional development to sustain a coherent approach to equality and human rights training for SOLAS and ETB staff.

The report could have further responded to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle²⁵.

3.4 PRIORITY FOUR:

ESF 4.1 Back to Work Enterprise Allowance (Department of Employment Affairs and Social Protection)

This initiative incentivises those on social welfare, over a long-term period, to engage in self-employment. It is demand-driven and all those eligible are informed of the scheme.

The report identifies a significant improvement in the gender balance of those taking up the scheme from 2015 to 2017, to a narrower margin than live register comparisons. It notes that the scheme is available to all on an equal opportunities basis and all job seekers are informed of the support on a non-discriminatory basis.

A number of issues emerge in relation to implementation of the horizontal principle for this initiative. It would be important to:

- analyse and report on the reasons for the change in the gender balance of take-up over 2015-2017 and provide data on outcomes from the scheme on a gender basis,
- gather, analyse and report on data on the take up of and outcomes from the scheme by all groups covered by the horizontal principle,
- report on the steps taken to make reasonable accommodation for people with disabilities in accessing and benefiting from the scheme, and
- identify how the scheme is advancing substantive forms of equality beyond the positive commitment to non-discrimination, by establishing and responding to specific barriers experienced by the various groups covered by the horizontal principle.

The report does not evidence any significant response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle²⁶.

²⁵ ESF PEIL OP (June 2019). Irish Human Rights and Equality Commission – input on Equal Opportunities and Non-Discrimination Horizontal Principle, Monitoring Committee.

²⁶ Ibid.

ESF 4.2 JobsPlus Incentive Scheme (Department of Employment Affairs and Social Protection)

This scheme is an employer incentive to encourage employers to employ jobseekers from the Live Register.

The report notes that employer obligations under equality legislation are identified in all communications with the employers. Employers are reminded of the importance of an inclusive approach and the supports available to employees with disabilities. Positive action is identified in relation to one parent families and refugees, and, more recently in relation to those over the age of 50 years of foot of a Focussed Policy Assessment.

A number of issues emerge in relation to implementation of the horizontal principle for this initiative. It would be important to:

- report on participation on the scheme by people from the groups covered by the horizontal principle and the outcomes achieved across these groups,
- report on the steps taken to ensure reasonable accommodation for people with disabilities in accessing and benefiting from the scheme, and
- identify and report on the steps taken to ensure that employers fulfil their obligations under the Equal Status Acts and respond to the encouragement to be inclusive, and how these are monitored.

The report does not evidence any significant response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle²⁷.

ESF 4.8 Community Training Centres (SOLAS)

This initiative covers the work of Community Training Centres, operated by local community organisations, to cater principally for early school leavers and those who have experienced educational disadvantage. The Youthreach programme is offered through 35 Community Training Centres nationally. Youthreach is aimed at young, unemployed, early school leavers aged 15-20. It provides young, unemployed, early school leavers with an opportunity to progress their education and training and acquire certification over a two-year period in 'out-of-school' settings.

The report provides detail on positive steps of an exemplary nature taken at national level by SOLAS, relevant across the full spectrum of FET provision, in relation to the horizontal principle. This includes: staff training and development; the centrality of the Active Inclusion pillar of the FET strategy; national guidelines with relevance to the inclusion of people with intellectual disabilities, ESOL, universal design for learning, and language competency assessment of migrants; an awareness raising campaign that included targeting of Travellers and migrants; the national adult learner forum; strategic performance agreements with the ETBs; the inclusion of reference to the public sector duty and the needs of specific groups covered by the horizontal principle in the FARR process; guidance for ETBs on inclusion strategies that include a focus on specific groups covered by the horizontal principle; and data collection and data reports that encompass a number of the groups covered by the horizontal principle.

²⁷ Ibid.

The report references an evaluation by the ESRI of Youthreach concluded in 2019 and recommendations emanating from this. There is limited reference as to how this evaluation referenced the horizontal principle and the groups it covers. SOLAS has undertaken to review the programme guidelines, monitor completion rates, and seek to identify actions to ensure clarity, consistency and best practice across centres and ETBs.

The report provides detail on good practices by ETBs in staff training and in targeting of a number of the groups covered by the horizontal principle. However, it does not specify good practices in CTCs. It makes mention of technology assisted learning. Data are provided on those accessing CTCs that include data on people with disabilities, and migrants. GDPR is cited as a barrier to data collection.

The positive approach evident in the report could usefully be further developed. It would be important to:

- report on data in relation to participation and outcomes of young women and young men and of Travellers and Roma young people, and in relation to outcomes for the different groups participating in the CTCs, and identify how this data is used in planning and service design,
- identify the issues in relation to GDPR, taking account of the work of the European Commission on this matter²⁸,
- report on how the horizontal principle was addressed in the Youthreach evaluation and how it will be addressed in the subsequent review of programme guidelines, monitoring of completion rates, and identification of best practices,
- report on progress made across the ETBs and CTCs on implementing the public sector equality and human rights duty and how the FARR process is enabling this,
- report on how the review of the Strategic Performance Agreements addresses progress made relative to implementing the horizontal principle as it pertains to CTCs,
- report on steps taken to establish and implement a standard for making reasonable accommodation for people with disabilities by CTCs,
- report on action taken to ensure access to technology assisted learning for all groups covered by the horizontal principle,
- include a specific focus on the needs and experiences of learners from across all groups covered by the horizontal principle in the work of and reports from the national adult learner forum,
- report on action taken to establish and learn from good practice by CTCs, in relation to the groups covered by the horizontal principle, in order to develop shared ambition and coherent responses across the sector, and
- report on continued professional development of CTC staff to sustain a coherent approach to equality and human rights.

²⁸ [Guidelines on Improving the Collection and Use of Equality Data](#), Equality Sub-Group, High Level Group on Non-Discrimination, Equality and Diversity, European Commission, DG Justice and Consumers, Brussels, 2018.

The report could have further responded to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle²⁹.

ESF 4.9 Defence Forces Employment Support Scheme (Department of Defence)

This initiative supports women and men between the ages of 18 and 24 years, disadvantaged by their socio-economic situation, to develop pathways to economic independence. The report identifies that participants must be medically certified as the programme involves a significant physical activity component.

The report provides very limited information and data on the implementation of the horizontal principle. It would be important to:

- establish a commitment for the scheme both to non-discrimination and to achieving substantive equality outcomes, and include information on the steps taken to ensure such outcomes,
- gather data and report on the gender balance in the take up of the scheme and on the take-up by other groups covered by the horizontal principle,
- provide evidence of a gender perspective being applied to the design, promotion, and delivery of the scheme and analysis of and response to the barriers to accessing and participating in the scheme that might be experienced by other groups covered by the horizontal principle, and
- provide information on the policy and practice of making reasonable accommodation for people with disabilities to participate in the scheme.

The report does not evidence any significant response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle³⁰.

ESF 4.10 Youth Employment Support Scheme (Department of Employment Affairs and Social Protection)

This initiative is targeted at young job seekers on specific qualifying social welfare benefits. It is a specific targeted initiative on the age ground.

The report usefully provides 2019 data that include a focus on take-up by gender and take-up by people with disabilities. It positively identifies a decision to encourage greater take-up by Roma and Traveller and people with disabilities in 2020 on foot of a review of the scheme. It notes that the scheme operates on an equality of opportunity basis, that the placement host is reminded of their obligations and commitments in relation to equality, and the focus on equality and non-discrimination in the YESS guidelines.

A number of issues emerge in relation to implementation of the horizontal principle for this initiative. It would be important to:

- gather, analyse, and report on data on take up of the scheme by all groups covered by the horizontal principle, and include data on outcomes for these,
- report on the steps taken to make reasonable accommodation for people with disabilities in accessing and benefiting from the scheme,

²⁹ ESF PEIL OP (June 2019). Irish Human Rights and Equality Commission – input on Equal Opportunities and Non-Discrimination Horizontal Principle, Monitoring Committee.

³⁰ Ibid.

- identify how the scheme is advancing substantive forms of equality beyond the positive commitment to non-discrimination, by establishing and responding to specific barriers experienced by the various groups covered by the horizontal principle,
- identify how the placement host is reminded of their obligations under equality legislation, how this element is supported and monitored, and how this could address the broader requirements of the horizontal principle, and
- identify how case officers are reminded of their obligations under equality legislation, how this element is supported and monitored, and how this could be extended to the broader requirements of the horizontal principle.

The report does not evidence any significant response to the suggestions made under the previous review of implementation of the horizontal equal opportunities and non-discrimination principle³¹.

³¹ Ibid.