

Review of the Race Relations (NI) Order 1997

Consultation Document

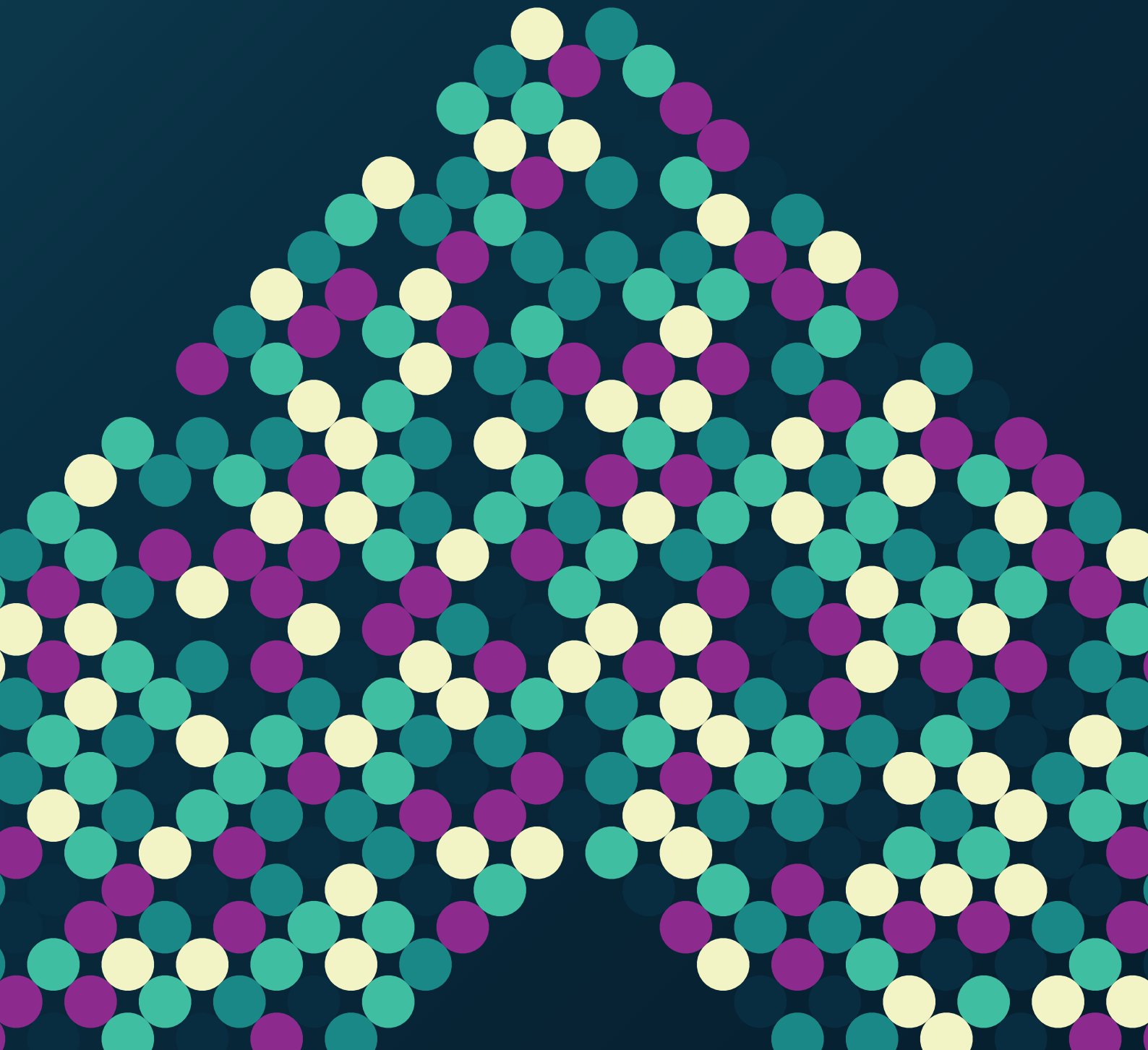


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Foreword



The Executive Office believes strongly in its aim to improve the well-being of all of our people. We are committed to making sure that this review of racial equality legislation fully reflects and responds to the needs of our minority ethnic communities and offers them the best protections from racism and discrimination in the environments in which they live and work.

The Department's work on reviewing the current Race Relations Order has been informed by firstly examining the differences between the RRO and the Equality Act 2010 in Great Britain (GB) and also the provisions in Ireland. We then continued with engagement with the Racial Equality Subgroup and other stakeholders such as the Equality Commission for NI (ECNI). At this point we would like to take the opportunity to thank all involved for sharing with us their ideas, energy and expertise.

Now we want to hear your views on the proposals, which will guide our actions as we move forward with producing policy options for Ministers in the next mandate to allow them to introduce this important piece of legislation.

The information we receive in this consultation will assist us in ensuring that the Executive brings into law a piece of legislation that offers our minority ethnic communities strong protection from racism and discrimination and we need your help to get it right.

Tell us what you feel the priorities are, share with us your knowledge and work with us to create and innovate to help develop legislation which will build and sustain a better and more equal society.

Although we have experienced the worst global health pandemic in 100 years, we are beginning to see and understand that, in the midst of the difficulties and challenges, there are emerging opportunities. We have seen an awakening and acceptance that the world needs to be a more tolerant and equal place free from racism and discriminatory practices. We feel that in carrying out this piece of work it will bring us one step closer to that goal.

Handwritten signature of Denis McMahon

DENIS MCMAHON
PERMANENT SECRETARY
THE EXECUTIVE OFFICE

Introduction

Background – Where we are now

The current Race Relations Order was brought into force in 1997 and subsequently amended in 2003 and 2009 by amendment regulations.

The Order outlaws discrimination on racial grounds. Racial grounds include colour, race, nationality or ethnic or national origins.

The law covers racial discrimination in the following key areas:

- Changes Affecting Multiple Provisions
- Education
- Employment
- Provision of Goods, Facilities, Services and Premises
- ECNI
- Enforcement
- Others

We recognise that given the passage of time and advancements elsewhere, including through the Equality Act introduced in GB in 2010, there is a need to revise our own legislation to maximise the protections for those minority ethnic communities that have and will make this their home.

For this reason, the Executive's Racial Equality Strategy 2015-2025 prescribed that within the lifetime of the Strategy, work should be done to review and revamp our racial equality legislation to both bring it into line with the protection offered in other jurisdictions and where possible to advance it further to help future-proof it.

The approach to this has been to examine the differences between our legislation and that of equivalent legislation, or part thereof, in GB and Ireland. This analysis has facilitated engagement with various stakeholders and colleagues to give us an overview of areas and articles within the legislation which are in need of reform and essentially those areas which new legislation should seek to address.

We are cognisant that there will be potential for areas or gaps which may not have been considered and it is therefore important that we bring our proposals forward for public consultation.

This consultation will allow us to gather more information on any potential areas which we have overlooked or offer better insight to the issues at hand which may warrant further consideration to address.

Consultation

The consultation will run for 12 weeks from the consultation launch. The responses will then be analysed and directly inform the legislative process to bring forward a new Racial Equality Bill to replace the Order.

Legislation, by its very nature, is complicated, especially to anyone not directly involved in writing it or using it on a daily basis. We hope to hear from those directly involved with legislation but also want to encourage those of us who are not familiar with legislation to share their valuable opinions. In this document we have tried our best to explain, in everyday terms, what the articles mean and how we want to change them. Links to an online questionnaire have been included in the following section to assist you in submitting your views.

While we want to hear from as many people as possible on as many of the changes as possible, please feel free to comment on as few or as many of them as you see fit. For a number of articles we have added some thought provoking suggestions under the 'Consider' heading, which may help you develop your comments.

Alternative Formats

An electronic version of this document is available at www.executiveoffice-ni.gov.uk/consultations

Copies in other languages and formats (including Braille, large print etc.), can be made available on request. If it would assist you to access this document, the easy read or children's version in an alternative format or language other than English, please contact us using the email or address overleaf.

Responding to the Consultation

The best way to respond to this consultation is online, through our survey which can be accessed here:

<https://consultations.nidirect.gov.uk/>

A copy of the survey is also available for you to download at the following link:

www.executiveoffice-ni.gov.uk/consultations

Completed hard copy survey questionnaires (Section 2) and general written responses can be sent to us by:

E-mail at: racerelationsorderreview@executiveoffice-ni.gov.uk

Or

Post at: The Racial Equality Legislation Team

The Executive Office

E3.15, Castle Buildings

Stormont Estate

Belfast

BT4 3SR

Separate easy read and children's versions of the consultation document, and a children's survey questionnaire are available here:

Easy Read Version Consultation Document:

www.executiveoffice-ni.gov.uk/consultations

Children's Version Consultation Document:

www.executiveoffice-ni.gov.uk/consultations

Children's Version Survey Questionnaire:

<https://consultations.nidirect.gov.uk/>

Responses to this consultation are invited for 12 weeks after the consultation launch. We look forward to hearing from you and are keen to engage with you. If you want to contact the team about the Order, the approach being taken, or if you or a group you are involved with would like to participate in an engagement event, please use the email address provided.

Complaints

If you have any concerns about the way this consultation process has been handled, you should send them to the following address:

Machinery of Government

Room SD03

Stormont Castle

Belfast

BT4 3TT

Email: info@executiveoffice-ni.gov.uk

Telephone: 028 9037 8055

Please note, if you choose to send your complaint in writing, you should state clearly the reason for your complaint in the 'subject' bar of your email, or at the top of your letter.

Privacy, Confidentiality and Access to Consultation Responses

The Department intends to publish a synopsis of responses to the consultation (subject to our Moderation Policy). This may include a list of names of organisations that responded but not personal names, addresses or other contact details.

Section 1: Suggested amendments to The Race Relations (NI) Order 1997



The full Order can be found at legislation.gov.uk under 'The Race Relations (Northern Ireland) Order 1997'.

The legislation against which the Order was reviewed includes:

- The Equality Act 2010 (GB)
- The Employment Equality Act 1998 (Ireland)
- The Equal Status Act 2000 (Ireland)

Set out below are the areas we have identified which need to be updated or changed. As the Order is quite extensive, for ease of reference we have divided these into a number of areas.

- Changes Affecting Multiple Provisions
- Education
- Employment
- Provision of Goods, Facilities, Services and Premises
- ECNI
- Enforcement
- Others

Changes Affecting Multiple Provisions



Part I of the Order contains general definitions and interpretations. We propose to change some of the definitions to widen the scope that the new Bill will cover, to provide better overall protection. Some of these changes will have a knock-on effect on other Articles.

Article 3 – Racial discrimination

Article 3 sets out the grounds for racial discrimination, in particular colour, race, nationality or ethnic or national origins. These are not reflected throughout the Order, for example Article 6(3) currently permits discrimination on grounds of colour and nationality in private households (whilst not permitting discrimination on grounds of race, ethnic origin and national origin.). We intend to ensure that all areas are covered throughout the new Bill.

Any new provisions introduced as a result of this reform, e.g. allowing discriminatory practices or informal policies, should also apply to all five grounds, only if they can be justified by a proportionate means of achieving a legitimate aim.

Article 4 – Discrimination by way of victimisation

There are two suggested changes to Article 4:

- i. We intend to restrict the definition of victimisation to cover only individuals. Section 27(4) of the 2010 Equality Act restricts the victimisation provision only to individuals. In practice, in most cases, a person who undertakes such an act will be a natural legal person, i.e. an individual, as opposed to an artificial legal person (e.g. a company). It would be difficult to envisage a scenario where an artificial legal person, e.g. a company would suffer victimisation that would not be covered by the protection afforded to individuals.

Article 4 of the Order offers slightly broader protection than under the Equal Status 2000 Act (Ireland), for example it extends to a person who gives information in connection with proceedings, whereas Section 3(2)(j) of the 2000 Act is limited to a person who gives evidence.

- ii. In addition to the above we want to amend the definition of victimisation to remove the need for the complainant to establish that the treatment was less favourable than would have been afforded to another person (a comparator). The UK Government response to the consultation on the Equality Bill (2008) stated that the removal of the requirement for a comparator “offers a more effective, workable system – not one

in which it would necessarily be easier to win a case, but one where attention (is) rightly focused on considering whether the “victim” suffered an absolute harm irrespective of how others were being treated in the same circumstances.”

Making this change would lead to Article 4 being out of alignment with the equivalent provisions in other NI equality legislation. If Article 4 is amended a person who brings a victimisation claim under multiple pieces of legislation e.g. both Article 4 of the Order and Article 3(4) of FETO, arising out of the same factual circumstances, would have to establish a comparator for FETO but not the Order.

Consider:

- i. Can you think of any examples where a company might suffer victimisation?
- ii. Will it improve things if a ‘comparator’ is not needed? Does it matter that the change will mean the new legislation may be out of alignment with others?

Article 4A – Harassment

We intend to widen the definition of racial harassment from ‘on the grounds of’ to ‘related to’. We have been advised that, legislatively, this wording provides wider protection.

Article 41 – Acts safeguarding national security

There are two suggested changes to Article 41:

- i. We are considering removing the exemption in Article 41 for ‘protecting public safety or public order’. ‘National Security’ is the contemporary wording, however ‘protecting public safety’ is a tried and tested form of wording. Both forms of words are no longer necessary.

Article 41 includes “protecting public safety or public order”, as well as “safeguarding national security”, whereas Section 192 of the Equality Act includes only the latter. There is no equivalent in Irish legislation.

- ii. In addition, Article 41 currently requires that the “act is justified”, whereas Section 192 of the Equality Act refers to “(the act) is proportionate”. Proportionality is not a free-standing concept, but rather is one which is to be assessed in context. So reference to it in legislation is often expressed as proportionate to the aim to be achieved, which allows the proportionality of any given step to be measured in the

context of what the ultimate aim is, to ensure that the step does not go any further than necessary. Justification is a slightly different concept, in that it does not require to be assessed in context, although there will usually be a high degree of overlap between the two. Our intention is to use 'proportionate'.

Consider:

- i. Do you see any issues, in a local context, with removing the wording public safety/public order?
- ii. Do you feel adding the term 'proportionality' will help with the context of any claims if they go to court?



Education

We want to protect all our children and young people throughout their years of education, from the application process to their first school, through secondary education and on to college and university. We want them to be safe within those environments but if things do go wrong, children, young people and their families need to know they will be supported and given a fair hearing.

We intend that all of the following apply to all educational establishments, as listed in the current Order.

Key Areas

Article 4 - Discrimination by way of victimisation

If a complaint has been made by a parent or guardian, we want to change the legislation to ensure any child or young person connected with the complaint (including siblings) is protected against victimisation. The aim is to prevent parents being discouraged from raising an allegation of discrimination with a school or educational establishment because of the fear that their child may suffer retaliation as a result.

This may have implications for other legislation relating to education such as SENDO 2005 and the Department of Education SEN Code of Practice.

Article 18 - Bodies in charge of educational establishments

We want to introduce a duty not to discriminate in the provision of recreational and training facilities. Section 93 (recreational or training facilities) of the Equality Act 2010 imposes a duty on “the responsible body” not to discriminate or harass or victimise a person. There is no direct equivalent to Section 93 in the Order.

Consider:

This could include the likes of playing fields or tennis courts.

Article 18(1)(a) and (b) – Bodies in charge of educational establishments

The Department of Education provides guidance for schools on the application process, but they are not obliged to follow it. We feel it is important to strengthen the legislation to make sure no application process discriminates on grounds related to Race.

Section 85(1) of the Equality Act is slightly more extensive as it includes reference to ‘arrangements’ which is not in Article 18.

Our advice is that adding ‘arrangements’ will cover the application process.

Article 18(1)(c)(i) – Bodies in charge of educational establishments

To ensure we have covered all eventualities, we want to include a ‘catch all’ type of clause. This will make sure that we cover grounds such as a school’s uniform code, which might prohibit certain types of hair, like traditional African braids; or schools discouraging Roma children from attending university open days, based on discriminatory assumptions.

This has arisen from the review of GB legislation. Section 85(2) of the Equality Act 2010 lists six ways in which a school must not discriminate. These mostly overlap with Article 18(1), except for Section 85(2)(a) – “*in the way it provides education for the pupil*”. This appears to operate as a general ‘catch-all’ type of clause, which is what we intend to replicate.

Consider:

Can you think of any examples this may not cover?

Article 54(5) – Claims under Part III

At present there is a 2 month notice period which must be given to the Department of Education before a claim of discrimination is made. There is no equivalent notice period for claims of race discrimination in the provision of goods, facilities and services. We intend to remove the requirement for this notice period.

Employment



Being gainfully employed is an important aspect of many people's lives. It can be important for self-esteem, supporting your family and the feeling of making a contribution to the community. Everyone should have an equal chance when applying for a job and, once in employment, expect to receive fair treatment along with their colleagues. Everyone should feel comfortable in their work environment and should not be made to feel isolated or ostracised. Should things go wrong both the Equality Commission for NI (ECNI) and the Order can provide help and redress.

Key Priority Areas

Article 6 – Applicants and employees

In legal terms, the definition of an employee is very complicated. We want to make sure that all forms of employees and employment are protected, e.g. gig economy, zero hours contract, self-employed.

Article 6 covers individuals who work in the “gig economy” who, due to their circumstances, may be classed as employees or workers. But it is not clear whether other categories e.g. self-employed or zero hours contracts are covered, as this would depend on the nature of the contract and the work undertaken (in terms of duration, level of supervision/subordination etc).

Article 6 is equivalent to Section 8 (discrimination by employers) of the Employment Equality Act 1998; both provide in substantially the same terms, although Section 8 also covers agency workers.

In addition we intend to remove the exception for grounds of colour or nationality at Article 6 (3) as a consequence to the changes to Article 3 mentioned above.

Consider:

Have we covered everything? Can you think of any other types of employment?

Article 7A – Exception for genuine occupational requirement

This means being of a particular race or of particular ethnic or national origins is a genuine and determining occupational requirement.

We want to amend Article 7A to be into line with Schedule 9 of the Equality Act 2010 by requiring the employer to establish a legitimate aim when having regard to the nature of the employment.

The equivalent legislation in Ireland is Section 37(2) (exclusion of discrimination on particular grounds in certain employments) of the 1998 Act, which is substantially the same.

A requirement to establish a legitimate aim helps a tribunal put into context what is ‘proportionate’, creating a two-stage process which measures the cause and effect of the employer’s actions, offering stronger protection for the claimant.

This will also be changed to include colour and nationality as mentioned at Article 3 above.

Consider:

An example of this might be an Italian restaurant publicising itself as having a genuine Italian chef. Should employers be able to discriminate on these grounds? Is it fair that they can?

Article 8 – Exceptions for genuine occupational qualifications

We intend to delete Article 8 which was inserted due to EU Race Directive SR 2003/341. In practical terms Articles 8 and 7A cover the same ground and will be strengthened by amending of Article 7A to include colour and nationality (see Article 3 above).

Article 9(2) – Contract workers

We want to make employers liable if they fail to take reasonably practicable steps to prevent harassment of an employee by a third party.

An equivalent provision was introduced in the Equality Act 2010, but then repealed in 2013 as part of an initiative to reduce bureaucracy for employers. The Committee on the Elimination of Racial Discrimination (CERD) criticised any dilution in the name of cutting red tape.

Provision is included in Section 8 of the 1998 Act (described as “agency workers”).

Consider:

An example of this might be an employee being racially abused by a customer. What should the employer do to 'reasonably' protect his employee?

Article 12 – Partnerships

Article 12 says that it is unlawful for a firm consisting of six or more partners to discriminate against a Person (in this case an employee).

We intend to delete the exception for organisations with six or more partners.

As a consequence of the changes coming out of ensuring colour and nationality have the same protection throughout the new Bill (see Article 3 above), it will not be permissible to retain the minimum number of partners, as this would be in breach of EU law.

This is equivalent to Section 13A (partnerships) of the 1998 Act in Ireland and does not restrict protection to partnerships comprising six or more partners, as in Article 12.

Consider:

Can you think of any reason why it would be beneficial to keep this?

Article 14 – Qualifying bodies

We would like to introduce stronger protection against discrimination by qualification bodies.

It appears that the Equality Act 2010 goes further than the equivalent Article in the Order, as the former makes it unlawful to discriminate not only in the 'arrangements' a person makes for deciding upon whom to confer a relevant qualification, but also as to the terms on which it is prepared to confer a relevant qualification on that person.

The Department's legal advice also explains that there is also a gap in protection between the Order and the Equality Act 2010 as Article 14 does not provide for "any other detriment", which covers a wider range of matters.

We intend to add both 'arrangements' and 'any other detriment'.

Consider:

Although we have suggested adding 'arrangements', it may not be necessary, as it is not obvious what this would be needed to cover. Can you think of any examples of what this might cover?

Article 15 – Persons concerned with provision of vocational training.

There are two suggested changes to Article 15. We would like to widen this to provide stronger protection for employment service providers:

- i. The GB equivalent is Section 55 (employment service-providers) of the Equality Act 2010. Article 15 deals only with vocational training, whereas Section 55 deals with a wider range of employment service-providers, one of which is the provision of vocational training.

Section 56 of the Equality Act 2010 lists nine categories of employment service-providers. Only some of these are covered by Article 15. We intend to ensure those that apply here are added to the new Bill.

Article 15 is equivalent to Section 12 (vocational training) of the Employment Equality Act 1998 (Ireland) and covers substantially the same provision.

- ii. Also, Article 15 does not expressly provide for victimisation, in contrast to Section 55(3) of the Equality Act 2010 – although that may be covered by Article 4. We intend to ensure victimisation is covered.

Article 16 – Employment Agencies

We want to increase protection for certain categories of agency workers against racial discrimination and harassment by an end user. This would bring the new Bill in line with Section 41 of the Equality Act 2010. Article 16 is equivalent to Section 12 (vocational training) of the Employment Equality Act 1998 (Ireland) and covers substantially the same provision.

The Order currently protects an agency worker who applies to, or is employed by, an agency. Protection is not afforded to an agency worker who is subject to discrimination by the end user (unless the particular facts of the case show that there was a contract of employment between the agency worker and end user). This has been the subject of case law.

Consider:

An example demonstrating this change might be an agency worker carrying out work on behalf of the NI Civil Service being protected from abuse by NICS staff. Current provision provides protection only between two parties which have a contract, i.e. worker and agency or agency and employer.

Article 26(2) – Barristers

Section 47(5) of the Equality Act 2010 deals with victimisation by a barrister of a pupil or a tenant. There is no provision in Irish legislation, or in the current Order, to cover this.

We intend to add this provision to the new Bill.

Article 32 – Liability of employers and principals

We want to provide for employee/agent personal liability for unlawful acts. The legislation says currently that if an employee does something against the law, while doing their job, then both the employee AND their boss are responsible.

The change would mean the employee should take responsibility if they did something wrong, unless it was their boss who told them to do it.

Section 109 of the Equality Act 2010 makes an employee and/or an agent personally liable for unlawful acts committed by that person during the course of his/her employment and/or agency contract, subject to the defence in Section 109(3), i.e. a reasonable belief in the employer's/principal's statement that the act was lawful.

There is no express equivalent to Section 109 in the Order. There is an element of overlap with Article 33 (aiding unlawful acts), although Section 109 does not require it to be established that the employee or agent knew that the act was unlawful, in contrast to Article 33 where we believe it should.

Article 32 is equivalent to Section 15 (liability of employers and principals) of the Employment Equality 1998 Act (Ireland) and Section 42 (vicarious liability) of the Equal Status 2000 Act (Ireland) – both provide in substantially the same terms.

Consider:

Do you agree that the employee should take responsibility? Or do you think the employer should be partly responsible for their employee's actions?

Article 37 – Discriminatory training

We want to widen the scope for voluntary positive action that employers, service providers and public bodies can lawfully take to promote racial equality. This change will allow employers to move quickly to target training at a specific group and allows service providers to provide additional services or separate facilities.

Expanding the scope of voluntary positive action that employers, service providers and public bodies can lawfully take to promote racial equality would be in line with the Equality Act 2010 (S159) and other NI equality legislation. The Order is currently limited to facilities for training and encouraging opportunities and allowing action if a person ‘reasonably thinks’ it is required (wording currently requires statistical information be gathered over 12 months to demonstrate need).

Article 32 is equivalent to Section 12(7) (vocational training) of the Employment Equality 1998 Act (Ireland).

Consider:

The current provisions do not include employment, should this be included?

Is the current requirement of information gathered over 12 months reasonable? If not, what, if anything, could replace this?

Article 40 – Acts done under statutory authority

We intend to modify or remove the restrictions in Article 40 on persons being employed in the service of the Crown or certain public bodies.

The substantive difference between Article 40 and paragraph 5 (Crown employment) of Schedule 22 of the Equality Act 2010 is that Article 40 retains the dis-application of the prohibition on racial grounds, whereas the focus of paragraph 5 is on immigration status (past and present). This difference may be resolved if the varying grounds in Article 3 are brought into line with those in the Equality Act 2010, i.e. the addition of colour and nationality as grounds for discrimination.

Consider:

Should employment be based on immigration status rather than nationality?

Article 72ZA – Other office holders

There are two suggested changes to Article 72ZA:

- i. We would like to introduce a new protection for councillors against racial discrimination and harassment by local councils as this is not included currently in the Order.
- ii. In addition, protection for appointments made by a Minister or Department would be extended to include victimisation.

Article 72ZA does not provide for victimisation, unlike both sections 49 and 50 of the Equality Act. Article 72ZA applies only to the grounds of race or ethnic or national origin, colour and nationality will be added as mentioned at Article 3 above. There is no equivalent in Irish legislation.

Article 72A – The Police Service of NI and the Police Service of NI Reserve

This Article sets out how PSNI officers are covered by the Order, including being considered as employees of the Chief Constable. It does not, however, cover any other law enforcement agencies who may work here. Therefore we intend to amend it to cover specific law enforcement agencies which work here e.g. Serious Fraud Office.

We have also been advised that the Order does not cover police cadets. The Department of Justice has asked that we include cadets in the new Bill.

Provision of Goods, Facilities, Services and Premises



We all want to be able to access services we have a right to receive, be treated with respect and get the best outcome. No one should receive an inferior service based on their appearance or perceived stereotype. Services such as social security, healthcare and social protection should be accessible to everyone. Clubs and societies also have a responsibility to see that members are not disadvantaged or excluded because of their race.

Key Priority Areas

Article 20A(1) – Public authorities

We want to remove a restriction that limits protection against racial discrimination and harassment by public bodies to the four areas of social security, healthcare, social protection or social advantage.

The current limited scope of the ‘public functions’ remit of the Order reflects the limits to the scope of the relevant EU Directive 2000/43/EC.

There is no equivalent specific provision in the Equal Status 2000 Act (Ireland). The Act prohibits discriminatory acts by a “person”, which is defined in Section 2 (interpretation) to include a public body, so public authorities are already impliedly included.

The Equality Act 2010 is wider in scope and the intention is to match the GB approach.

Consider:

Can you think of examples of what additional areas should or could be covered?

Article 23(7) – Exceptions from Articles 21(1) and 22: small dwellings

Certain relationships are not covered in this Article. We intend to widen cover to include, e.g. unmarried partners, illegitimate and adopted children.

Article 25 – Discrimination: associations not within Article 13

There are two suggested changes to Article 25:

- i. This Article makes it unlawful for an association of persons to discriminate against non-members as to terms of membership or refusing or deliberately omitting to accept a membership application.

We want to ensure that potential guests of these associations are also covered by the legislation. The Department's legal advice explains that there is currently no direct equivalent to Section 102 (guests) of the 2010 Equality Act, but it is arguable that guests are covered by Article 25(3). There is currently no case law on this so until this is tested in the courts, the position cannot be confirmed definitely.

Section 8 of the Equal Status 2000 Act (Ireland) has substantially the same effect as Article 25. Section 9 provides for exceptions, equivalent to Article 25(6).

- ii. To bring Article 25 (2)(a) to the same level of protection as the Equality Act 2010, we intend to add the word 'arrangements' in addition to 'terms'. The Act uses both. It is likely that arrangements deal with the preliminaries, i.e. before membership is either granted or refused, so would include e.g. how membership applications are advertised or facilitated, and how interviews are conducted.

Article 27A(2) – Relationships which have come to an end

We want to ensure members' clubs are covered by the new legislation, for instance where the relationship with the complainant no longer exists, e.g. if they are no longer a member of the club.

This has arisen from the review of GB legislation. Section 108(1) of the Equality Act 2010 applies to “conduct of a description constituting the discrimination would, if it occurred during the relationship, contravene this Act.” – so it covers any unlawful discrimination. It is designed to ensure that treatment of the kind made unlawful by the Act which results from, and is closely linked to, the existence of a relationship is still unlawful even though the relationship no longer exists.

Article 38 – Sports and competitions

We want to broaden Article 38 to ensure ‘other activity of a competitive nature’ e.g. digital sports are covered.

Section 195(6) of the Equality Act 2010 includes ‘or other activity of a competitive nature’ and ‘or other such activity’. There is no definition or clarification. The text may refer to non-traditional sports. For example, a dance or cheerleading competition may or may not be “a sport or game” but would probably be an “other activity of a competitive nature”. Another example may be international video games and e-sports competitions, neither of which would fit within the scope of sports or games, as originally envisaged and, as such, unlikely to be within Article 38. It is likely that a “game” would include games such as bridge or chess.

Consider:

Can you think of any other categories which may not be covered but should be included?

Equality Commission for Northern Ireland (ECNI)



The ECNI is a non-departmental public body established by the Northern Ireland Act 1998. Its powers and duties derive from a number of statutes, providing protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation. It also has responsibilities arising from the Northern Ireland Act 1998 in respect of the statutory equality and good relations duties which apply to public authorities.

The Race Relations Order is one of the statutes which sets out duties for the ECNI.

It shall be the duty of the Commission:

- a) to work towards the elimination of discrimination and harassment;
- b) to promote equality of opportunity, and good relations, between persons of different racial groups generally; and
- c) to keep under review the working of this Order and, when it is so required by the Department or otherwise thinks it necessary, draw up and submit to the Department proposals for amending this Order.

We have worked closely with the ECNI through the process of reviewing the Order, specifically in relation to the powers conveyed upon it. We want the ECNI to be in the best possible position to support complainants and help businesses where they need advice to understand their duties.

Article 29 – Discriminatory advertisements

This Article allows the ECNI to bring a complaint if it feels an advertisement is discriminatory. It may be the case that the discrimination is not directed against an individual so this allows the ECNI to act. There is no current equivalent to Article 29 in the Equality Act 2010. Instead, it appears that provision has been included in the general prohibitions against both direct and indirect discrimination, enforceable by individual complainants. Alternatively, the GB Commission (similar to our ECNI) has enforcement powers under the Equality Act 2006 relating to acts which are unlawful under the 2010 Act.

Consider:

Do you feel it is necessary to have this Article for ECNI to take forward a case on behalf of the community where no individual has raised a complaint? Can you envisage any circumstances in which advertisements should be allowed to be discriminatory? (For example, for the purposes of positive discrimination for underrepresented communities)

Article 30 – Instructions to commit unlawful acts

There are two suggested changes to Article 30:

- i. We have been advised that Article 30 only implies that indirect inducement is included. We intend to make this clearer.

Article 30 makes it unlawful for a person (who has authority over another or in accordance with whose wishes that person normally acts) to instruct, procure or attempt to procure someone to discriminate or harass another person.

- ii. We also intend to provide cover for relationships that have ended.

Consider:

- i. An example of this might be a shopkeeper instructing her employees not to admit Travellers into the shop or to refuse to serve them.
- ii. An example of a relationship that has ended might be a school or employer refusing to give a reference to an ex-pupil or ex-employee.

Article 43/44 – Assistance to organisations/Research and education

Articles 43 and 44 allow the ECNI to give funding in certain circumstances, but there is inconsistency across other equality legislation here about what can be funded and how. With the help of ECNI we intend to look at how we could have a more consistent approach.

Consider:

Is it appropriate for ECNI to fund other organisations? If so, how should this be overseen by Government?

Article 45 – Codes of practice

We would like to increase the powers of the ECNI to issue Codes of Practice with regard to racial equality in a wider range of areas than is allowed currently, including goods, facilities and services, the exercise of public functions and education (ECNI powers to issue CoP are currently limited to employment and housing).

Article 45 is similar to Section 31 of the Irish Human Rights & Equality Commission Act 2014, but Section 31 codes apply to the fields of employment, the provision of goods and services, disposal of premises and provision of accommodation, education and clubs.

Consider:

Is adding more areas a positive move?
Can you think of any reasons why they should not be added?
Would it be a burden on employers?
Are there any additional areas that could be covered?

Article 46/47 – Power to conduct formal investigations/Terms of Reference

We would like to increase the powers of the ECNI to carry out formal investigations by removing procedural barriers. This would mean giving the ECNI the same powers as it has under FETO, to investigate on two levels, general and named person. The main issue with this particular section relates to ECNI's request which means there is no need to have a test of whether or not there is a 'belief' of unlawful acts as there is in GB and other NI legislation.

The power of the Order is triggered by signs that something has gone wrong, whereas the FETO power is triggered by a reflection that things could be improved.

The change would match the ECNI's powers to those it has under FETO and also with those possessed by the EHRC in GB. It would also bring the ECNI's powers more in line with those of the Irish Human Rights and Equality Commission under part 3 of the Irish Human Rights and Equality Commission Act 2014.

Consider:

Should ECNI be able to investigate without evidence? Could this be both an additional burden on employers and seen to 'tarnish' a company's name without good reason?
When ethnic equality monitoring is introduced, this may help highlight areas of inequality and provide evidence the ECNI needs to investigate.

Article 50(3) – Restriction on the disclosure of information.

Disclosure of information in accordance with Article 50(3) is considerably wider than that allowed by Section 6(3)(e) of the Equality Act 2010. Our legal advice is that the Equality Act allows 'gateways' within General Data Protection Regulation (GDPR) which, although still within compliance, would make it easier for ECNI to operate administratively. We intend, therefore, that this area should be drafted to match the Equality Act.

Article 59 – Persistent discrimination

Article 59 concerns how ECNI can deal with persistent offenders. ECNI currently has the power to apply to a county court for an injunction, if it feels that someone, who is already the subject of the findings of a tribunal, is likely to do something unlawful.

There are similar provisions in some pieces of NI legislation but not in others, so there is no consistency here.

As there is no equivalent in either GB, Irish or some NI legislation, consideration is being given to removing this Article.

Consider:

Do you think ECNI should retain this power?

Article 60 – Enforcement of Articles 29 to 31

Article 60 refers to Articles 29-31 and covers ECNI's powers in relation to these three particular Articles. These Articles cover circumstances which may not involve discrimination against a particular individual. An example might be where a job advertisement infers that applications from, say, Roma, are not welcome. Article 60 gives ECNI the power to bring a claim against the employer.

There is no direct equivalent to Article 60 in either the 2006 or the 2010 Equality Acts. The equivalent provision in the 2006 Act was repealed by the 2010 Act.

There is no equivalent in Irish legislation.

Consideration is being given to removing this Article, as has been done in GB.

Consider:

Do you think ECNI should retain this power?

Article 61 – Preliminary action in employment cases

Article 61 deals with preliminary action ECNI can take in employment cases, prior to them reaching the County Court.

Article 60(4) makes provision for ECNI to apply to the County Court for an injunction if it appears

to ECNI that a person has done an unlawful act (by virtue of Articles 29, 30 or 31) and that unless restrained he is likely to do further unlawful acts by virtue of that Article. Article 60(5) provides that in relation to proceedings within the jurisdiction of the Industrial Tribunal, ECNI shall not allege that there has been an unlawful act unless there is a finding by an industrial tribunal which is final. There is no direct equivalent to Article 61 in either the 2006 or the 2010 Equality Acts. The equivalent provision in the 2006 Act was repealed by the 2010 Act.

There is no equivalent in Irish legislation.

Consideration is being given to removing this article, as has been done in GB.

Consider:

Do you think ECNI should retain this power?

Article 62 – Undertakings by persons contravening this Order

If the ECNI is satisfied that a person is committing or has committed an act contravening the Order, the ECNI may obtain from that person an undertaking that he will stop. Article 62 is similar to Section 23 (agreements) of the 2006 Act. In relation to these enforcement powers of the ECNI, there is an inconsistency in the nature and extent of available powers under the different pieces of equality legislation.

There is no equivalent in Irish legislation.

Consideration is being given to repealing this Article.

Consider:

Should the ECNI retain these powers?

New Addition - ECNI power to bring cases in its own name

We are also considering the ECNI recommendation that they should be able to bring cases for individuals in its own name rather than the individual having to be named.

ECNI has power to take cases in its own name in respect of discriminatory advertisements (Article 29), instructions to discriminate (Article 30) and pressure to discriminate (Article 31). ECNI also has

powers to conduct formal investigations (Article 46). However, they feel that they should be in a position to take cases in relation to individuals experiences of discrimination.

Consider:

Can you think of any reason why individuals may feel that this would not be beneficial?

Is there potential for this to cause conflict between the individual and ECNI?

Enforcement



Article 52/53 – Jurisdiction of industrial tribunals/Remedies on complaint under Article 52

There are two suggested changes to Articles 52/53:

- i. Consideration is being given to increasing powers for tribunals to make recommendations that benefit the whole workforce and not simply the person bringing the discrimination complaint. This is in line with FETO, but the same provision introduced in the Equality Act 2010 (S124(2)(c)) was subsequently repealed by 2015 Deregulation Act. The competing reasons for inclusion and then removal in GB will need to be considered.
- ii. In addition we intend to introduce effective sanctions for non-compliance with a tribunal recommendation. Section 124 of the Equality Act 2010 did not provide for enforcement, in contrast to Article 39(8) of our FETO, which does provide for enforcement. So, we could mirror this in the new Bill.

An alternative means of dealing with persistent or particularly egregious offenders would be the ECNI's enforcement procedures: Article 46 allows for formal investigations to be undertaken by the ECNI and, subject to the outcome, Article 55 empowers the ECNI to issue a non-discrimination notice, which can result in an employer being effectively obliged to comply with good practice, to the benefit of the workforce.

Consider:

- i. Anecdotal evidence on this matter showed that, in the majority of cases in GB, tribunals most frequently recommended training and that few, even with the power to do so, recommended anything more. It was suggested that training can be expensive but ultimately not overly helpful in changing attitudes. As giving this power in GB does not appear to have been a positive change, do you think it should be included here? Would this place an unacceptable burden on employers?
- ii. Do you feel it would be important to mirror the sanctions provided under FETO or do you think we should make more use of the ECNI powers to deal with non-compliance.

Article 52A – Burden of proof: industrial tribunals

In most litigation cases, the burden of proof is on the complainant/prosecution, who must prove his/her case to the required standard of proof, depending on whether it is a civil (balance of probabilities) or criminal (beyond reasonable doubt) case. That burden is reversed in cases to which the Equal Treatment Directive (and other similar EU Directives) applies. In such cases, if the complainant proves facts from which the tribunal could conclude, in the absence of an adequate explanation, that the respondent has committed an act of discrimination, the tribunal shall uphold the complaint, unless the respondent proves that he/she did not commit the act.

The fact that the reverse burden of proof applies only to some claims under the Order is an anomaly which we intend to rectify.

Consider:

At the moment the person who complains has to prove that they were treated badly. This change will mean it is the person being complained about who has to prove they didn't do anything wrong. Do you think this is fair?

Article 63 – Help for aggrieved persons in obtaining information

The former GB equivalent was Section 66 (obtaining information) of the 2010 Act. Section 66 was repealed by the Enterprise & Regulatory Reform Act 2013, as part of reducing the regulatory burden. The equivalent is included in Irish legislation (Section 76 of the 1998 Act). We intend to weigh up the competing cases for inclusion and subsequent removal.

Consider:

This Article refers to a questionnaire, which we have been told originated in the early days of equality legislation, to help those unfamiliar with the law to obtain evidence for their case. As time has gone by, the use of the questionnaire has widened and also become longer and more detailed. This was considered to put too great a burden on respondents and was, we understand, the reason given for the Section being repealed from the Equality Act 2010.

Should the questionnaire be retained? Should claimants be able to ask what they want? Should there be a prescribed questionnaire, or a restriction on the number of questions? We would be particularly interested in hearing from anyone who has completed the current questionnaire or has experience of being involved in this process and the impact it has for both individuals and businesses.

Article 64(3) and (4) – Assistance by Commission

Article 64(3) and (4) provides for variations in time periods within which the ECNI should process applications for assistance. Our advice is that there is inconsistency across other equality legislation here, with some containing no time periods. We are considering removing it.

Article 65 – Period within which proceedings to be brought

This is connected to Article 64 above, with similar inconsistency across other legislation. Again, we are considering removing it.

Consider:

Do you think there is good reason to keep the time limitation?

Others



Plans to introduce Ethnic Equality Monitoring

As part of the consultation for the Racial Equality Strategy 2015-2025 there was evidence of a need for Ethnic Equality Monitoring here to provide evidence for better policy making in relation to the needs of those from minority ethnic communities. The Strategy then used the information garnered from the consultation to agree a plan for the way forward. Part of this plan was to engage a researcher to carry out a piece of work to investigate and consult widely on how best to take monitoring forward.

The report was received by the Department in November 2020. One of the main outcomes was the consensus that any new Race Relations Order should be the legislative vehicle for the implementation of monitoring.

For this reason we intend during the drafting stage of this new legislation to include a section to enact Ethnic Equality Monitoring through secondary legislation, at a later date, once we have pushed forward with Public Sector Ethnic Equality Monitoring as a means of offering good practice and advice to the private sector.

We would welcome any comments or thoughts you have on any areas in particular you feel we should focus on as priorities when attempting to gather this information.

Consider:

Do you think there are areas of the Public Sector which you feel we should focus on first such as housing or education?

Volunteers

There is currently no provision in the Order to cover volunteers.

We have been advised that it would be very complicated to cover volunteers considering the wide range of roles the term encompasses. Simply naming an arrangement a 'voluntary arrangement' will not determine its status. It may be easier to provide for more formalised arrangements, but it would be important to maintain informality and ease. We would not want to deter individuals from volunteering or organisations, especially smaller ones, having to deal with unwanted red tape.

Some volunteers may be already covered as an employee depending on the relationship with the organisation involved. It has been indicated that it is probably more effective to allow for the courts to reach decisions in relation to the definition of particular cases of voluntary work discrimination.

There is no provision for volunteers in the Equality Act 2010.

Consider:

Our legal advice is that this issue is very complicated due to the multiple kind of voluntary work and agreements in place. If you think we should include volunteers, how do you think it could work in field where there is no exhaustive list of definitions?

Descent and caste

We are also considering the inclusion of descent and caste.

There is no generally accepted definition of either term. There are arguments that caste does not sit under 'race' at all. However, in some circumstances it has been accepted that it is related to descent, which in turn, may be accepted as a sub section of 'ethnic origins'.

Consider:

There are arguments that caste has nothing to do with race but is related to the social environment. Do you agree with this? How could we define caste, in relation to race and its categories of colour, race, nationality or ethnic or national origins?
How could we define descent?
Do you think we should provide protection for descent and caste? Should this be through ethnic origins?

Section 2:

Supporting Information



Glossary

The Committee on the Elimination of Racial Discrimination (CERD)

CERD is a body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Racial Discrimination by its State parties.

Department of Education SEN Code of Practice

The Department of Education has provided guidance for the Education Authority and schools in the form of a Code of Practice on the Identification and Assessment of Special Educational Needs. Schools, Boards and health and social services authorities must consider the advice given in the Code of Practice when deciding what they should do for children with special educational needs.

The Deregulation Act 2105 (GB) A52

An Act to make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals; make provision for the repeal of legislation which no longer has practical use; make provision about the exercise of regulatory functions; and for connected purposes.

The Equality Act 1998 (Ireland)

The Employment Equality Acts 1998–2015 outlaw discrimination in a wide range of employment and employment-related areas. These include recruitment and promotion; equal pay; working conditions; training or experience; dismissal and harassment including sexual harassment.

Enterprise & Regulatory Reform Act 2013

The Enterprise and Regulatory Reform Act 2013, also known as ERRA, is a major Act of the Parliament of the UK aimed at reforming the regulatory environment faced by small and medium-sized business.

The Equal Status Act 2000 (Ireland)

The Equal Status Acts 2000-2018 prohibit discrimination in the provision of goods and services, accommodation and education. They cover the nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller community.

Equal Treatment Directive 2000/43/EC

The Race Equality Directive 2000/43/EC is a legal act of the European Union, concerning European labour law. It implements the principle of equal treatment between persons irrespective of racial or ethnic group.

Equality Act 2006 (GB)

An Act to make provision for the establishment of the Commission for Equality and Human Rights; to make provision about discrimination on grounds of religion or belief; to enable provision to be made about discrimination on grounds of sexual orientation; to impose duties relating to sex discrimination on persons performing public functions; to amend the Disability Discrimination Act 1995; and for connected purposes.

The Equality Act 2010 (GB)

The Equality Act 2010 is an Act of Parliament of the UK with the primary purpose of consolidating, updating and supplementing the numerous prior Acts and Regulations, which formed the basis of anti-discrimination law in England, Scotland and Wales.

Equality and Human Rights Commission (GB)

The Equality and Human Rights Commission is GB's national equality body. As a statutory non-departmental public body established by the Equality Act 2006, the Commission operates independently.

Equality Commission for NI

The Equality Commission for Northern Ireland is a non-departmental public body established by the Northern Ireland Act 1998. Its powers and duties derive from a number of statutes which have been enacted over the last decades, providing protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation. It also has responsibilities arising from the Northern Ireland Act 1998 in respect of the statutory equality and good relations duties which apply to public authorities.

EU Race Directive 2000/43/EC

The purpose of this Directive is to lay down a framework for combating discrimination on the grounds of racial or ethnic origin, with a view to putting into effect in the Member States the principle of equal treatment.

Fair Employment and Treatment (NI) Order 1998 (FETO)

FETO makes discrimination on the grounds of religious belief and political opinion unlawful in the areas of employment, goods, facilities and services, the sale or management of land or property, and further and higher education.

Human Rights & Equality Commission Act 2014 (Ireland)

An Act to provide for the establishment of a body to be known as the Irish Human Rights and Equality Commission.

Irish Human Rights and Equality Commission (IHREC)

The Irish Human Rights and Equality Commission is Ireland's national human rights and equality institution. It is an independent public body that accounts to the Oireachtas, with a mandate established under the Irish Human Rights and Equality Commission Act 2014.

Northern Ireland Act 1998

The Northern Ireland Act 1998 is an Act of the Parliament of the UK which established a devolved legislature for Northern Ireland.

Race Relations (NI) Order 1997

This Order makes provision with respect to discrimination on racial grounds. It also provided for the establishment and functions of the Commission for Racial Equality for Northern Ireland (now ECNI).

Racial Equality Strategy 2015-2025

The Racial Equality Strategy 2015 - 2025 establishes a framework for government departments (and others) to tackle racial inequalities, to eradicate racism and hate crime and along with Together: Building a United Community, to promote good race relations and social cohesion.

www.executiveoffice-ni.gov.uk/publications/racial-equality-strategy-2015-2025

Racial Equality Subgroup

A representative panel for minority ethnic communities that supports implementation of the Racial Equality Strategy and keeps actions by Government informed and relevant.

www.executiveoffice-ni.gov.uk/the-racial-equality-subgroup

The Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO)

SENDO introduces disability discrimination law to the education sector and strengthens the rights of children with special educational needs, to be schooled in mainstream education.

Impact Assessments

The Executive Office has conducted a rural needs impact assessment and equality screening exercise on the draft strategy.

The new Bill is intended to support equality of opportunity and access for the range of cross-cutting identities represented by the communities it is aimed at. The Bill will ensure wider and more robust protection for victims of harassment, victimisation and those treated unequally with regard to their race. We all have the responsibility to treat people equally and strive towards a society which can demonstrate that. Employers and those in a position of authority or responsibility are as much stakeholders as service users are, as they hold the power to lead by example and display equitable treatment to those around them. As a result we have concluded that a full Equality Impact Assessment is not required.

These screening assessments will be revisited if necessary if there are significant changes as a result of consultation responses.

Freedom of Information

Freedom of Information Act 2000 – Confidentiality of Consultations

The Department intends to publish a summary of responses following completion of the consultation process.

Your response, and all other responses to the consultation, may also be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this public consultation.

Subject to certain limited provisos, the Freedom of Information Act gives members of the public a right of access to any information held by a public authority, in this case, the Department. This right of access to information includes information provided in response to a consultation.

The Department cannot automatically consider as confidential, information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties "in confidence" if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature;
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

Further information about confidentiality of responses is available by contacting the Information Commissioner's Office (or at www.informationcommissioner.gov.uk).

Privacy Notice

Data Controller Name: The Executive Office
Address: The Executive Office,
E5.19, Castle Buildings,
Stormont Estate,
Belfast
BT4 3SR

Email: racerelationsorderreview@executiveoffice-ni.gov.uk

Data Protection Officer: David Moore
Room E3.08,
Castle Buildings
Stormont Estate
Belfast
BT4 3SR

Telephone: 028 9052 6123 (ext. 26123)
Email: DPO@executiveoffice-ni.gov.uk

Introduction

The Racial Equality Legislation Team is committed to protecting your privacy. This privacy notice explains how we use your personal information, and the ways in which we will safeguard that information.

It is designed to meet the requirements of the United Kingdom General Data Protection Regulation (UK GDPR), and the Data Protection Act 2018 (DPA 2018), in terms of your individual right to be kept informed about how and why we collect, and use information, about you.

Who we are

The role of Racial Equality Legislation Team (RELT) within TEO is to review the current Race Relations (NI) Order 1997.

Purpose – Why are you processing my personal information?

- RELT is seeking comments from interested parties as part of its public consultation on the review of the Race Relations (NI) Order 1997. RELT is not seeking personal data as part of the consultation but is likely to receive names and addresses/e-mail addresses as part of a consultee's response.
- Consultation is a requisite part of the development of public policy and strategy.

Type – What categories of personal data are you processing?

- Responses to the consultation will include names and addresses and/or email addresses.
- The personal data gathered from the responses to the consultation will include your first name, surname, address, and email address.
- The personal data received, will not be shared with any external parties. The data will be processed in line with the responses to the consultation that the user has submitted and only for that reason. Data received will be processed by the relevant person/s within RELT.

Legal – What is your lawful basis for collecting personal information?

- In order to comply with UK data protection legislation, we must have a lawful basis for processing any personal information. In regard to processing information of potential consultations TEO relies on the fact that: UKGDPR ARTICLE 6(1)(e) "processing is necessary for the performance of a task carried out in the public interest."

Source – Where do you get my personal data from?

- The personal data will originate from the person responding to the consultation, in, for example, but not limited to, email or hardcopy.

Recipients – Do you share my personal information with anyone else?

- We will not share your personal data with other organisations.
- Access to any personal information processed will be restricted only to those persons who are involved in the consultation.

Do you transfer my personal data to other countries?

- None of the personal information processed will be transferred to any other countries or international organisations.

Security and Retention – How we keep your personal information?

- The Department will ensure that personal data is kept no longer than necessary.
- The information you provide will be held in the Department's official accredited records management systems, and will be protected from unauthorised or unlawful processing, and against accidental loss, destruction, or damage.
- Only those staff directly involved in the consultation will have access to this information.

How do you use my personal data to make decisions about me?

- TEO will not use automated processing for responses to this consultation.

What rights do I have?

- You have the right to be informed and you can also obtain confirmation that your personal information is being processed.
- You have the right to access your personal information.
- You are entitled to have personal information rectified if it is inaccurate or incomplete.
- You have a right to have personal information erased and to prevent processing in specific circumstances.
- You have the right to restrict processing of personal information in specific circumstances.
- You have the right to data portability in specific circumstances.
- You have the right to object to the processing of personal information in specific circumstances.
- You have rights in relation to automated decision making and profiling. Please be advised that no personal information supplied by you will be used for the purpose of automated decision making and profiling.
- If you have any queries about your individual rights, please visit the Information Commissioner's Office website at <https://ico.org.uk/>.

Alternative formats / General enquiries

- If you have any queries about this Privacy Notice, need a copy in an alternative format or language, or wish to exercise any of your rights as a data subject please contact us at the email address given above.

Complaints

- In the event that you are unhappy with how your personal data is processed you can raise your concerns to the Department's Data Protection Officer (see the contact details at the beginning of this Privacy Notice).

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
<https://ico.org.uk/Global/contact-us/>

Changes to this Privacy Notice

We keep this Privacy Notice under regular review, and we will place any updates on the department's website.

This Privacy Notice was last updated on 2 March 2023.

Moderation Policy

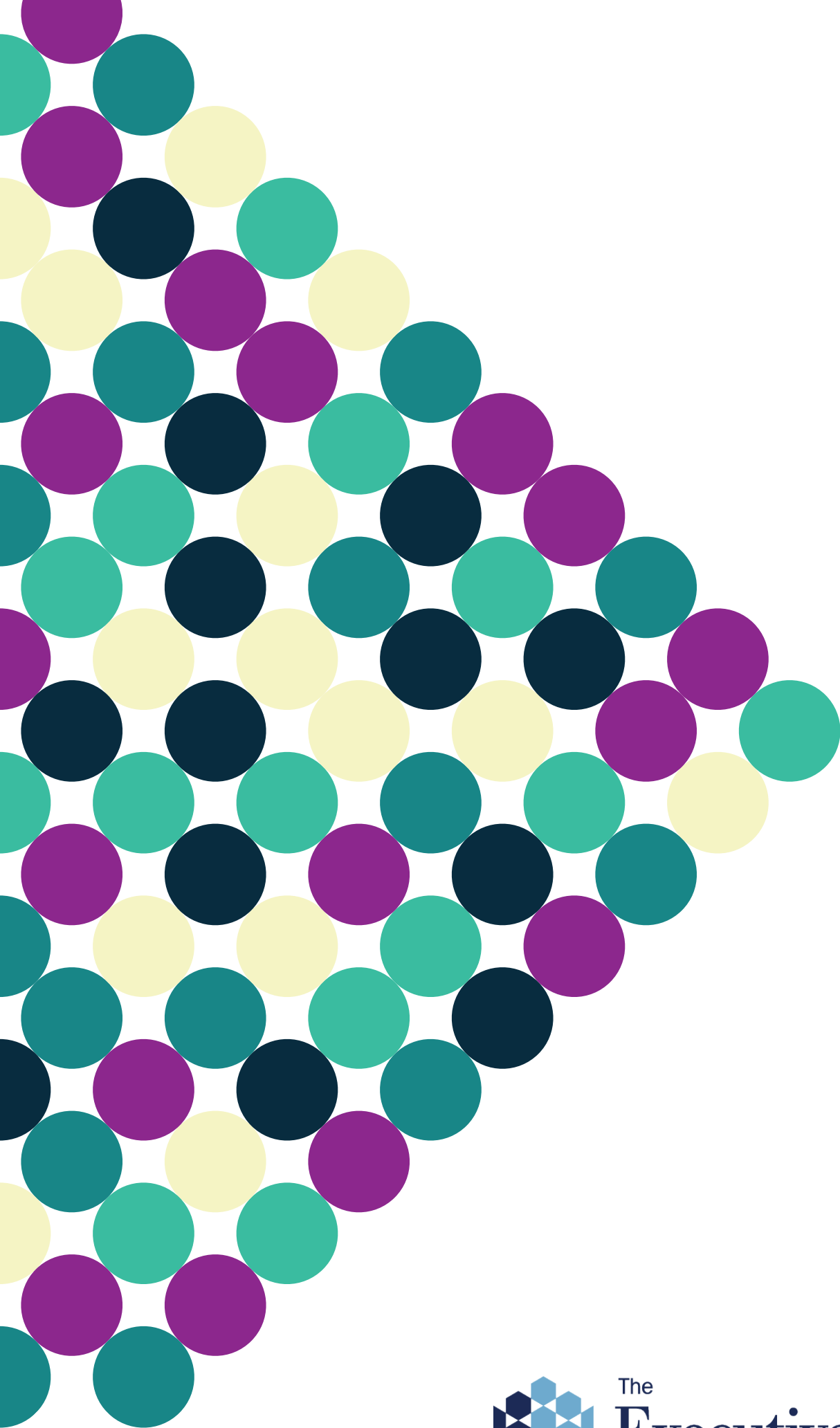
In connection with any responses to the consultation and any which may be published we operate a moderation policy to ensure that responses are appropriate and not harmful to others. Moderation is performed in accordance with the terms set out below.

Responses that include any of the following may be deleted:

- threats or incitements to violence;
- use of obscenity;
- duplicative or substantially duplicative postings by the same person or entity;
- postings seeking employment or containing advertisements for a commercial product or service;
or
- information posted in violation of law, including libel, condoning or encouraging illegal activity, revealing classified information, or infringing on a copyright or trademark.

We value your time and input and our aim is to accept as many responses as possible, while ensuring that a focused, constructive consultation takes place. To address additional matters as may be warranted, this moderation policy is subject to change. If you have a complaint about an item of user-generated content on this site, or feel that your own content has been removed in error, please contact us at:

Email: racerelationsorderreview@executiveoffice-ni.gov.uk



The
Executive Office