Submission to the Department of Transport, Tourism and Sport

in relation to the development of a Statement of Strategy 2016-2019

The Equality and Rights Alliance is making this submission to inform the development of the new Statement of Strategy for the Department of Transport, Tourism and Sport for 2016-2019 and to ensure that this Statement of Strategy meets the requirements of the Irish Human Rights and Equality Commission Act 2014.

The Public Sector Duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014 requires public bodies to have regard, in carrying out their functions, to the need to eliminate discrimination, promote equality of opportunity and treatment for staff and service users, and protect the human rights of staff and service users.

Specifically the Act requires public bodies in giving effect to this duty to:

a. “set out in a manner that is accessible to the public in its strategic plan (howsoever described) an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body and the policies, plans and actions in place or proposed to be put in place to address those issues, and

b. report in a manner that is accessible to the public on developments and achievements in that regard in its annual report (howsoever described)”.

Government Departments (except the Department of Defence and the defence forces), local authorities, the Health Service Executive, Education and Training Boards, and public bodies established under an enactment or charter or any scheme administered by Government and financed wholly or partly by Government are covered by this duty

A Statement of Strategy that Gives Effect to this Public Sector Duty

The Statement of Strategy is a key instance of strategic planning by the Department of Transport, Tourism and Sport. As such it must meet the requirements of the public sector duty. In preparing the Statement of Strategy the Department must:

- Carry out an assessment of and document in the Statement of Strategy the human rights and equality issues relevant to their functions as policy-maker, service provider, employer and/or procurer of goods and services.
- Identify the policies, plans and actions it already has in place to address these issues and document these in the Statement of Strategy.
- Identify the policies, plans and actions it proposes to put in place to address these issues and documents these in the Statement of Strategy.

The Statement of Strategy should, among any policies, plans and actions proposed to address the equality and human rights issues, include a commitment to:
1. Conduct an equality and human rights impact assessment of new legislation, policies, and plans to be developed during the lifetime of the Statement of Strategy.
2. Conduct a rolling series of equality and human rights reviews of internal policies, procedures, and practices to address any equality and human rights issues for staff and service users.

A Statement of Strategy that Gears up for Ongoing Compliance with this Public Sector Duty

The Equality and Human Rights Alliance has developed guidance material to support an effective implementation on an ongoing basis by public bodies: A New Public Sector Equality and Human Rights Duty.¹ This recommends a number of steps that should be taken by public bodies to implement the public sector duty. The Statement of Strategy should commit to meeting the requirements of the public sector duty in its strategic planning on an ongoing basis.

This would require a commitment in the Statement of Strategy to:

1. Create the conditions for its implementation by:
   a. Establishing a working group drawn from senior management across its different functions to oversee and drive the process of implementing the duty.
   b. Providing training to working group members and key relevant staff on equality and human rights issues on the implementation of the public sector duty.
   c. Conduct a review of the current approach by the Department to equality and human rights issues to establish the most strategic approach to implementing the public sector duty.

2. Develop a methodology for the assessment of equality and human rights issues by:
   a. Gathering data and information to develop a database of the equality and human rights issues relevant to the functions of the Department.
   b. Establishing an ongoing dialogue on implementing the public sector duty with organisations representing groups experiencing inequality and human rights violations.
   c. Developing and implementing an equality and human rights impact assessment methodology to be conducted on draft legislation, policies and plans.
   d. Developing and implementing an equality and human rights review process to assess internal policies, procedures, and practices for their impact on equality and human rights for staff and service users.
   e. Developing a plan of action to progress work on the equality and human rights issues identified.

3. Build an approach to monitoring, evaluation, and reporting by:
   a. Establishing data systems must be established from the outset to ensure systematic data gathering in relation to the affected groups.
   b. Establishing indicators to ensure that change in relation to equality and human rights issues is measured.

Equality and Rights Alliance

The Equality and Rights Alliance (ERA) is a network of over 170 civil society organisations, trade unions and individuals with an interest in equality and human rights. It was established to seek, support, and monitor the highest standards for our equality and human rights infrastructure.