25 August 2016

Re: Statutory Duty on Public Bodies under the Irish Human Rights and Equality Commission Act 2014

Dear Secretary General,

You may be aware that Section 42 of the Irish Human Rights and Equality Commission Act 2014 contains a positive duty on public bodies to have, in the performance of its functions, regard to human rights and equality. This Public Sector Duty requires public bodies when preparing their strategic plans to conduct “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”. Furthermore the legislation requires public bodies to “report in a manner that is accessible to the public on developments and achievements in that regard in its annual report”.

In light of the drafting of the new Strategy Statement by your Department, which is required to be completed within 6 months of the appointment of your Minister, I wish to draw your attention to the Public Sector Duty. This provides a great opportunity to include policy and objectives on the Public Sector Duty within the Strategy Statement, and for your department to engage with this new statutory duty, if not already commenced.

Issues of relevance include

- The continued inclusion of human rights and equality standards in all public procurement policies and procedures related to public transport, in particular for persons with disabilities;
- The inclusion of human rights and equality considerations in all customer service and employment policies and standards developed by and promulgated by the Department for the transport, sport and tourism sectors; and
- The need to ensure human rights and equality proofing of all Departmental budgets.
• The importance that any new impact assessment guidelines, as set out in the Programme for Partnership Government, to incorporate human rights and equality proofing aspects.

I envisage that the Public Sector Duty will contribute to public sector reform and will lead to more inclusive, efficient and accountable public services. This duty can enable your Department to eliminate discrimination, promote equality of opportunity and protect the human rights of both its staff and the persons to whom it provides services.

The Irish Human Rights and Equality Commission has been given a role in supporting public bodies in carrying out the Public Sector Duty. The Commission has recently appointed a Public Sector Duty manager, Dónal Rice, who is managing the roll out of a programme of work to build awareness and capacity within the public sector on the Public Sector Duty.

This work programme includes:
• In partnership with the Institute of Public Administration, the launch in September 2016 of a new Professional Diploma in Human Rights and Equality, and a related three year bursary scheme open to public bodies;
• Developing, in conjunction with public bodies, guidance on implementing the new Public Sector Duty;
• Conducting training and workshops on using this guidance and implementing the Duty; and
• Issuing a statutory Code of Practice on the Public Sector Duty.

To support your Department in implementing the Public Sector Duty I request, in the first instance, that you appoint a point of contact within your Department at a senior level to engage with Dónal Rice, at drice@ihrec.ie, to support your Department on the implementation of the Public Sector Duty.

I also suggest that your Department includes in the Strategy Statement, as per Section 42 of the IHREC Act 2014, an assessment of the human rights and equality issues relevant to the performance of your Department’s functions and duties and a commitment to address each of these areas.

More information on the Public Sector Duty is contained in the leaflet attached and further guidance will issue from the IHREC in due course on implementing the Public Sector Duty.

Yours sincerely,

Emily Logan
Chief Commissioner