

**EQUALITY COMMISSION FOR NORTHERN IRELAND****TWO HUNDRED AND NINTH COMMISSION MEETING****HELD ON WEDNESDAY 28 FEBRUARY 2024 AT 1.30 PM**

Geraldine McGahey	Chief Commissioner
Neil Anderson	Deputy Chief Commissioner
Maureen Brunt	(R)
Lisa Caldwell	
Siobhan Cullen	(R)
Duane Farrell	
Ellen Finlay	
Monica Fitzpatrick	(R)
Colin Kennedy	
Stephen Mathews	
Carmel McKinney	(R)
Sheena McKinney	(R)
John McCallister	(R)
Preeti Yellamaty	

**APOLOGIES****IN ATTENDANCE**

Amanda Logan	Chief Executive
Louise Conlon	Director, Communications
Lisa King	Director, Research and Investigations
Roisin Mallon	Director, Dedicated Mechanism Unit
Jacqui McKee	Director, Advice and Compliance
Darren McKinstry	Director, Policy and Strategic Engagement
Eoin O'Neill	Director, Legal Services
Kathryn Barr	Senior Policy Officer, Policy and Strategic Engagement
Abena Aduse-Poku	Boardroom Apprentice

## Introductions

The Chair welcomed Commissioners to the meeting noting that several Commissioners had joined online this month.

The Chief Commissioner advised that update on the JR would be given under Any Other Business.

### 1. Minutes of the two hundred and eighth meeting held on Wednesday 24 January 2024 EC/24/02/01

The Minutes of the two hundred and eighth meeting held on Wednesday 24 January 2024 were **signed** as a true and accurate record.

### 2. Matters Arising

*Page 7:* Transgender policy positions: a briefing paper would be provided in respect to this and next steps considered.

### 3. Conflict of Interests

Duane Farrell had previously declared a conflict in relation to CLC JR and he would leave the meeting for this item.

### 4. Policy Issues

- Pay Transparency Directive: Requirements to keep pace EC/24/01/02

Roisin Mallon, Director, DMU, provided an overview of the draft policy positions which were included in the draft joint ECNI/NIHRC briefing paper on EU Pay Transparency directive. The plan was to engage with relevant stakeholders on the positions including the Executive Office, the Northern Ireland Office, the Department for Communities, and the European Commission in order to encourage adoption of our positions.

Commissioners noted that this goes beyond the Article 19 clause of the Employment Act which still needs to be enacted in Northern Ireland. Commissioners were concerned about the resource implications for the Commission if this was enacted in Northern Ireland. It was confirmed that the resource implications were likely to be significant in terms of monitoring, reporting and enforcement and that additional resources would be certainly required. The timeline was clarified, and it was noted that the Commission would need to be planning for this in 2025/26 business year and making bids for additional resources.

Following discussion, Commissioners **approved** the policy positions set out in the attached draft joint ECNI/NIHRC briefing paper and **noted** the proposed next steps.

- Policy Recommendations on Early Education and Childcare EC/24/02/03

Darren McKinstry, Director and Kathryn Barr, Senior Policy Officer, outlined the draft policy recommendations on childcare which collates and updates the Commission's previous substantive position on childcare in 2013 which was built on externally commissioned academic research. It was noted that the new Executive were clearly making childcare provision a priority issue and the proposed positions outlined would form the basis for future engagement on these issues.

Commissioners agreed that this was an important issue for the Commission to continue to engage with noting that access to appropriate early years and childcare provision was a real issue. Commissioners agreed the draft positions but asked that any final publication also make clear the Commission's existing views on the benefits also of early learning to the Child. This is clearly important and links back to the Commission's work on educational under attainment. There was a suggestion that it would be important to link up with other agencies with expertise and knowledge in this area including NICCY. It was also noted that early education provision for children with special educational needs was also important. It was welcomed that particular barriers experienced by minority ethnic people were also captured.

Following discussion and subject to consideration to the above points, Commissioners **approved** the policy position and **noted** the proposed next steps in terms of engagement.

- Teacher Exception Guidance: for approval EC/24/02/04

Jacqui McKee, Director, Advice and Compliance, provided an update of advisory and compliance work arising from the Fair Employment (School Teachers) Act (NI) 2022 (the Act). Specifically draft guidance on the recruitment and selection of teachers in schools (appended).

Commissioners commended the work done to date noting the important engagement work which had resulted in a very good piece of guidance. There was a query re the business case, and it was explained that progress had been slow and discussions were ongoing with TEO.

Commissioners **approved** the draft guidance and **noted** the update on the advisory and compliance work.

## 5. Business Reporting

There were no business matters to report.

## 6. Other Matters for Commission Decision

No matters arising for Commission decision.

## 7. Chief Commissioner's Business

EC/24/02/05

Commissioners **noted** the latest update.

### Meetings/Engagements

The Chief Commissioner outlined the meetings/engagements she had attended since the January Commission meeting and updated on a meeting she attended with the President of the Tribunals on 20 February. Along with Patrice Hardy, Equality Development Manager, she met with Patricia Higgins and Paul Martin NI Social Care to discuss Section75 issues.

The Chief Commissioner and Chief Executive attended the Four Jurisdiction meeting held in Edinburgh. She spoke at the 25@25 Leadership Programme at the Ulster University, Coleraine and attended a leaving lunch for Sinead Gibney, Chief Commissioner, IHREC.

The Chief Commissioner reported on plans for the Commission to be represented at the annual St Patricks Day celebrations in Washington in the context of the 25<sup>th</sup> anniversary of the Commission.

Commissioners **noted** the Chief Commissioners Report.

## 8. Chief Executive's Report

EC/24/02/06

Amanda Logan, Chief Executive provided further detail to her report. This included providing an update on her recent engagement with TEO on several issues including budget and future IT service provision. The draft Business Plan had been submitted to TEO but no further comment had yet been provided.

Commissioners **noted** the Chief Executive's update.

## 9. Matters for Information

- Submission to the Call for Evidence on Integrated Education by the Northern Ireland Affairs Committee EC/24/02/07
- NIHRC/ECNI Submission to European Scrutiny Committee Inquiry on Retained EU Law: the progress and Mechanics of reform EC/24/02/08

Commissioners **noted** the matters outlined above for information.

## 10. Minutes of Committee Meetings

- Minutes of the SDIC Committee Meeting held on Wednesday 15 November 2023. EC/24/02/09

Commissioners **noted** the SDIC minutes outlined above.

## 11. Any Other Business

**Legacy Act:** the Director of DMU provided an update on the judgment in respect of the Legacy Act which had latterly just been received from the Court. This was an important judgment in respect of Article 2 commitments and would have ramifications for several provisions in the Act.

[Duane Farrell left the meeting]

**CLC JR:** The Chief Commissioner provided an update in respect to this Judicial Review. She noted a number of possible next steps, and Commissioners **agreed** that the Chief Commissioner, in conjunction with the Deputy Chief Commissioner, should take advice from Counsel on next steps and proceed as advised.

12. **Date of next meeting:** Two Hundred and tenth Commission Meeting on **Wednesday, 27 March 2024, at 1.30 pm** in Equality House.

**The meeting ended at 3pm**

**Signed:**



**Date:** 27 March 2024