

90

BJC קיב

Belfast Jewish community centre
The Wolfson centre
49 Somerton road
BT15 3LH
Belfast



RECEIVED
27 NOV 2004
Equality Unit

To whom it may concern ,

I am including a small response to the SEB from the Belfast Jewish Community , I would be grateful if this can be followed up with a verbal summary by myself and/or the Jewish council before this legislation is past , the BJC would like to see a single equality bill .

Yours sincerely ,

Paula Tabakin

CDO

Response Booklet

Your details:

Name: Paula Tabakin
Title: Community Development officer
Organisation: Belfast Jewish Community
Address: 49 Somerton rd
Postcode: BT15 3LH

YOU OR YOUR ORGANISATION

The questions in this first section will help us to have a better understanding of who has responded to the consultation.

1. In what capacity are you responding?

On behalf of your organisation (*please go to Q.2*)

As an individual (*please go to Q.5*)

2. Is your organisation?

(*please tick the box that applies to your organisation*)

A voluntary organisation

Other (*please give full details in the box at the end of this section*)

Community centre

3. If you are replying on behalf of your organisation, how many people does your organisation employ?

Between 1 and 10 employees

X

4. Please indicate which sector best describes you?

Religious organisation

X

5. Please indicate whether your prime interest is in respect of
(please tick all that apply)

All aspects of equality

X

Age

X

Racial Grounds

X

Religious Belief

X

Introduction

1.1 Have you any comments on the overall approach set out in this Chapter?

The Belfast Jewish Community welcomes the opportunity to respond to the OFMDFM consultation paper 'A Single Equality Bill for Northern Ireland', I would like to comment on the accessibility of the bill and to thank you for sending me an audio version , I would however like to remark that I would have also preferred to give my response verbally .

1.2 What balance do you consider needs to be struck in the Bill between the prohibiting discrimination and promoting equality of opportunity approaches? (paragraphs 15 to 21 refer). Please explain the reasons for your answer.

Purpose and Principles

2.1 Have you any comments on the Purpose and Principles set out in this chapter?

We support the set of principles enumerated at the beginning of the document.
We support the desire to minimise hierarchies of inequalities and to recognize multi-identities in order to avoid the message that some are more equal than others.
We support the desire to minimise hierarchies of inequalities and to recognize multi-identities in order to avoid the message that some are more equal than others.

Grounds

Political opinion (paragraph 10)

3.1 In relation to the potential loophole in the "political opinion" ground, do you consider we should:

Have no change to present legislation?

Amend the existing definition to exclude all political opinions that support the use of violence, whether or not these are connected with the affairs of Northern Ireland?

Amend the existing definition so that there is no exclusion and leave it up to the courts to determine whether a particular political opinion was protected?

3.2 Please explain the reasons for your preference:

3.1 NICVA welcomes the proposed extension of the Race Relations Order (RRO) to cover nationality and colour. While I would have concerns about extending this to other countries because it may impact adversely on asylum seekers who flee from repressive regimes, I believe that having an international approach will give NI the ability to combat international terrorism where it is capable.

Possible new Grounds (paragraphs 19 to 32)

Marital or family status and dependants (paragraph 20)

3.3 Should a new ground of "marital or family status/dependants be included in the Bill?

YES

NO

NO VIEW

3.4 If "Yes", should such a ground:

Reflect the definition as included in the Republic of Ireland's Employment Equality Act? – Option (b)

Or

Grounds

Be much broader to include cohabiting couples and all dependants –
Option (a)

3.5 If you chose option (a), would including cohabiting couples within such a ground cause any difficulties for pensions or other benefits?

YES NO NO VIEW

3.6 If you answered 'Yes' to question 3.5, what are the difficulties and have you any suggestions on how they could be overcome?

Other Status – We agree that its inclusion would provide flexibility to develop the law to protect emerging groups who are not covered by the other grounds, either through ministerial order or judicial interpretation in the same way as sexual orientation was covered through the 'other status' ground in Article 14 of the ECHR.

Grounds

3.7 Please explain the reasons for your answer:

I agree that its inclusion would provide flexibility to develop the law to protect emerging groups who are not covered by the other grounds.

3.8 Which specific new ground or grounds do you consider should or should not be included in the Bill?

Should be included:

I would like to include past sufferers of illness be it physical or mental as it will be important to note that they are not ill at the time of application.

I support the change to 'marital and family status' to cover people who are married, single, cohabiting and with dependants, including both opposite and same-sex couples.

I would also support the inclusion of 'past convictions' with the caveat that people who commit serious crimes such as sexual abuse should not be covered.

Should not be included:

Grounds

3.9 If you listed a ground or grounds, please explain why you consider this ground or grounds should or should not be included in the Bill?

3.10 Please state why you consider that other legislation and/or other mechanisms that currently exist offer inadequate protection for any new ground or grounds that you feel should be covered in the Bill?

Equal Pay (paragraphs 34 to 36)

3.11 Should we extend the existing provisions on equal pay (currently restricted to men and women) to another ground or grounds in the Bill?

YES

NO

NO VIEW

Grounds

3.12 If you answered 'Yes', please state which ground or grounds should be included and why you consider this is necessary?

Language – we need to ensure that no one or group is omitted from the bill on this bases .

Religion equal pay should extend to all aspects of equality ensuring there are no loopholes .

3.13 Should we repeal the Equal Pay Act (NI) 1970 and re-enact the provisions in this Bill?

YES

NO

NO VIEW

3.14 Have you any other comments on this Chapter?

Scope

4.1 Which option should be used in determining the scope of the Bill?

Limited to the scope of the EU Directives and existing NI anti-discrimination legislation -Option (a)

Set at the same level for all grounds to be included in the Bill - Option (b)

Extended beyond employment for new grounds only in certain circumstances with a delay in implementation - Option (c)

4.2 Please explain the reasons and outline any possible implications (advantages and disadvantages) for your choice

Employment concepts

4.3 Should the Bill define “employment”, “self employment” and “occupation”?

YES

NO

NO VIEW

4.4 If you answered “YES”, should “employment” be defined using the definition in current legislation, namely “employment under a contract of service or apprenticeship or a contract personally to do any work”? - Option (b)

YES

NO

NO VIEW

Scope

4.5 If you answered “Yes”, should the Bill define the concepts more broadly to include relationships, which do not technically constitute a contract to allow for the inclusion of some marginal workers and volunteers? - Option (c)

YES

NO

NO VIEW

4.6 If a broader definition is to be used should it exclude volunteers?

YES

NO

NO VIEW

4.7 Should the Bill **not** define the above concepts but leave it to the Tribunals to decide on a case-by-case basis? - Option (a)

YES

NO

NO VIEW

4.8 We would welcome your views on any other way of dealing with these employment concepts

Membership and Involvement in Organisations of Workers or Employers

4.9 Should the Bill extend these provisions to some or all of the other grounds?

YES

NO

NO VIEW

Scope

4.10 If "Yes", which grounds?

Vocational Guidance and Vocational Training, including Practical Work Experience

4.11 Should the Bill extend this provision to some or all of the new grounds?

YES

NO

NO VIEW

4.12 Are you content that the associated exceptions are carried through to the Bill?

YES

NO

NO VIEW

4.13 Please explain the reasons for your answers and if you answered "Yes" to question 4.11 list the new grounds to be covered.

Scope

Social Protection, including Social Security and Healthcare and Social Advantages

4.14 Do you consider that the Bill should:

Not define these concepts but leave it to the courts to decide on a case-by-case basis? (paragraph 27 option a)

YES

NO

NO VIEW

Define the concepts along the lines set out in paragraph 27 option (b)?

YES

NO

NO VIEW

4.15 Please explain the reasons for your answer:

Education

4.16 Should we bring all sectors of education under the scope of the Bill with specific exceptions where appropriate e.g. single sex schools? - Option (a)

YES

NO

NO VIEW

4.17 Should we incorporate existing legislation, with its varying coverage of education, and include disability provisions, which are due to be made before the Bill becomes law? - Option (b)

YES

NO

NO VIEW

Scope

4.18 Please explain the reasons for your answer:

Disposal and management of small premises

4.19 Do we:-

Retain the exception for all grounds except race? - Option (a)

YES

NO

NO VIEW

Remove the exception for all existing grounds except race? - Option (b)

YES

NO

NO VIEW

Remove the exception for all grounds but include a defence where there is an objective justification for discrimination in relation to small premises? – Option (c)

YES

NO

NO VIEW

4.20 Please explain the reasons for your answer. We would also welcome your views on any other way of dealing with this issue.

Scope

Coverage of public functions

4.21 Should the coverage of public functions be extended to a similar extent as in the GB Race Relations (Amendment) Act 2000? - Option (a)

YES

NO

NO VIEW

Should the extension of coverage of public functions be limited to that already in place for Race, this would include procurement? - Option (b)

YES

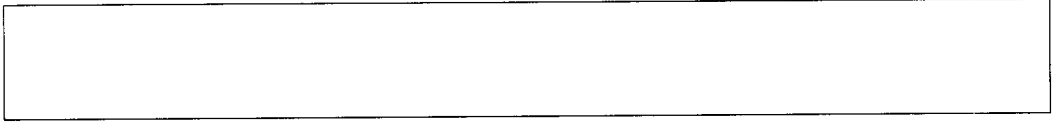
NO

NO VIEW

4.22 Please explain the reasons for your answer. We would also welcome your views on any other way of dealing with this issue.

Private Clubs/Voluntary Associations

4.23 Should the Bill continue to restrict coverage to the race ground only? - Option (a)



YES

NO

NO VIEW

4.24 Should the Bill include provisions similar to those of the race and disability grounds to cover some or all of the other grounds? - Option (b)

YES

NO

NO VIEW

Scope

4.25 If so, which grounds and what exceptions do you consider would be needed?

4.26 Please explain the reasons for your answer. We would also welcome your views on any other way of dealing with this issue.

Definitions of Discrimination

Direct Discrimination

5.1 Which of the following options should be used in defining direct discrimination?

Maintain the existing definition as contained in the EU directives and contained in NI legislation. In the disability legislation the “reasonable adjustment” duty would remain. Option (a)

“ For a reason which relates to his or her age, disability, gender, gender re-assignment, political opinion, racial ground, religious belief, sexual orientation (and any other grounds added to the Bill) or in relation to married persons, A treats B less favourably than he treats, has treated or would treat another person in a comparable situation.” Option (b)

“ Direct discrimination shall be taken to occur when A has caused, causes, or would cause disadvantage to B on the basis of any of the protected grounds.” Option (c)

5.2 Please give your reasons for choosing one of the above definitions.

5.3 If none of the above are considered suitable do you have an alternative suggestion? Please give reasons why you think this should be adopted for the Bill.

Definitions of Discrimination

5.4 Do you consider that the “reasonable adjustment” duty should be extended to other grounds?

YES

NO

NO VIEW

5.5 If you answered “Yes” please state which grounds and why?

5.6 For disability only, do you think that the current definition in the Disability legislation in relation to discrimination on the provision of GFS should remain?

YES

NO

NO VIEW

5.7 If you answered “No” can you suggest an alternative?

5.8 Do you have any other comments on the definition of direct discrimination?

I think that the victim should be the prime witness in any form of discrimination issues this is crucial for instances where the victim is in a minority when the discrimination accorded and also to avoid a certain hierarchy in what is discrimination and what is not .

Definitions of Discrimination

5.18 Do you have any other comments on the definition of harassment?

Victimisation

5.19 Do you think the common definition of victimisation in current legislation and applicable to all the grounds of discrimination should be retained?

YES

NO

NO VIEW

5.20 Do you think that the definition of victimisation should be amended so that, for example, a comparator is not required?

YES

NO

NO VIEW

5.21 If so what definition should be used and what proof would be required to establish that victimisation had occurred?

[]

Definitions of Discrimination

Harassment

5.13 Should the existing definition of harassment be used in all grounds?

YES NO NO VIEW

5.14 Do you think a comparator is required?

YES NO NO VIEW

5.15 If you answer "Yes" or "No" please explain the reasons for your choice

I agree to the use of a comparator as evidence of discrimination however this can not be a bases for dismissing a case and will therefore need to be one of a few criteria's for recognising discrimination .

5.16 Should "sexual harassment" be defined separately?

YES NO NO VIEW

5.17 If you answer "Yes" or "No" please explain the reasons for your choice

[]

Definitions of Discrimination

Indirect Discrimination

5.9 Do you think that a standardised definition of indirect discrimination should relate to all the grounds to be included in the Bill?

YES

NO

NO VIEW

5.10 If "Yes", which definition should be used?

The Framework/Race/Equal Treatment Directives definition

A separate definition

What should this definition be?

5.11 Should the current disability approach to indirect discrimination be maintained?

YES

NO

NO VIEW

5.12 Do you have any other comments on the definition of indirect discrimination?