

PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY: A GUIDE FOR COMMUNITY WORKERS



The Public Sector Equality and Human Rights Duty:

A Guide for Community Workers

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**An Roinn Forbartha
Tuaithe agus Pobail**
Department of Rural and
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Introduction

In 2022, CWI and AIEB introduced a Continuous Practice Development (CPD) initiative to create opportunities for community workers to build on their skills and knowledge in areas of relevance to community work practice. CPD refers to ongoing opportunities for community workers to develop and enhance their knowledge and skills throughout their careers so that they remain informed and in a position to respond to new and emerging issues.

This initial series of workshops explored community work methods and approaches to addressing key issues with a focus on the application of the learning to community work practice. Toolkits to accompany each workshop were developed of which this is one.

Community Work Ireland

Established in 1981 as the Community Workers Co-operative, Community Work Ireland (CWI) is a national organisation that promotes and supports community work as a means of addressing poverty, social exclusion and inequality and promoting human rights. We have a membership base of almost 900 community workers and community work organisations working with the most marginalised communities throughout the country.

All Ireland Endorsement Body for Community Work Education and Training

The All Ireland Endorsement Body for Community Work Education and Training (AIEB) is the body that promotes and ensures standards in community work practice and in community work education and training. We do this through the development and delivery of inclusive endorsement frameworks, processes and procedures for community work education providers, the development of standards and support for education and training at all levels and the development and maintenance of standards for practitioners, community work organisations, for programmes and policy makers. The board of AIEB includes professionally qualified and experienced community work practitioners, education providers, employers and funders.

Continuous Practice Development 1 – Public Sector Equality and Human Rights Duty

The first workshop focused on the Public Sector Equality and Human Rights Duty, with contributions from:

- Jacqueline Healy - At the time of the workshop, Jacqueline was the Public Sector Duty Manager with the Irish Human Rights and Equality Commission. She led the Commission's work on supporting the effective implementation of the Public Sector Equality and Human Rights Duty within public bodies in Ireland. Before joining the Commission in 2017, Jacqueline worked for many years in the non-governmental sector with national organisations focused on gender equality, migration, anti-racism and interculturalism.
- Ann Irwin and Rachel Doyle. Rachel and Ann are the joint National Coordinators of Community Work Ireland. They designed and delivered a project on the role of civil society in the Public Sector Duty in Galway City.

Public Sector Equality and Human Rights Duty

A Guide for Community Workers

What is the Public Sector Duty?

Section 42 of the Irish Human Rights and Equality Commission Act 2014 imposes a Duty on all public bodies. It states that public body shall, the performance of its functions, have regard for the need to:

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

This is an **ongoing** Duty on the public body in the implementation of all its functions.

To give effect to this provision public bodies are required to:

1. Assess

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, in a manner that is accessible to the public.

2. Address

Set out in its strategic plan the policies, plans and actions in place or proposed to be put in place to address those issues, in a manner that is accessible to the public.

3. Report

Report on developments and achievements in its annual report, in a manner that is accessible to the public.

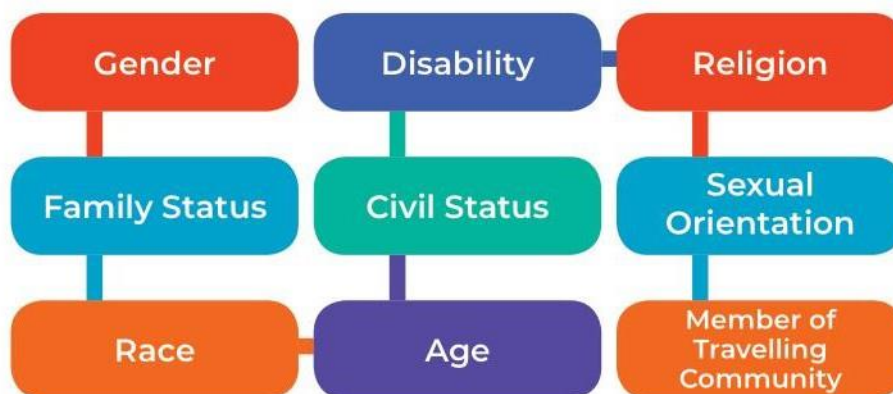
Who does the Public Sector Duty apply to?

For the purposes of the act, a public body includes:

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

Who does the Public Sector Duty cover?

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



The duty, as it encompasses both equality and human rights, has a further focus on a 10th “Socio Economic Ground” that includes people at risk of poverty and social exclusion.

The Public Sector Duty – an issue for community work

As a catalyst for institutional reform, the Duty can play a significant role in improving public policies and public services, underpinning a planned and systematic approach to equality and human rights, with the potential to drive new priorities and improve outcomes for the groups covered. This approach can further improve the delivery of public services in addressing issues such as accessibility, so that they meet the needs of everyone who requires them.

The Public Sector Duty can improve workplaces, ensuring a more accessible and inclusive workforce with a greater diversity of staff and ensuring that the specific needs of this diversity of staff are being respected and addressed.

The Public Sector Duty supports the rights of many of the communities and groups in and with which community workers work. The Public Sector Duty has the potential to be a significant tool in supporting members of the groups and communities protected by the duty to vindicate their rights and secure new and better outcomes from public policies and public services and in public sector employment.



IHREC has a role in monitoring and supporting implementation of the Duty. It states that a consultative approach to implementing the Duty is beneficial in:

- deepening the evidence base available to the public body for an effective implementation of the Duty.
- providing access to the knowledge, experience and perspectives of those affected by discrimination, inequality, human rights abuses, and social exclusion.
- ensuring that the policies, plans, and services of public bodies are responsive to the needs of both service users and staff.

Civil society organisations can:

- use the Duty to highlight and seek further action on equality and human rights issues in their engagement with public bodies.
- facilitate rights holders to use their expertise to support public bodies to adopt an evidence-based approach to their equality and human rights assessment and in their planning for action to address equality and human rights issues.
- reference the Duty in policy, advocacy and campaign work with public bodies as a lever for seeking systemic change within public bodies in their policy making, service provision, and employment.
- act as partners in supporting and informing an effective implementation of the Duty
- monitor and seek compliance with the Duty.

In this context, the participation of people from the target population who experience inequality or who have human rights concerns, and their representative organisations, is an important element in the implementation of a statutory equality and human rights duty.

Strategy and Action

The significant levels of inequality that persist in Irish society requires response at multiple levels of governance from the local to the national to the global. For community work practitioners, the key question is how to use the tool that the Public Sector Equality and Human Rights Duty provides to promote equality and human rights and challenge inequality as experienced by members of the communities in which they work.



Community Work Values and the Public Sector Equality and Human Rights Duty

Community Work Value	Values in Action
 <p>Participation</p>	<ul style="list-style-type: none">• Promoting the right of people to participate in the development of policies that affect them and to take action to mitigate their community's risk of poverty, social exclusion and discrimination.• Advocating for the right of communities to meaningfully participate in all three of the stages to implement the plan – assess, address, report.• Supporting communities to engage with the process(es).
 <p>Collectivity</p>	<ul style="list-style-type: none">• Advocating for implementation of the duty by all public bodies• Supporting communities to advocate for just, equitable public services.• Supporting the identification of common issues that require collective action as part of the implementation of the Duty.
 <p>Community Empowerment</p>	<ul style="list-style-type: none">• Facilitating education and consciousness raising on the Duty and its potential.• Supporting and empowering communities to challenge discrimination.
 <p>Human Rights, Equality and Anti-discrimination</p>	<ul style="list-style-type: none">• Focusing on human rights and equality for marginalised communities and how these can be advanced through implementation of the duty .• Supporting community to understand human rights, equality and discrimination and the Duty as a tool for vindicating rights.• Framing the experiences of public services in the context of human rights and equality.• Linking human rights and equality concerns across communities at local, national and international level.
 <p>Social Justice and Sustainable Development</p>	<ul style="list-style-type: none">• Supporting links between human rights and equality with economic and climate justice.• Promoting the development of policies that are just.• Emphasising global solidarity and strategically co-ordinated action through alliance building and networking between communities.

Consider developing a strategy at:

Community level

- Organise conversations about equality, human rights and discrimination, introducing the Public Sector Human Rights and Equality Duty as a tool.
- Identify like-minded organisations and introduce the prospect of using the Duty at local level.
- Advocate for the implementation of the Duty by public bodies in your area.
- Create opportunity for collective action to voice concerns and seek change from public bodies and their parent government departments of agencies.
- Consider establishing a Civil Society Panel to engage with public bodies on implementing the duty.
- Advocate for and support community and public bodies to undertake an assessment of the equality and human rights concerns relevant to their function.

Organisational Level

- Organise internal discussion on the Public Sector Duty and organise capacity building sessions if required.
- Implement the Duty processes within the organisation, even if this is not a statutory requirement.
- Promote the Duty – link in with local, national and international movements and events.
- Encourage individual community workers in your organisation to join CWI.

Policy level – local and national

- Engage with policy makers at local and national level.
- Engage with IHREC and gain support for action to advance the Duty.
- Ensure your community has a say in the implementation of the Duty by public bodies.
- Consider the establishment of a Civil Society Equality Panel with membership representing the 10 grounds protected by the Duty. Provide education and support to them to actively engage in the Duty as it is implemented by public bodies in your area.

Action Example - Galway City Civil Society Panel

In 2021, in the first of its kind in the country, Galway City Community Network and Galway City Partnership received funding from IHREC to support civil society engagement with the Public Sector Duty and to work with Public Sector Bodies working to implement the duty. The objectives of the Equality and Rights in Action Galway project were:

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

The Project Steering Group

A project steering group was established to advise on and oversee the implementation of the project. Collaboration with stakeholders was considered to be key to the success of the project and in that spirit, membership was drawn from state agencies, local development, community development and civil society groups in the city. The role of the Steering Group was to advise and support the development of the project, agree project work plans and receive and provide feedback on reports and updates. The role of members of the Steering Group was to represent the interests of the project within their own organisations.

The Civil Society Panel

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

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

A primary focus of the Panel was on building collective capacity and understanding of the Public Sector Duty. This involved learning about the Public Sector equality and Human Rights Duty, learning by doing using role play and mock assessments, learning from each other and the issues that each community represented face on an ongoing basis.

Engaging With Public Bodies

The Galway City Civil Society Panel provides a unique platform that can be used as a consultative forum by Public Sector Bodies engaged in implementing the Public Sector Duty as part of the assessment of their plans and reports. In this context, the Panel engaged with two Public Sector Bodies during the course of the project. The first involved members of the Panel and of the Project Steering Group meeting with the Public Sector Body to discuss on their assessment of equality and human rights issues. The assessment used a values-based framework that included the values of Dignity, Autonomy, Participation, Inclusion, Social Justice and Environmental Justice. The process of developing the assessment by the Public Body had been supported by an external consultant with expertise in equality and human rights and the Public Sector Duty who also supported the assessment by the Civil Society Panel. The second involved members of the Panel and the Project Steering Group meeting with a section of a Public Sector Body to discuss a new strategy. A draft of the strategy was presented, and Panel members had an opportunity to raise key equality and human rights concerns that they wished to have taken into consideration in the strategy. The Panel were pleased that their observations were taken into consideration in the final draft of the strategy. In addition to the above, members of the Project Steering Group met with representatives of two other Public Sector

Bodies in the city to raise greater awareness of the Duty and to explore the potential for working together on Public Sector Duty initiatives in both institutions.

The Lessons

1. A Civil Society Panel is a good way to proceed to build a platform of people with lived experience and their representative organisations to engage with the Public Sector Duty.
2. Training and capacity building in relation to the Public Sector Duty and human rights and equality issues is essential to ensure panel members have sufficient capacity to engage.
3. Numbers on the panel do not have to be limited. What is important is that all grounds covered by the Duty are represented with particular attention being paid to membership by those with lived experience.
4. Panel members participating in a process to examine and discuss assessments, plans and reports should be reimbursed for their time (through payment or vouchers). This should be the responsibility of the Public Sector Body concerned. This is particularly important for those who are engaging on a voluntary basis.
5. Make sure to have the documentation in time for all panel members to read in advance.
6. Seek follow up meetings with the Public Sector Body or look to see amended documents to make sure your concerns have been incorporated.
7. It is not necessary to wait to start engaging with a Public Sector Body for when their corporate or strategic plans are being developed. An assessment can take place in advance of the planning process and should inform that process when the time comes.
8. Start small. If a Public Sector Body is undertaking an initiative or plan e.g. a Local Economic and Community Plan, an Arts Strategy or any other plan/strategy, approach them and see if they would be willing to engage with you on the Public Sector Duty.
9. Whilst a values-based approach is worthwhile and important for the Public Sector Bodies themselves, ensuing dialogue can get confused between the values as set out and where the concerns raised by the Panel should fit. From the perspective of this project, a more straightforward way of working is to look at the functions of the Body, discuss the equality and human rights implications of each function and then identify which value applies to the concerns raised.
10. There remains a lack of understanding and awareness of the Duty amongst some Public Bodies. The role of civil society in advocating for compliance with the Duty and raising awareness of how this can be done should not be under-estimated.
11. A primary concern is the lack of sanctions for those who fail in their obligations to implement the Duty. The review of the equality acts being undertaken at the time of writing this resource should strengthen sanctions in this regard.
12. The private sector can play an important role in either promoting equality, human rights and anti-discrimination or exacerbating social exclusion, inequality and the undermining of rights. They should also be subject to the Duty.
13. Collaboration and support for Public Sector Bodies is an important element to provide guidance and advice to those seeking to meet their obligations. The Collaborative Forum idea can provide a useful and important space in that regard.
14. Civil society panels and collaborative forums need to be resourced and supported. An established non-statutory independent organisation at local level needs to take responsibility for overall organisation and co-ordination. Funding will need to be accessed from IHREC or other sources to sustain this work in Galway and to enable it throughout the country.

Resources

- **Guidance for Public Bodies** Implementing the Public Sector Equality and Human Rights Duty (2019) available [here](#)
- **Animation** Implementing the Public Sector Equality and Human Rights Duty (3 mins) (2020) available [here](#)
- **Tool:** Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: Tool for an evidence-based assessment of equality and human rights issues (2020) available [here](#)
- **Tool:** Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: Tool for a consultative approach (2020) available [here](#)
- **Guidance Note** on COVID-19 and the Public Sector Equality and Human Rights Duty (2020) available [here](#)
- **Website** More information, tools, resources and guidance for public bodies available at [here](#)
- **Animation** Know Your Rights: A Guide to the Equal Status Acts (1m27s) available [here](#)
- **Animation** A Guide to the Employment Equality Acts (3m27s) available [here](#)
- Civil Society Grass Roots Approach to the Public Sector Equality and Human Rights Duty available [here](#)
- **Video** The Galway City Civil Society Panel (6m31s) available [here](#)
- **A Duty to Innovate: A Values Led Approach to Implementing the Public Sector Equality and Human Rights Duty**, Values Lab, available [here](#)