



CRAIGAVON
Borough Council

Craigavon Civic & Conference Centre
Lakeview Road, Craigavon, Co. Armagh, BT64 1AL.
Tel: 028 3831 2400 Fax: 028 3831 2444
Minicom: 028 3832 9757 www.craigavon.gov.uk

FRANCIS ROCK
Chief Executive

RECEIVED
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Equality Unit

2 November 2004

Single Equality Bill Team
Office of the First Minister and Deputy First Minister
Room E3.18
FREEPOST NAT 17679
BELFAST
BT4 3BR

Dear Sir/Madam

SINGLE EQUALITY BILL CONSULTATION

Please find attached comments by Craigavon Borough Council on the Single Equality Bill Discussion Document.

Yours faithfully

Stephanie Harter

for Francis Rock
Chief Executive

Single Equality Bill for Northern Ireland
Comments by Craigavon Borough Council

Chapter/Section	Comment
Chapter 2	The Council welcomes the purpose behind the SEB and the principles on which it is based.
Chapter 3	<p><u>Existing Grounds</u></p> <p>Political opinion: Council notes that the Fair Employment & Treatment (NI) Order 1998 excludes political opinion that consists of or includes approval or acceptance of the use of violence for political ends “connected with the affairs of Northern Ireland”. Council considers that this definition should be amended to exclude <u>all</u> political opinions that support the use of violence, whether or not these are connected with the affairs of Northern Ireland, in recognition of the increasingly multi-cultural nature of our society, the increasing migration of labour and the need for all countries to participate in the fight against international terrorism.</p> <p><u>Possible extension of SEB to new grounds</u></p> <p>The Council is concerned that the SEB should not lose focus by extending protection on a range of other grounds, as suggested by previous consultees, nor is the Bill an appropriate vehicle to attempt to tackle broader social issues. The current exercise has already highlighted the difficulties in trying to harmonise existing anti-discrimination legislation and attempts to extend it to a range of other categories could cause ambiguity and confusion in direct opposition to the intended purpose of the SEB to simplify and clarify.</p> <p>Marital status/dependants – this is already included under Section 75 and so logically should be included in the SEB. However, this should not include <u>all</u> co-habiting couples (which gives no guidance as to the permanence or intent of permanence of such a relationship or indeed the purpose of such co-habitation, which may be solely for financial reasons). Likewise, it is considered that a stricter definition of “dependants” is required.</p> <p>Pregnancy and Maternity – are already sufficiently covered in employment law and Council sees no benefit in including this under the SEB.</p> <p>Past convictions – while recognising that persons with spent convictions can be discriminated against, it is noted that the current Rehabilitation of Offenders legislation is under review which will reduce the chance of discrimination, whilst ensuring the safety of the public.</p> <p>Victims – Council considers that victims should not be included under the SEB as such status is ill-defined (i.e. should a victim of political violence have more protection than a victim of domestic violence?) and virtually impossible to quantify (i.e. should there be a range of protection dependent on the nature of the crime suffered?).</p> <p>Socio-economic status - is already covered under New TSN and Council feels that this ground in particular is inappropriate to the SEB.</p> <p>Equal Pay – Council recognises that equal pay is not merely a gender issue and should be extended to other grounds within the SEB.</p>

Chapter 4	<p><u>Scope</u></p> <p>The harmonisation of scope of protection to all grounds is commendable in theory but too likely to cause difficulty in practice. It is not feasible that a complete list of specific exemptions could be included (for example, to address the many age-related exceptions which would be required: the minimum age for voting, acquiring a driving licence, getting married, purchasing alcohol and cigarettes to quote just a few). It is considered that the scope of protection should be appropriate to the individual ground of discrimination.</p> <p><u>Volunteers</u></p> <p>While recognising in principle that volunteers should not be discriminated against, in practice the Council considers that this will be too problematic. The vast majority of volunteers are casual. Very few would have a formal contract or agreement requiring mutuality of obligation which might offer some protection and it would place an undue burden on organizations to require such monitoring and control. Council considers that volunteers should not come within the scope of the SEB.</p>
Chapter 5	<p><u>Definitions of Discrimination</u></p> <p>The Council considers that definitions should be standardised across all grounds as far as possible.</p>
Chapter 6	<p><u>Exceptions (i.e. those cases where it is lawful to discriminate in favour of an individual or group(s))</u></p> <p>The Council considers that the SEB should be covered by the broad genuine occupational requirement/genuine service requirement rather than attempt to create a comprehensive list of exceptions. Further guidance on this matter can be provided through Codes of Practice.</p>
Chapter 7	<p><u>Goods, Facilities and Services</u></p> <p>Council considers that this is an area where harmonisation between the various grounds will not be possible and that differences between different grounds (particularly age) will have to be recognised.</p> <p>Council considers that the SEB should not attempt to provide a comprehensive definition of GFS but provide guidance by way of examples. The SEB should include a genuine service requirement (GSR) requiring a provider to show that discrimination in the provision of a service is reasonably necessary to achieve a legitimate aim. Guidance can then be provided with lists of exceptions.</p> <p>The GFS provision should relate only to where provision is to the public or to a section of the public and should not attempt to control transactions between private individuals as this would lead to controversy and allegations of infringements of private choice (e.g. who someone should select to share a flat with).</p>
Chapter 8	<p><u>Addressing Under-representation in Employment</u></p> <p>Rather than extend the FETO approach, the Council considers that the SEB should build on Section 75 which places a positive duty on employers to promote equality of opportunity. This provides employers with more discretion to devise appropriate strategies to address under-representation to suit their own particular circumstances and those of their locality.</p>

Chapter 9	<u>Equality Commission for Northern Ireland – Functions and Powers</u> No comment
Chapter 10	<u>Tribunals and Courts</u> The Council considers that a single equality tribunal should be established to deal with both employment and GFS issues.
Chapter 11	<u>Alternative Dispute Resolution</u> The Council supports the introduction of ADR through a range of appropriate methods (including mediation and conciliation) as a means of minimising costs and stress to all parties involved. However, this should be a voluntary system and should not restrict access to formal proceedings.