

CONSULTATION ON THE DRAFT
SINGLE EQUALITY BILL
FOR NORTHERN IRELAND

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NIACRO'S RESPONSE
NOVEMBER 2004

NIACRO'S RESPONSE TO THE OFM/DFM CONSULTATION ON: "A SINGLE EQUALITY BILL FOR NORTHERN IRELAND"

INTRODUCTION

NIACRO welcomes the opportunity to respond to the consultation paper on a proposed Single Equality Bill for Northern Ireland in recognising the need to "harmonise...and extend...anti-discrimination and equality legislation in Northern Ireland".

We also welcome the opportunity to highlight "inconsistencies in protection" for people with past convictions with regard to the current Rehabilitation of Offenders legislation and the proposed changes to this legislation. NIACRO therefore sees the SEB consultation as a timely opportunity to draw attention to the need for more protection for this proportion of the population through stronger anti-discrimination legislation and to take account of equality of opportunity that no other piece of legislation currently promotes for individuals with past convictions wishing to access employment, goods, facilities and services.

It is therefore important to provide an overview of NIACRO's work in helping to address the barriers for offenders before responding to the proposals set out in the SEB consultation paper.

NIACRO has extensive involvement in resettlement and rehabilitation matters – both in policy and operational terms. The experience in operational terms through the PPS and Jobtrack programmes and experience of volunteer mentoring provides NIACRO with an informed analysis of what the issues are. Any recommendations proposed will be based on this experience and research rather than a purely conceptual analysis.

Whilst there are a number of initiatives there are no national resources in place specifically targeting Ex-Prisoners.

NIACRO's response follows the chapter structure outlined in the SEB consultation document.

BACKGROUND

NIACRO (Northern Ireland Association for the Care and Resettlement of Offenders) is a voluntary agency and registered charity providing services and policy comment within the Criminal Justice System.

In its commitment to enhancing employment and training opportunities for offenders, NIACRO also offers support to employers to address legislative, structural, and attitudinal barriers faced by the client group. As such, NIACRO's Employer Equity Work focuses on targeting recruitment and selection processes and has sought to change the systems that take account of the needs of employers and prospective employees with a criminal record.

In addition NIACRO is keen to promote equality of opportunity through its responses to Section 75 Consultations.

NIACRO's Employment Advice Line serves to provide advice to employers, individuals and other interested parties on employment issues relating to people who have criminal convictions. Callers will be advised on the requirements of the Rehabilitation of Offenders legislation and other associated legislation. Advice is delivered by the organisation's Employment Liaison Officer who provides an impartial and confidential service to all callers. The service is offered free of charge and callers can access the service either by telephone or by arranging to see the Employment Liaison Officer in person.

Employer Support is a key service aimed at:

- a. Advising employers of their legal responsibilities relating to the Rehabilitation of Offenders Legislation.
- b. The promotion of Good Practice guidelines to employers when considering recruitment and selection procedures for potential employees and / or volunteers. Employers are encouraged to consider:
 - Facilitating Disclosure of Convictions
 - Including a statement of non-discrimination and adapting Equal Opportunities Policies
 - Handling Information
 - Assessing relevance of convictions
- c. Inviting employers and other organisations to attend a training workshop delivered monthly by NIACRO on the "Fair Recruitment of People with Criminal Convictions". (An outline of training is attached in Annex A). Training is based on the NIACRO publication: "**Working with Conviction - A Guide for Employers**", which is included with this response. Alternatively training is available to employer organisations on site where there are large numbers of staff wishing to participate in training workshops. Employers will then be invited to apply for NIACRO's **Employer Equity Award**, a charter mark, to recognise and endorse an organisation's commitment to fair recruitment and selection of people with criminal convictions.

SUMMARY OF MAIN DISCUSSION POINTS

NIACRO has taken the time to provide a detailed response to the Draft Single Equality Bill, but for the purposes of efficiency we have highlighted our main points (although some what briefly). As such NIACRO is outlining why people with past convictions should be protected as a group in the proposed Single Equality Bill.

We would therefore be grateful if all points in this response paper could be fully and carefully considered.

SUMMARY OF MAIN POINTS:

- 1. People with past convictions make up a very significant proportion of the population with over 50,000 people in Northern Ireland receiving convictions in 2003.**
- 2. The existing Rehabilitation of Offenders Legislation is about process and does not address equality issues.**
- 3. A Single Equality Bill protecting people with past convictions will lend weight to effective resettlement and rehabilitation.**
- 4. In respect of politically motivated Ex-Prisoners, the recommendations of the Good Friday Agreement have not been enacted.**
- 5. The SEB needs to account of the frequent difficulties people with past convictions experience in accessing employment / training opportunities, goods and services, and as such the SEB needs to provide a mechanism for redress.**

CHAPTER 1: INTRODUCTION

The fundamental rationale in terms of equality is that when a sentence is passed in the court, it is not meant to discriminate in employment unless explicitly stated, or to disqualify people from training/education, facilities, goods and services. Therefore, a consequence of sentencing is the creation of inequality which the Rehabilitation of Offenders legislation does not have the capacity to address either in its current form or indeed in the form proposed within the current review.

- 1.1 The 9 categories of section 75 are a starting point. There has been no view taken about excluding people with convictions. The Bill is designed to “provide Northern Ireland with appropriate anti-discrimination legislation and equality law” and to “meet the needs of the particular circumstances in Northern Ireland”. It is therefore essential in this context to take account of these in terms of people with criminal convictions.

We believe that there are in excess of 50,000 people per year who acquire criminal convictions. In addition it is estimated that approx. 25,000 people in Northern Ireland have convictions as a result of the conflict.

Although NIACRO recognises the existence of the 2 groups, the overall population with convictions regularly experience discrimination across a range of sectors vis-à-vis employment, accessing training opportunities, obtaining insurance (car and home), mortgages, holding licences to provide public services.

- 1.2 There is no existing legislation which promotes the need for equality of opportunity for people with convictions. NIACRO acknowledges that there is a need to promote equality and the SEB provides an opportunity to do that.

The existing Rehabilitation of Offenders legislation only provides an opportunity for people not to have to disclose a conviction to an employer after a period of time has elapsed. It does little to promote equality of opportunity or safeguard against discriminatory practice. The practical outworkings of the legislation militate against actual rehabilitation and even the promotion of public safety is ultimately questionable. NIACRO would argue that if barriers to rehabilitation were addressed issues of public safety would consequently be addressed.

NIACRO recognises that while employers in NI need to recruit safely the must also ensure that such individuals are not permanently excluded from the workforce.

In relation to Equality of Opportunity there is a need for a clearer explanation as to how the evidence of past convictions will actually be assessed and opportunity promoted. We therefore recommend to employer organisations that the application process clearly lays out the process so that individuals can make informed decisions about applying for opportunities and be clear how disclosures will be handled and what it will mean for the individual applicant.

The current Home Office review of the Rehabilitation of Offenders legislation in England and Wales stated that current legislation does not achieve the right balance between resettlement and protection. Even the proposed changes to this legislation, which the NIO is proposing to adopt, will fall short of creating a framework within which safe and fair recruitment can take place.

NIACRO therefore feels that the SEB should provide a mechanism to add substance and lend weight to the review of the Rehabilitation of Offenders legislation giving an unprecedented opportunity to promote equality for individuals with a criminal conviction. Without this, the reality is that individuals will continue to experience inequality and unnecessary discrimination. As such, the inclusion of people with past convictions in the SEB would increase levels of community safety and the reduction of offending.

Within the context of human rights, we would argue that it is a basic human right to work; therefore this should be promoted within the legislation with employers being responsible for advocating a transparent and pro-active approach to considering individuals with convictions.

CHAPTER 2: PURPOSE AND PRINCIPLES

- 2.1 NIACRO would argue that the SEB should provide a clear and accessible framework for anti-discrimination and equality law in Northern Ireland. The current review of the Rehabilitation of Offenders legislation in Northern Ireland fails to take account of equality issues and is unlikely to do so.

Moreover, there has been no attempt to take account of the conflict of the past thirty years and its impact on the offending and ex-prisoner populations and NIACRO feels that there should be an acknowledgement of this.

The Good Friday Agreement particularly paragraph five, page 21, under the section referring to prisoners states:

“The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, retraining and / or reskilling, and further education”.

Even if the revised Rehabilitation of Offenders legislation was to begin to address the issues for the Northern Ireland population, it would fall short of promoting fair employment of people with past convictions.

- 2.2 We welcome the statement that the SEB legislation “needs to provide” an effective, efficient and equitable framework of legislation and public policies to help eliminate unlawful discrimination and promote equality of opportunity and to demonstrate no regression from existing law”.

2.3

NIACRO would argue that the revised Rehabilitation of Offenders legislation will work more effectively if the Single Equality Bill includes reference to people with convictions. In addition the review still provides no mechanism for redress as it sets out proposals for voluntary codes of practice for employers. Our experience is that what little protection there has been available in existing Rehabilitation legislation has been undermined by the absence of a clear and accessible route for appeal or challenge. In short, the SEB needs to clearly spell out that inequitable treatment and unjustifiable discrimination on the grounds of past convictions is unlawful.

CHAPTER 3: GROUNDS

- 3.1 Page 29, paragraph 24 refers to the Personal Progression System. NIACRO would request that the error in this paragraph is corrected: (PPS) is a project led by **NIACRO**, in partnership with the Probation Board for NI (PBNI) and the Northern Ireland Prison Service (NIPS).
- 3.2 Although the offender population is not protected by section 75, NIACRO would argue they should be included as a tenth group due to the vast proportion of the population, i.e. in excess of 50.000, who may experience multiple barriers to social inclusion and feature within the 9 groups in the following ways:
- a. The ex-offender population is predominantly male, in fact it is estimated that 40% of men have a criminal conviction (excluding minor motoring offences) (Home Office Statistic 2003): grounds of gender.

- b. 40% of those convictions relate to people aged 25 and under-grounds of age.
- c. Families, spouses and dependants of people with a criminal conviction are likely to experience adverse impact in relation to equality of opportunity- grounds with or without dependants.
- d. People may experience discrimination on the grounds of previous involvement with a particular paramilitary group: grounds of political opinion.

It is estimated that in excess of 50,000 individuals in Northern Ireland received convictions through the Courts in 2003.(1) We would therefore argue that the SEB needs to take account of the size and level of discrimination and the significant impact that has on communities in Northern Ireland and recognise that this merits acknowledgement of people with past conviction as a tenth group. This should be taken as a real opportunity to make a significant contribution towards the reduction of crime.

(1) Source: Northern Ireland Court Service Judicial Statistics - 2003

- 3.3 The Good Friday Agreement by releasing people with political convictions, from prison. Over the period of the Northern Ireland conflict, tens of thousands of individuals were convicted and sentenced of offences related to the Republican and Loyalist campaigns. After 1973 any person convicted of a 'terrorist' offence was tried in a non jury Diplock Court using amended rules of evidence. Many of these offences were exceptionally serious and included extreme acts of violence. In 1998, following the conclusion of the Good Friday Agreement, legislative provisions were made to facilitate the release of all paramilitary prisoners within two years who were members of paramilitary groups specified by the Secretary of State.

The criteria for assessing individuals for release included that they were members of organisations on cease fire, that if released they were not likely to become members of groups not on cease fire and they would not be a danger to the public. Over 450 prisoners were ultimately released under these provisions.

As Mr Justice Brian Kerr argued in a successful legal case by a former prisoner challenging a decision not to grant a taxi driving licence to the applicant:

"The Agreement contemplated that mechanisms would be put in place for the accelerated release of prisoners and that those prisoners who benefited from that programme would be reintegrated into the community. It appears to me therefore that particular attention should be paid to the

fact that a prisoner released under the terms of the Northern Ireland (Sentences) Act 1998 has been adjudged not to be a danger to the public”.

The resettlement of former politically motivated prisoners and the return of such prisoners to full civic life (including employment) is a key issue in any society emerging from conflict and should be included in the SEB.

- 3.4 When people with convictions or their families become victims they can experience discrimination in that they are treated differently from other victims e.g. denied access to compensation.

The term “victim” is causal rather than a status. Victims do not necessarily see victims as a denied group and as such does a disservice to people who are victims to define them in that way; and if they experience discrimination as a result of changed circumstances due to victimisation, they should be protected in terms of equality of opportunity in relation to these changed circumstances rather than on the basis of their status as victims of a particular crime.

3.5

The Rehabilitation of Offenders legislation exists fundamentally to provide guidance for people on disclosure of convictions for the purpose of employment but it has been used in a range of other settings to discriminate e.g. to decline insurance and therefore to determine ineligibility. The Rehabilitation legislation therefore does not provide the guidance and safeguards needed in how information is to be used and in NIACRO’s experience information received about past convictions is used to discriminate unfairly.

3.6 TACKLING LEGISLATIVE BARRIERS:

With the support of the European Offenders Employment Forum, NIACRO produced a publication “The Yellow Ticket” in the early 1990s to give a wider perspective on the different approaches to rehabilitation legislation amongst EU states.

The Rehabilitation of Offenders (NI) Order 1978 gives those ex-offenders who have stopped offending for a substantial period of time, the right not to disclose their criminal convictions when applying for jobs, other than those posts which are registered as “excepted” under the Rehabilitation of Offenders (Exceptions) Order (NI) 1979. The

1978 Order ONLY applies to persons who have received a sentence of 2 ½ years or under.

The equivalent legislation in UK ie the Rehabilitation of Offenders Act 1974 was reviewed in 2001/2 and the findings were published in a document entitled "Breaking the Circle". The legislation had been regarded as "not wholly effective" and "not achieving the right balance between resettlement and protection".

- In NIACRO's experience in Northern Ireland, both ex-offenders and employers found the legislation confusing and were unaware of its provisions. In 1998, a NIACRO survey showed that 53% of private sector employers had never heard of the Rehabilitation of Offenders Legislation.
- Many ex-offenders and employers had difficulty calculating the various periods after which convictions might become spent.
- Due to its limited enforceability provisions, the legislation largely failed to protect applicants from being improperly disqualified from obtaining appropriate employment.
- This lack of protection did little to encourage applicants to be honest about previous convictions as they feared (with some justification) that they would be unfairly treated if they disclosed their convictions.
- Sentencing had changed since the legislation was introduced and the 2 ½ year threshold meant that many ex-offenders were excluded from protection.
- Political and professional attitudes towards rehabilitation and resettlement have changed dramatically in the last three decades with the introduction of programmes designed to move ex-offenders out of crime and into lawful paid employment.

In the summer of 2003, the Northern Ireland Office carried out a consultation process on the review of the Northern Ireland Rehabilitation Order proposing to adopt the changes proposed in the UK "Breaking the Circle" publication. This review focuses solely on the requirements for disclosure to employers and fails individuals in its lack of attention for the need to provide fair and transparent access to employment opportunities for individuals with past convictions.

In response to this consultation, NIACRO argued that whilst many of the recommendations of the review of legislation in UK were positive and would address some of the difficulties, it was important in Northern Ireland to take account of the particular circumstances which prevailed as a result of the conflict during the past 30 years.

As a society, we also have a self interest in ensuring that criminal records do not permanently exclude people from the workforce. Research suggests that education and training and the ability to hold down a job significantly reduce offending by between one third and a half (Bridges, 1999). Given how much sustained employment can do to reduce crime it is crucial that the barriers within this process are minimised for motivated ex-offenders. As Former Home Secretary Jack Straw has argued, **"...a job is the best help that any ex-offender can get to avoid returning to crime."** (House of Commons, 30 July 1997).

Our experience is that many people with such convictions are discouraged from applying for posts which are subject to security vetting. They anticipate disadvantage and may be embarrassed about the necessity to declare their conviction.

NIACRO would welcome a stronger commitment to pay fair consideration to all and make special reference to inclusion of the individuals with criminal convictions. Despite the intention of the above it is a fact that the total ex-offender/ex-prisoner populations in Northern Ireland face significant barriers that can broadly be defined as follows:

- Policy/Legislative
- Structural
- Attitudinal

In order to overcome structural and attitudinal barriers it is important that policy and legislation be the driver to assist entrenched societal points of view. This reinforces the importance of having legislation that is relevant to this jurisdiction.

The experience of individuals, with past convictions, applying to the public sector jobs reflects a common practice of inequitable treatment. Examples are detailed below:

- a. One applicant had his job offer rescinded, due to his past convictions. Despite the fact that he was initially selected on "Merit" the Department failed to explore details of convictions further with the candidate to assess relevance before taking such action.
- b. Another person received a phone call the day before his interview to tell him that it had been cancelled as he did not meet "the general entry requirement for character" on the grounds of having a four and half year old conviction for driving with excess alcohol: again not relevant to the duties of the job and an example of failure to comply with the Merit Principle.
- c. A third applicant was informed that he would not be eligible to apply for further posts within the NICS until 2008, even though the conviction would become spent in 2005.

- d. One employee with a conviction in a temporary post within the Civil Service applied for a similar permanent position. Notwithstanding the fact that he had been doing the job for a substantial period of time with his line manager providing an excellent reference, his application was disallowed again because he did not meet the “general entry requirement for character”. This evidences inconsistent and inequitable consideration within Departments and as such the Code would need to ensure against such future practices.

NIACRO recognises that while employers in NI need to recruit safely the must also ensure that such individuals are not permanently excluded from the workforce.

We therefore recommend that this group is included in the SEB as the Rehabilitation of Offenders legislation does not and will not safeguard against discrimination. If we fail to achieve successful reintegration/resettlement legislation, this will have a knock on effect in terms of maintaining and embedding structural and attitudinal barriers.

CHAPTER 4: SCOPE

- 4.1 NIACRO agrees that “activities” for protection should include employment; education; training; goods; facilities and services; sale and management of premises.
- 4.2 In regard to “Employment”, NIACRO has recently made a submission to DEL’s “Draft Rules of Procedure for Industrial Tribunals and the Fair Employment Tribunal”. The response highlighted the need for more avenues of appeal for individuals discriminated against on the grounds of past convictions. Most discrimination in this respect takes place within one year of individuals commencing employment and as such the individual who is discriminated against has no right to legal redress. This therefore reinforces the urgent need to address this shortfall in protection.
- 4.3 In respect of GFS, the same scope should apply.
- 4.4 It is possible to cite many examples whereby individuals have been refused employment, training opportunities, bank loans, car / home insurance by virtue of having any type of conviction. A few case histories are detailed below:
 - a. An individual obtained employment and disclosed details of a conviction (not relevant to the post) to the prospective employer at the pre-appointment stage. The employer was, at that stage, satisfied with the disclosure and the individual took up the post and worked for the organisation for a 5 week period before being

dismissed by an area manager who explained that the employee should never have been offered the post as it was “company policy not to employ people with convictions”. This is an example of inequitable and poor employment practice yet the individual had no means of redress. This also flagged up difficulties in benefit entitlement and reference checking as the individual was in effect dismissed from employment through no fault of their own.

- b. An individual had a job offer rescinded due to Enforced Subject Access. He had applied for a post as a car alarm installation engineer and had been conditionally offered employment on the basis that a “clean” Subject Access form was returned by the applicant to the employer. When the employer received this information the offer of employment was withdrawn as details of a fine (spent after 5 years) for Indecent Behaviour from 1985 had shown up. As the post was not an “Excepted” post the employer acted unlawfully as the conviction became spent, some 13 years before he applied for this job, although the applicant had little if any means to appeal this decision.
- c. There is a difficulty for many ex-prisoners in obtaining mortgages or access to financial services because of their past.
- d. A young person, with a two year old caution for possession of cannabis, was refused entry on to an NVQ training course in childcare. The reasons given were that it would be “too difficult to try to find him a suitable work placement” because of his “record” and childcare providers “didn’t really want boys” and “placements were difficult enough to get”. This is an appalling example of the ease with which providers can too readily pick and choose candidates for courses. This young person’s confidence and self esteem were very much damaged by this experience. Again numerous other examples of difficulty of individuals with past convictions having difficulty accessing appropriate “vocational guidance, vocational training, advanced vocational training and retaining, including practical work experience could be quoted.

4.5 VOLUNTEERING

We fully support the response submitted by the Volunteer Development Agency in highlighting the need to include volunteers as a category separate from employees. We would therefore endorse the following points.

The Volunteer Development Agency defines Volunteering as:

“The commitment of time and energy for the benefit of the community, the environment or individuals, outside one’s immediate family. It is undertaken freely and by choice without concern for financial gain.”

The draft Single Equality Bill is designed to cover employees, goods and services and facilities. From the definition of volunteering, NIACRO feel that Volunteers do not fit into these categories, they are clearly not employees.

The proposed Bill ignores the motivation of volunteers and the unique relationship they have with the organisation. NIACRO see the maintenance of the voluntary nature of the volunteer role and relationship as essential.

A research report entitled: “Volunteering in Northern Ireland” (2001) indicates that the main reason volunteers get involved in organisation are because they see a need in the community, they have a personal connection to the organisation or they have time to spare. Volunteers do not see themselves as employees and do not wish to be treated as such.

Many individuals choose to volunteer to take steps towards improving their employment opportunities and to enhancing their CV. Many people with past convictions who experience difficulty securing employment therefore often use this as a tool to obtain references they may otherwise not be able to obtain due to limited employment opportunities.

A further concern would be insurance implications, in the current opportunities for volunteer involvement.

NIACRO agree with the option that the Single Equality Bill should exclude volunteers from the definition. The Bill should mention Volunteering, including a full definition, and stating that volunteers should also be treated fairly and no volunteer should suffer discrimination. Volunteers should be mentioned as a category unique from employees, facilities, goods and services. Consideration could be given to drawing up voluntary Codes of Practice on equality in volunteering.

4.6

Discrimination is an every day problem for people with past convictions and unless the SEB provides a context in which these issues can be addressed there is no opportunity for people to challenge these discriminatory practice and decisions.

CHAPTER 5: DEFINITIONS OF DISCRIMINATION

NIACRO would like the SEB to address all forms of discrimination defined to protect people with past convictions.

CHAPTER 6: EXCEPTIONS

- 6.1 We believe that in the context of fair and safe recruitment and to get the balance right between public protection and reintegration there needs to be the facility to make exceptions. The SEB should therefore take account of situations where this has to be justified and should encourage safe recruitment in relation to appropriate discrimination. This should be in the form of determining relevance of conviction to the risks involved when applying for e.g. employment, insurance, taxi licences etc.

Organisations should therefore be required to justify any discrimination that takes place.

The SEB should clearly identify circumstances where it is appropriate to discriminate in taking account of risk and relevance of past convictions to particular circumstances.

CHAPTER 7: GOODS, FACILITIES AND SERVICES (GFS)

- 7.1 There are many examples of inequality and discrimination that people with past convictions have experienced when accessing services in particular; some of these are outlined below

- a. In terms of home insurance: a service user received house insurance on her property while her husband was in prison. When he rejoined her household upon his release she included him in the annual renewal application and disclosed the fact that he had a criminal conviction. Her insurance company refused to renew her policy even though no claims had been made on the previous one and despite the fact that even when her husband was in prison the insurance premium had been paid in full rather than instalment. When pressed for a reason for not renewing the policy the company said that on the basis of 'risk' it had decided not to proceed with the transaction. Other companies we contacted similarly cited 'risk' as a reason for not offering our service user a policy. They did not explain what risk existed.
- b. Having received a 1 year suspended sentence, for a fraud related offence, an individual informed his car insurance company straight

away in case non disclosure would affect any future policy claims should he have an accident. As a result the insurance company cancelled his policy with immediate effect. There was no explanation for doing so and because his policy was cancelled the individual cannot obtain alternative car insurance with any other insurance company.

The SEB needs promote equality of access for GFS for reasons already outlined in this response. There is no other piece of legislation that provides protection for people with past convictions trying to access goods, facilities and services. The SEB therefore provides the first opportunity for such discrimination to be addressed.

CHAPTER 8: ADDRESSING UNDER-REPRESENTATION IN EMPLOYMENT

8.1 Many offenders particularly Ex-Prisoners are amongst the long term unemployed. There are a range of issues for this such as: low levels of educational attainment, poor levels of skill, poor work history. We know, however that increasing levels of employability can impact significantly in the reduction of offending.

Research shows:

- 60% of ex-offenders are refused jobs because of their criminal record- yet ex-prisoners with jobs are one-third to a half less likely to re-offend. (NACRO)
- Having any kind of criminal record currently results in a likely rejection of an application for around one in six vacancies. However, for most types of offence, a rejection is likely in about half of all vacancies. (National institute for economic and Social Research).

If we are to address long term unemployment we need to monitor access to employment. As a society we need to ensure that people are considered in terms of skill and experience and that a conviction alone should not be a barrier or reason to exclude people with past conviction. The SEB therefore needs to take account of this and clearly address the need to protect this proportion of the population when accessing employment opportunities.

CHAPTER 9 : EQUALITY COMMISSION FOR NORTHERN IRELAND – FUNCTIONS AND POWERS

- 9.1 NIACRO would argue that the Equality Commission should provide the same functions and duties for people with convictions in having the powers to investigate discriminatory practice.
- 9.2 The Equality Commission should support the mechanisms proposed in the current review of the Rehabilitation of Offenders Legislation to ensure that employers adhere to the anticipated code of practice to require them to recruit fairly when considering applicants who disclose details of convictions. Current arrangements are that the Equality Commission does not assist claimants if they have been discriminated against because of their criminal record.

9.3

The SEB should therefore extend the powers of Equality Commission to protect all new grounds. For people with convictions, NIACRO would suggest that the Equality Commission should have the “powers to support complainants”, conduct investigations and issue “non-discrimination notices and action plans” for any organisation unjustifiably discriminating against people with past convictions.

CHAPTER 10: TRIBUNALS AND COURTS

People with past convictions should have the same access to IT's and FET as other groups protected by anti-discrimination legislation. The facility should therefore be extended for this group to cover employment and GFS.