



Consortium for the Regional Support for Women in Disadvantaged and Rural Areas

**Response to: Gaps in Equality Legislation Inquiry
– Call for Evidence**

**Issued by: Committee for the Executive Office
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**Prepared by: Siobhán Harding
Women's Support Network
Email: policy@wsn.org.uk**



Foyle Women's
Information

Network



Women's Regional Consortium: Working to Support Women in Rural Communities and Disadvantaged Urban Areas

1. Introduction

1.1 This response has been undertaken collaboratively by the members of the Consortium for the Regional Support for Women in Disadvantaged and Rural Areas (hereafter, either the Women's Regional Consortium or simply the Consortium), which is funded by the Department for Communities and the Department of Agriculture, Environment and Rural Affairs.

1.2 The Women's Regional Consortium consists of seven established women's sector organisations that are committed to working in partnership with each other, government, statutory organisations and women's organisations, centres and groups in disadvantaged and rural areas, to ensure that organisations working for women are given the best possible support in the work they do in tackling disadvantage and social exclusion.¹ The seven groups are as follows:

- ♀ Training for Women Network (TWN) – Project lead
- ♀ Women's Resource and Development Agency (WRDA)
- ♀ Women's Support Network (WSN)
- ♀ Northern Ireland's Rural Women's Network (NIRWN)
- ♀ Women's TEC
- ♀ Women's Centre Derry
- ♀ Foyle Women's Information Network (FWIN)

1.3 The Consortium is the established link and strategic partner between government and statutory agencies and women in disadvantaged and rural areas, including all groups, centres and organisations delivering essential frontline services, advice and support. The Consortium ensures that there is a continuous two-way flow of

¹ Sections 1.2-1.3 represent the official description of the Consortium's work, as agreed and authored by its seven partner organisation

information between government and the sector. It also ensures that organisations/centres and groups are made aware of consultations, government planning and policy implementation. In turn, the Consortium ascertains the views, needs and aspirations of women in disadvantaged and rural areas and takes these views forward to influence policy development and future government planning, which ultimately results in the empowerment of local women in disadvantaged and rurally isolated communities.

1.4 The Women's Regional Consortium appreciates the opportunity to respond to the Committee for the Executive Office Inquiry into Gaps in Equality Legislation. Due to pressure of time and workload we are unable to complete as full a response as we would like to this call for evidence. We therefore wish to fully endorse the Women's Policy Group (WPG) response of which we are a member and the response from our colleagues in Women's Platform. We call on the Committee to fully consider the detail of the WPG and Women's Platform responses.

2.0 Specific Questions

1. Do you consent to your submission being published on the Committee's website and included in the Committee's report?

(Required)

- Publish response
- Publish response anonymously (this will remove all personal identifiers including name, organisation & e-mail)
- Do not publish response

2. What is your name?

Name:

Siobhán Harding

3. What is your email address?

Email:

policy@wsn.org.uk

4. What is your gender and age group?

(Required)

- Male
- Female

(Required)

- 1-20
- 21-40
- 41-60
- 60+

5. Are you an individual or organisation?

(Required)

- Individual
- Organisation

6. What is your organisation?

Organisation:

Women's Regional Consortium

7. In responding to this consultation is there a particular group(s) you identify with in responding to this consultation on equality protection? (please select all that apply)

- People with disabilities
- Men
- Women
- Minority Ethnic Groups
- LGBTQ+
- Other (please specify)

8. Do you feel there is a difference in protections between the regions of the UK?

(Required)

- Yes
- No
- Don't Know

9. If yes, what differences are there in equality protections between the regions of the UK?

As highlighted by our colleagues in the WPG the equality protections in Northern Ireland differ from those in other regions of the UK in three central ways:

- **There is a lack of harmonisation – the Equality Act 2010 does not apply in Northern Ireland.** The Equality Act covers England, Scotland and Wales and unifies protections across these countries. While there is much to be learned from the operation of the Equality Act 2010 in terms of enacting a single equality act for Northern Ireland it does provide some important protections namely around gender pay gap reporting, equality protections for socio-economic status and it recognises ‘combined discrimination’.
- **Section 75** expanded the number of protected characteristics and created a statutory duty on all public bodies to develop equality schemes, impact assessments and have due regard for equality of opportunity. References to reports in relation to Section 75 by the Gender Equality Strategy Expert Panel report² highlight that: *“A report in 2000 suggested that Section 75 was “unable to address the substance of inequality.....it is an administrative-bureaucratic instrument, rather than being policy-driven, and considerations of effectiveness and efficiency have hardly figured in its elaboration.”* A decade later an examination of the process found that: *“Section 75 is still primarily procedural in nature with little evidence showing that it produces much in the way of substantive results.”*
- **Post-Brexit arrangements.** Prior to Brexit a key legislative source of equality protections in NI was derived from the implementation of EU Directives. Post-Brexit, Article 2 of the Northern Ireland Protocol dictates that there will be no diminution of rights and equality legislation in Northern Ireland. The scope of these post-Brexit arrangements has yet to be fully realised.

We also wish to support the detailed analysis provided by Women’s Platform in their response to this consultation in relation to gaps in protections for violence against women and girls, gaps in pregnancy and parental protections, gaps in protections for gender identify, gaps in protections for carers, gaps in protections for disability and special educational needs, gaps in protections for children, gaps in protections for race. We refer the Committee to the detail of the Women’s Platform response in relation to each of these areas.

We fully support the Women’s Platform summary statement in relation to the gaps for women and girls: *“gaps have emerged in particular in relation to protection from*

² Gender Equality Strategy Expert Advisory Panel Report, December 2020

<https://www.communities-ni.gov.uk/system/files/publications/communities/dfc-social-inclusion-strategy-gender-expert-advisory-panel-report.pdf>

violence and harassment, and also in relation to employment protections, specifically with regard to pregnancy and maternity, as well as caring. The impact of this is that women and girls are increasingly reluctant to engage with their communities and public life, and confidence in institutions is eroding as women's representation has stalled, and processing times for complaints and court processes are long."

10. Do you feel there is a difference in protections between Northern Ireland and the European Union (including the Republic of Ireland)?

(Required)

- Yes
- No
- Don't Know

11. If yes, what differences are there in equality protections between Northern Ireland and the European Union (including the Republic of Ireland)?

The Women's Regional Consortium supports the detailed comments made by our colleagues in Women's Platform around the "*clear and increasing gaps in equality protections between Northern Ireland and the EU.*" We again refer the Committee to the detail of the Women's Platform response to this call for evidence.

Women's Platform detail the potential for divergence in rights even with Article 2 provisions in the Withdrawal Agreement which introduce a requirement to non-diminution of rights in Northern Ireland. Women's Platform highlight that the European Charter of Fundamental Rights continues to have relevance to Article 2 although the Charter no longer applies to the UK. This Charter includes extensive provisions on equality, in relation to cultural, religious and linguistic diversity, men and women, children, older people, and disabled people and also contains a freestanding right to prohibition of discrimination.

Women's Platform outline the key disparities from a gender perspective as follows:

- The Work Life Balance Directive which strengthens parental leave, carers leave and rights to request flexible working – these provisions are vital for women as the *de facto* primary carers in most families.
- A right to disconnect from work in Ireland (and being explored by the EU) – which can support women's health and wellbeing.
- Work Life Balance legislation in Ireland allowing workers to request flexible working as a day one right.

- The Pay Transparency Directive introduces a requirement for gender pay gap reporting across the EU – providing important provisions for eradicating gender pay discrimination and ensuring equality on the grounds of sex.
- EU Directive on Combating Violence against Women and Domestic Violence which introduces strengthened action against online violence, protections for public figures and human rights defenders and requirements for action to prevent rape and provide access to healthcare – the implementation of these measures will deepen divergence in relation to the protections against violence against women and girls between Northern Ireland the EU (in particular with Ireland which has added significance due to the cross border nature of this issue).

We also support the following comments made by the WPG in relation to the differences in equality protections between Northern Ireland and EU:

- **The lack of harmonization with ROI** – the Republic of Ireland has harmonized equality legislation protecting nine characteristics which apply to employment, equal pay, harassment and the provision of goods, services and accommodation.
- **The European Charter of Fundamental Rights** - while the Charter no longer applies within the UK it continues to have relevance in Northern Ireland through Article 2 of the Windsor Framework which as previously stated contains extensive provisions on equality and a freestanding right to prohibition from discrimination.
- **Implications of non-alignment** – voluntarily aligning with EU developments would help to significantly strengthen rights for women in Northern Ireland and could include rights relating to gender pay transparency, work life balance and gender balance on non-executive director roles.
- **Gaps in reporting/data collection** – as the UK is no longer part of the EU it is no longer part of EU monitoring of Gender Equality. It will no longer provide data to the European Institute for Gender Equality, Gender Equality Index or to Eurostat.

12. From a scale of 1 to 5 how affected have you or your organisation been due to the differences in legislation?

(Required)

- 1 (not affected)
- 2 (slightly affected)
- 3 (fairly affected)
- 4 (strongly affected)
- 5 (very strongly affected)

13. If you have been affected, what are the effects of differences in legislation on you or on those you represent?

This response focuses on the impacts of gaps in equality legislation on women and girls. However, as the WPG response *states* “*there is no single woman perspective*” as there are multiple and overlapping ways in which women are impacted by the failure to progress equality legislation in Northern Ireland. As Women’s Platform have highlighted “*gaps affecting disabled people, older people and children often affect women, as primary carers whose lives and circumstances are shaped by caring responsibilities.*” It is therefore vital that the intersectional impacts are fully understood in this review of equality legislation.

We agree with the differences in legislation which have been highlighted in the WPG response as follows:

- **Protections for LGBTQIA+ people** – there is currently no protection from harassment for young LGBTQIA+ people in schools and equality law does not protect young transgender or gender-questioning pupils. This is covered under equality legislation in GB.
- **Delayed Social Inclusion Strategies** – despite important work on the Social Inclusion Strategies (Gender Equality, Disability, LGBTQIA+ and Anti-Poverty) there has been a delay in work to progress these. These Strategies would be crucially important in helping to provide equality protections across groups.
- **Gender-Neutral Policy Making** – one of the most significant barriers to progress on gender equality is gender-neutral policy making. This has been highlighted by the Gender Equality Strategy Expert Panel report who said: “*Gender neutral policy making is still the standard in all budgetary, policy and legislative decision making across Northern Ireland and this gender neutral approach to the interpretation of equality legislation continues to create problems for women’s equality.*”³ It has also been highlighted by the CEDAW Committee who cautioned on the dangers of gender neutrality in policy making and resource allocation expressing: “*concern that gender-neutral legislation, policies and programmes lead to the inadequate protection of women against direct and indirect discrimination and hinder the achievement of substantive equality between men and women.*”⁴
- **Employment Legislation** – gaps in employment regulations have impacted directly on the lives of people in Northern Ireland particularly women. This includes measures to support Work Life Balance. The Department for the Economy are currently consulting on the Good Jobs employment bill which includes some important changes to legislation and that is to be welcomed. However, they are only a levelling up and do not go far enough to achieve

³ <https://www.communities-ni.gov.uk/system/files/publications/communities/dfc-social-inclusion-strategy-gender-expert-advisory-panel-report.pdf>

⁴ <https://documents.un.org/doc/undoc/gen/n17/394/14/pdf/n1739414.pdf>

workplace equality in Northern Ireland. Women's Platform have raised a number of other employment rights differences (see our answer to Question 11) including gender pay gap reporting.

- **International Human Rights Obligations** - Northern Ireland is bound by the international human rights obligations of the UK as a State Party to all the key human rights Conventions. As highlighted by the Women's Platform and WPG submissions to this call for evidence a common thread throughout the nine core Conventions is that States Parties commit to take action to promote equality of opportunity across population groups and to promote equality for groups experiencing discrimination. We wish to stress the following examples provided by Women's Platform in their submission to this call for evidence where the Conventions have highlighted significant equality issues: *"the very recent CERD Concluding Observations highlighting gaps in equality legislation as well as uneven implementation of legislation and policies, which is highly relevant to this Inquiry."*⁵ With regard to women and gender equality, it is relevant to note that the most recent Concluding Observations for the UK express concern that protections for women in Northern Ireland are falling behind those of women elsewhere in the UK, and a key recommendation is 'to put protections in Northern Ireland on an equal footing with those in England, Scotland and Wales'.⁶ The CEDAW Concluding Observations urge in particular for action on violence against women, the gender pay gap and improved representation of women in public life."⁷
- **The European Convention on Human Rights (ECHR)** – it is incorporated within domestic law through the Human Rights Act 1998 which covers Northern Ireland and is an essential framework for equality law. As highlighted by both the WPG and Women's Platform submissions to this call for evidence it is important that equality law in Northern Ireland is aligned with the ECHR and the Human Rights Act as the cornerstones of a rights-based legislative system. Women's Platform and the WPG note: *"the Concluding Observations from CERD Find that Northern Ireland is not fully compliant with the Human Rights Act, and recommends in particular that provisions in CERD are fully implemented in equality legislation that sets out a clear definition of racial discrimination."*⁷ The ECHR also provides the framework for the European Convention on Action Against Violence Against Women (the Istanbul Convention). The Istanbul Convention holds that all state actors are obliged to conform to the requirements of the Convention which include implementing effective legislation to protect women and girls from violence, ensure adequate resourcing for action and implementing gender-sensitive

⁵ CERD Committee (August 2024) [Concluding observations on the Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of the United Kingdom of Great Britain and Northern Ireland](#)

⁶ CEDAW Committee (March 2019) [Concluding Observations on the 8th periodic report of the UK](#)

⁷ CERD Committee (August 2024). Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FCO%2FGBR%2FCO%2F24-26&Lang=en

policies. Women's Platform co-ordinated the Northern Ireland civil society contribution to the assessment which highlighted a need to align legislation, policy and practice with the ECHR and the Istanbul Convention, and address gaps in particular in legislation protecting women and girls from violence and harassment, in all settings from home to workplaces and public spaces.

We also wish to support the comments made in the Women's Platform submission to this call for evidence in relation to the effects of the differences in legislation and point the Committee to the detail of the Women's Platform response around these areas:

- **Women and girls** – these focus on the lack of harmonisation and intersectional perspectives meaning that women and girls experiencing harassment or discrimination may be forced to seek redress on a number of grounds rather than being about to set out their case in its entirety. There is a lack of implementation and enforcement of equality provisions particularly in the workplace. The concrete impact of gaps in equality legislation is that women continue to face discrimination and barriers in the workplace and are underrepresented in senior positions in many sectors. Disabled women are particularly likely to experience discrimination in employment. Women are also under-represented in public office and progress to parity is slow.
- **Women and employment** – parents and carers in Northern Ireland (who are more likely to be female) have less access to flexible working than parents and carers in Ireland and in the EU forcing some parents and carers to leave the labour market and become at greater risk of poverty. There are significant issues with pregnancy and maternity related discrimination in the workplace but limited resources and the high bar for prosecution means that majority of breaches go unreported or do not reach official proceedings. The impact is a chilling effect on women many of whom choose not to report discrimination for fear of repercussions at work or due to concerns about the limited effect of reporting, lengthy proceedings and lack of support.
- **Violence Against Women and Girls (VAWG)** – women and girls in Northern Ireland to experience high levels of domestic abuse, sexual violence and harassment. In total 22 women have been murdered since 2020 with long-term trends indicating a rise in sexual violence. The impact of this normalised violence is to discourage women from engaging with their communities and sometimes even in public spaces and effectively to silence women and maintain patriarchal gender and power norms and structures.
- **Gender Pay Gap legislation** – in Northern Ireland the gender pay gap remains persistently at 8-10%⁸ in favour of men not least because women are more likely to work part-time and in lower paid industries as a result of unpaid care responsibilities and also because pay inequities between men and women within the same sector remain.

⁸ NISRA (November 2023) [Employee Earnings in Northern Ireland](#)

- **Carers** – women’s increased likelihood of providing care means that they often have less time for paid work keeping their incomes lower over their lifetimes. This increases the likelihood that women need to rely on benefits and public services and is reflected in the high levels of women who are economically inactive due to family and home care. Thos most recent figures on economic inactivity show that 21.4% of females (39,000 people) gave family and home care as the reason for economic inactivity compared to just 5.3% of males (7,000 people).⁹ Research by the Women’s Regional Consortium and Carers NI on Women, Unpaid Care and Employment¹⁰ shows that 34% of women carers who took part in the research had left work to provide care, 28% had reduced their working hours and 17% had downgraded their role or turned down a promotion due to care responsibilities. Many unpaid carers are unable to work due to the demands of their caring role or growing requirements for full flexibility in the labour market or both. This puts them at increased risk of poverty. Research by Carers NI and the Carer Poverty Commission shows that there are significant issues with carer poverty in Northern Ireland. It suggests that one in four unpaid carers in Northern Ireland (25%) are living in poverty – significantly more than Northern Ireland’s non-carer population (16%) and higher than the carer poverty rate across the UK (23%). This means around 55,000 unpaid carers are living in poverty.¹¹

14. Do you feel that legislative change is required to make the equality protections in Northern Ireland the same as in other jurisdictions?

(Required)

- Yes
- No
- Don’t Know

15. If yes, what legislation needs to change in order to make the equality protections in Northern Ireland the same as in other jurisdictions?

⁹ Northern Ireland Labour Market Report, NISRA, July 2024

[Northern Ireland Labour Market Report \(nisra.gov.uk\)](https://www.nisra.gov.uk/nisra-reports/northern-ireland-labour-market-report)

¹⁰ Women, Unpaid Care and Employment, Women’s Regional Consortium and Carers NI, February 2024 <https://www.womensregionalconsortiumni.org.uk/wp-content/uploads/2024/02/Career-or-care-Women-unpaid-caring-and-employment-in-Northern-Ireland.pdf>

¹¹ The experiences of poverty among unpaid carers in Northern Ireland, A report from the Carer Poverty Commission, August 2023

<https://www.carersuk.org/media/lrub4q5i/the-experiences-of-poverty-among-unpaid-carers-in-northern-ireland.pdf>

The Women's Regional Consortium supports the four key recommendations for reviewing equality legislation outlined in the Women's Platform response to this call for evidence:

1. **Developing a Single Equality Act**, which harmonises protections across all protected characteristics, clarifies definitions and streamlines legal procedures.
2. **Utilising international human rights standards as a framework for equality legislation**, to ensure alignment with the obligations of the UK in international law and enable consistent implementation of a rights-based framework; this will play a key role in embedding equality and human rights in decision making and underlining provisions as protections for all population groups.
3. **Introducing a socioeconomic status duty**, building on Scottish and Welsh practice, which will focus on requiring public bodies to take account of how to reduce inequalities across socioeconomic groups, in strategic decision making; this will contribute to a more holistic approach to equality law, and will enable action to prevent inequalities from developing and/or deepening.
4. **Introducing an intersectionality duty**, which will focus on improving understanding and consideration of multiple, intersecting, overlapping and combined disadvantage and discrimination, to ensure the experience of individuals is reflected in legislation; models and tools for this exist in EU legislation and UN guidance.

16. Do you have any other comments about differences in equality legislation?

The Need for Reform of the Equality Legislation in Northern Ireland

The Women's Regional Consortium supports the following comments from the Equality Commission's policy position paper on gaps in equality law between Great Britain and Northern Ireland. We agree with the Equality Commission for Northern Ireland that this demonstrates a clear need for the urgent reform of the equality legislation in Northern Ireland:¹²

"The range of gaps in equality law between the two jurisdictions have the effect that vulnerable and marginalised individuals in Northern Ireland who experience discrimination have less protection against unlawful discrimination, harassment and victimisation across a number of equality grounds than their counterparts in GB.

¹² Gaps in equality law between Great Britain and Northern Ireland, Equality Commission for Northern Ireland, March 2014

<https://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Tabs/Gaps-in-equality-law>

Further, employers and service providers who operate both in Northern Ireland and GB have to grapple with the increased inconsistencies and differences in equality law between the two jurisdictions. They also have to keep track of their responsibilities under differing legislative frameworks, as well as case-law emerging from separate legislative provisions.”

The Political Context

The Women’s Regional Consortium agrees with the following statement from our colleagues in the WPG that the political context has exacerbated structural gaps in the framework of Northern Ireland’s equality legislation: *“this politicization and polarisation of the equality agenda has hampered efforts towards progress and harmonization of equality legislation enjoyed by the rest of the UK and the ROI.”*

The WPG response provides a number of examples of how the political context has impacted the progress of equality legislation:

- The St Andrew’s Agreement endorsed the development of a Single Equality Bill for Northern Ireland but a motion to bring forward legislation was defeated in the Assembly in 2007 and there have been no attempts to harmonise equality legislation since then.
- A Bill of Rights mandated as part of the Belfast/Good Friday Agreement which has considerable support from a variety of civil society actors has been hamstrung by political division.

We agree with the WPG statement that as a result of the political context *“much of NI’s equality legislation is derived largely from EU directives or campaigning from civil society groups rather than government leadership.”*

The Need for Education on Equality Legislation and Problems with the Process

As highlighted by the WPG submission to this consultation education is needed across various groups including members of the public to ensure they can access their rights, elected representatives working on new legislation and making budgetary decisions and the officials who carry out Equality Impact Assessments (EQIAs) on policies and budgets.

We know from our own experiences with the Section 75 process that there is a clear need for education and awareness around the existing equality legislation and how it should work. Unfortunately, we see the outworkings of a lack of understanding around the Section 75 processes in our work particularly around engaging with the EQIA process:

- It can seem like a ‘tick-box’ exercise rather than a genuine attempt to identify adverse impacts on Section 75 groups;

- It often lacks an intersectional analysis. Disadvantage and discrimination based on gender is inextricably linked to other identities, factors and experiences such as age, race, disability, sexual identity and poverty.
- It often only examines a small selection of available data/research when assessing impacts on Section 75 groups. In some cases this can completely ignore the valuable qualitative data produced by the community and voluntary sector which often does so much to highlight the lived experiences of those who are impacted.
- Some consultations have provided really short consultation deadlines which does not allow for genuine and meaningful consultation. In addition, in relation to the Budget EQIAs issued by Departments we have seen the process involve two dates for consultation. For example, most recently the Department for Infrastructure’s Budget 2024-25 Equality Impact Assessment consultation encouraged interested parties to respond by 9th July 2024 *“to inform the Department’s allocation of funds”* allowing just four weeks to respond. While the consultation stated a final closing date of 6th September in reality organisations needed to respond by 9th July in order to have any influence over the allocation of funds so therefore this is the de facto date. We have seen this happen on a number of occasions with the Budget EQIAs.
- In many cases, despite guidance from the Equality Commission¹³, Departments fail to suggest any mitigations once adverse impacts are identified. Instead, respondents are asked to suggest mitigations. As stated by the WPG *“the purpose of the exercise is supposed to be to identify and then mitigate, and further, to seek to promote equality where possible. The poor practice described above has become widespread, however, and it means that our current equality legislation is not having the impact that it could.”*

If you provide an email address you will be sent a receipt and a link to a PDF copy of your response.

Email address:

policy@wsn.org.uk

¹³

[https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/EQIA-PracticalGuidance\(2005\).pdf](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/EQIA-PracticalGuidance(2005).pdf) (page 30)
