

Equality

C O M M I S S I O N

for

Northern Ireland

First Annual Report

1999 – 2000

*Presented to the Northern Ireland Assembly in accordance with
section 22 of the Exchequer and Audit Act (Northern Ireland)
1921 as amended by the Financial Provisions (Northern Ireland)
Order 1993 as amended by the Northern Ireland Act 1998*

Equality Commission for Northern Ireland
Andras House
60 Great Victoria Street
Belfast
BT2 7BB

ISBN No. 0 906646 96 0

Equality Commission for Northern Ireland

The First Minister and Deputy First Minister
Castle Buildings
Stormont
BELFAST BT4 3SR

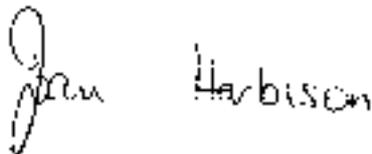
Dear First Minister and Deputy First Minister

I have pleasure in submitting to you the First Annual Report of the Equality Commission for Northern Ireland. The report includes information on the work of the equality bodies whose functions were taken over by the Equality Commission on 1 October 1999 (the Commission for Racial Equality for Northern Ireland, the Equal Opportunities Commission for Northern Ireland, the Fair Employment Commission and the Northern Ireland Disability Council) for the period from 1 April 1999 to 30 September 1999.

I would like to record my thanks to all the Commissioners whose terms of office ended when the Equality Commission came into being and to the Commissioners who were appointed to the new Commission. I would also like to thank the staff for their contribution to equality work throughout the year.

I wish, too, to express appreciation of the assistance given by officials of the Department of Economic Development and subsequently the Office of the First Minister and Deputy First Minister.

Yours sincerely

A handwritten signature in black ink that reads "Joan Harbison". The signature is written in a cursive style with a large initial 'J'.

JOAN HARBISON
Chief Commissioner



■ Contents

	Page
Chair's Foreword	7
Chief Executive's Introduction	10
Disability	15
Northern Ireland Disability Council/Disability Unit	
Fair Employment and Treatment	25
Fair Employment Commission/ Fair Employment and Treatment Directorate	
Gender	37
Equal Opportunities Commission for Northern Ireland/ Sex Equality Directorate	
Race	47
Commission for Racial Equality for Northern Ireland/Racial Equality Directorate	
Statutory Duty	57
Appendices	
i. Members of the Commission	67
ii. Staff of the Commission	69
iii. Complaints and written decisions	74
iv. Grants awarded	93
v. Research	95
vi. Publications	99
Financial Statements	



■ Foreword to Annual Report

This has been a year filled with opportunity and challenge. The Equality Commission was established and assumed its powers on 1 October 1999 and this report records the work of the Commission in its initial six months. The Equality Commission is very grateful for the work done by the previous Commissions during the preceding six months and for the very sound base created by them on which it can build. We in the new Commission owe a debt of gratitude to Mrs Joan Smyth and the Commissioners of the Equal Opportunities Commission for NI; to Sir Robert Cooper and the Commissioners of the Fair Employment Commission; to Mr Harry McConnell and the members of the NI Disability Council; and to the Commissioners of the Commission for Racial Equality for NI which I had the great privilege to chair, for all they and their predecessors did in promoting equality of opportunity and fair participation in our society. The Equality Commission has benefited greatly from the commitment, skills and knowledge of the staff which it inherited from the previous Commissions.

In particular during this transition year we acknowledge the contribution of those who were senior staff in those bodies and who have led the new Commission during its first six months. Mr Harry Goodman, Chief Executive of the FEC, postponed his retirement until 29 February to lead the Commissions and Council into their transformation and Ms Evelyn Collins, former Chief Executive of the EOCNI, was appointed as Chief Executive of the Equality Commission from that date. Ms Collins and Ms Sheila Rogers, former Chief Executive of the CRENI, supported Mr Goodman in those first demanding months of establishing the new Commission. We owe them a great deal for all their enthusiasm and hard work. Our thanks are due to all the staff for the way in which they kept the day to day work going in the transition period. The staff who undertook new duties in relation to the Commission's powers under the Fair Employment and Treatment Order (1998), Section 75 of the Northern Ireland Act (1998) and

the Disability Discrimination Act (1995) did so with enthusiasm and vigour and ensured that the Commission fulfilled its new statutory obligations effectively.

As can be seen from the report there have been significant developments in all the areas of our work. However, the introduction of the new statutory duties on public authorities was an important new dimension to previous work and engaged the Commissioners and staff in major activity between October and March. The Guidelines to the statutory duty were finally agreed by the Secretary of State and published just in time for inclusion in this report on 31 March 2000.

The first six months also saw considerable activity in preparation for the implementation of our powers under the Disability Discrimination Act. These powers were to be bestowed on the Commission by legislation passed by the Northern Ireland Assembly. The Commission was delighted when the Equality (Disability) Bill (2000) was the first legislation to go before the Assembly. However the Executive and Assembly were suspended when the Bill had reached second reading. We are very grateful to all those in the Office of the First and Deputy First Minister who having got the Bill thus far managed to prepare an Order in Council and have it laid before Westminster in time to grant the Equality Commission its powers at the same time as the Disability Rights Commission in Great Britain.

We hope that this report will be read with interest and that it will convey something of the hard work and dedication which continues to drive forward the equality agenda in Northern Ireland. I have paid tribute to the members of the previous Commissions but I must also acknowledge the enthusiasm and selflessness with which the new Commissioners have approached their task. In particular I am very grateful to my Deputy Chief Commissioner Ms Bronagh Hinds for her support and encouragement and the work she has done in relation to the implementation of the public sector duty. The hours

have been long and not without the frustration of having to operate within impossible timescales but everything has been faced with good humour and in the spirit of mutual support. Together Commissioners and staff have achieved a great deal and all of them deserve appreciation for their efforts.

The previous Commissions and the Equality Commission have been helped and supported by the Equality Unit of the former Department of Economic Development, the Office of the First and Deputy First Minister and the Equality and Human Rights Section of the Northern Ireland Office. To them we say thank you and look forward to continuing our work together into the future. The Commission has been greatly encouraged in its work by the interest of the First Minister Mr David Trimble, the Deputy First Minister Mr Seamus Mallon and the Junior Ministers with responsibility for Equality, Mr Denis Haughey and Mr Dermot Nesbitt. The former Secretary of State Dr Mo Mowlam came to visit and offer her support very early in the Commission's life as did Secretary of State Mr Peter Mandelson soon after his appointment. This interest shows the importance accorded to the work of the Commission and is much appreciated.

Having all our various responsibilities brought together in one Commission breaks new ground in the history of equality legislation in the United Kingdom, and we look forward to the future with optimism and positive anticipation. This is a time of great change for everyone in Northern Ireland. There is a new democratic political context, the prospect of a more peaceful society, economic expansion and greater prosperity. The Equality Commission wishes to ensure the fullest possible participation in all these aspects of our society, particularly for those who have been most disadvantaged and most vulnerable. Our commitment is to the creation of an inclusive society, whose benefits are accessible to all and which is free from discrimination.

■ Chief Executive's Introduction

This first annual report from the Equality Commission of Northern Ireland deals with work carried out in unique circumstances. The period covered, 1 April 1999 to 31 March 2000, includes the last six months of four equality bodies (the Commission for Racial Equality for Northern Ireland, the Equal Opportunities Commission for Northern Ireland, the Fair Employment Commission and the Northern Ireland Disability Council); and the first six months of the body which is now responsible for all their functions - the Equality Commission for Northern Ireland.

The significant programmes of work which each of the four earlier bodies had under way have been carried on without interruption by the Equality Commission, in addition to extra responsibilities which were accorded to the new body. Accordingly this report considers the work of the earlier bodies and, later, of the Equality Commission Directorates, as a continuous whole throughout the year, rather than reporting separately on each six month period.

The Commission has also, as I have indicated, taken on entirely new responsibilities during the year, responsibilities which go beyond the remits of any of our preceding organisations. The Commission has a crucial role, for example, in working with public authorities to establish and implement the far-reaching equality duties placed upon them by Section 75 of the Northern Ireland Act 1998. Our work in pushing forward that initiative is described in more detail in the report of the Statutory Duty Unit.

The Commission took on its full responsibilities on 1 October 1999 and was publicly launched at a press reception in the Waterfront Hall on 13 October. Since then we have been busy establishing the framework and context in which all of our duties, whether long-standing or new, will be implemented. A draft corporate plan for the Commission was produced and issued for widespread consultation.

This included consideration of a mission statement, strategic priorities and associated objectives for the new body, together with a more detailed focus on the key areas for action. In acknowledging the diversity of those interested and involved in equality issues and in our work, the consultative draft was prepared in a number of accessible formats, including braille, large print and audio tape, as well as in different languages in use within Northern Ireland – English, Chinese, Hindi, Irish, Ulster-Scots and Urdu.

The draft plan began a consultation process which has been carried on as part of the current year's activities. We believe it is making a significant contribution to the development of a committed, effective and innovative Equality Commission which is inclusive, accessible to all and accountable, while remaining rigorously independent and objective.

An important part of this process has been a review of the structure of the Commission to ensure the most efficient use of the resources available and to develop our capacity to deal effectively with all our responsibilities. The Joint Working Group which oversaw the installation of the Equality Commission established an interim structure so that we were able to "hit the ground running", to carry on the vital work of the existing bodies without interruption, and to make an immediate impact on our new responsibilities. I would like to put on record our heartfelt appreciation for the painstaking and effective manner in which this group, chaired by Professor Joan Stringer and made up of the Chairs and Chief Executives of the constituent bodies, carried out its responsibilities.

The envisaged review of this interim structure has been under way since the establishment of the Equality Commission and still continues. This embraces all aspects of the organisation of the Commission's work and the way in which our services are delivered to the public.

Bringing together groups with a wide range of responsibilities, with different legislative remits and different histories, and welding them into a cohesive whole, presents challenges and a unique opportunity to place a fresh and positive concept of equality at the centre of our developing society.

There are many practical aspects to the radical new requirements demanded by the creation of an entirely new Commission. We are seeking suitable premises to accommodate all the different Directorates and Units of the Commission, presently split between three sites. Ensuring that such premises are easily accessible by all who would wish to use them will be an important part of that exercise.

We have also been recruiting additional staff to take account of the new developments in legislation and the extension of our remit. New arrangements for internal and external communications, for upgraded computer systems and for the development of new presentational imagery, have all been the focus of attention in the year under review.

This period also saw the retirement of my predecessor, Harry Goodman, the first and only Chief Executive of the Fair Employment Commission and the Acting Chief Executive of the Equality Commission in the first five months of its existence. Harry made a very significant contribution over the past ten years, to the work of the FEC and to the difficult task of steering all the bodies through the transition to a single, unified Equality Commission. I am grateful to him for all his wise counsel on my appointment as Chief Executive and for his part in beginning to build the new Commission. We congratulate Harry on the award of the OBE for services to fair employment.

During the year under review, the Commission settled a case brought against the Equal Opportunities Commission

for Northern Ireland under the Disability Discrimination Act 1995. A former cleaner alleged that the Commission had discriminated against her on grounds of her disability.

The Commission did not accept liability for discrimination and expressed its regret that the employee felt she had to leave her employment. The Commission is committed to following best practice in carrying out its responsibilities as employer and service provider, and has taken steps to ensure that staff are thoroughly familiar with these responsibilities and with best practice measures.

It is with great sadness that I must record the death during the year of a member of the Commissions's advisory staff, Mrs Betty Shepherd, who worked for many years with great commitment for the Fair Employment Commission and subsequently with the Equality Commission.

We are cutting new ground in being the first equality body in the United Kingdom with a unified remit covering all the various aspects of discrimination and equality. As this report shows, we have already successfully managed the major transition to a single Equality Commission while maintaining the continuity of the work carried on by the bodies which preceded us. We intend to build on this development to provide increased coherence and accessibility for all those dealing with equality issues, while making sure that we maintain the sharpness of focus essential to addressing the distinct requirements of our different responsibilities.

Equality Commission for Northern Ireland

First Annual Report 1999–2000

DISABILITY





■ **DISABILITY**

DEVELOPMENTS IN THE LAW

Work on disability issues concentrated on developing Codes of Practice under the Disability Discrimination Act (DDA), engaging in public consultations on issues affecting disabled people and commissioning research. This reflected the narrower remit conferred on the Disability Council under the DDA – and inherited by the Commission – which did not provide for assistance to complainants or the provision of an advice service to employers and service providers. A major underlying aim in all these priorities was to raise awareness of disability discrimination and in particular to work to ensure that the enforcement powers planned for the Disability Rights Commission would be bestowed on the Equality Commission at the same time.

Codes of Practice

Much of the work in the early part of the year was directed towards launching a revised Code of Practice - Rights of Access to Goods, Facilities and Services which came into effect on 1 October 1999. The revised Code was launched at Marks & Spencer, Sprucefield, in August and outlined the new duties on those providing services to the public to make reasonable adjustments for their disabled customers/users. The Code was made available in a range of alternative formats and there was wide publicity on the new duties, both at the launch and when they were introduced in October. This included a TV and radio advertising campaign *Disability Discrimination – it's not on*, funded by the Department of Health & Social Services.

A further innovative newspaper campaign, emphasising that many reasonable adjustments for disabled customers were both simple and inexpensive to make, was launched in September.

The Council welcomed, and was involved in, the launch by the Training and Employment Agency in September 1999 of a *Code of Practice – Duties of trade organisations to their disabled members and applicants*. A good practice guide for managers and employers on employing people with disabilities was also produced by the Agency following consultation with the Council.

We have begun work, in conjunction with the National Disability Council, on a further revision of the Code to reflect the final duty on reasonable adjustments under the DDA – the duty to overcome physical barriers to disabled customers. This duty will not take full effect until 2004, but we intend to produce a revised Code of Practice incorporating the new duty in early 2001 to allow service providers time to prepare for the changes.

■ ENFORCING CHANGE

The overriding concern which was raised with the relevant Ministers throughout the year was the need to ensure that enforcement powers on disability – scheduled for introduction in Great Britain in April 2000 – were introduced at the same time in Northern Ireland. In the event the powers, including those to assist complainants under the DDA and provide advice to employers and service providers, were to be introduced on 25 April 2000. Although this date is just beyond the reporting year, much of the work to ensure successful introduction of the new powers continued during the year under review. The Commission acknowledges the considerable efforts made by the disability constituency, political representatives, civil servants, the Disability Council and its own staff in achieving this successful outcome.

Disability Rights Task Force

In December 1997, the Government established the Disability Rights Task Force to look at the full range of issues that affect disabled people's lives and to advise on what further action is needed to promote comprehensive and enforceable civil rights. Among the members of the Task Force was Monica Wilson, a member of the Northern Ireland Disability Council and subsequently a member of the Equality Commission.

Initially the Task Force developed proposals to establish a Disability Rights Commission (DRC) to be an enforcement body responsible for ensuring compliance with disability rights legislation. The Government decided that in Northern Ireland the enforcement role should be the responsibility of the Equality Commission.

The second and final report of the Disability Rights Task Force covering issues of defining disability; education; employment; access to goods, facilities, services and premises; travel; the environment and housing; participation in public life; and local government, health and social services, was issued in December 1999.

We recognise that the second report of the Task Force identifies key issues for the disability agenda in the next number of years. We have paid attention to the recommendations in planning our own activities and in fulfilling our role of keeping the legislation under review and will continue to do so.

■ POLICY AND RESEARCH

We continued to work to ensure that there is reliable baseline research to establish the current extent of discrimination faced by people with disabilities and monitor the effectiveness of the Disability Discrimination Act over time.

2001 Census of Population

A key research issue is the absence of information on the prevalence of disability in Northern Ireland. The 2001 Census of Population will ask a question about long-term illness, health problems or disability which limits a person's daily activities or the work they can do. This will not precisely identify the number of disabled people as defined by the DDA. The DDA definition is complex for self-assessment, as answers to a series of separate questions would be needed to establish compliance with each part of the definition. We will continue to discuss with the Registrar General ways in which the question on long-term illness, health problem or disability could be a reference frame for collecting further information on disabled people.

Access to Services

In August 1999 the Council launched the results of the third in a series of baseline research studies on disability in Northern Ireland – *Difficulties faced by disabled people when accessing services and participating in social activities (Report 3)*. This research revealed that roughly one in every two disabled people in Northern Ireland had difficulty accessing basic services – like going shopping, to the cinema, or a pub or restaurant. Of those who faced these difficulties just over four in ten respondents (45%) had problems getting to the venue, and four in ten had problems getting around shops. Most alarming of all, however, was that 78% of those who faced difficulties were offered no help. The DDA provides potential redress for disabled customers where assistance may be regarded as a reasonable adjustment.

Monitoring the DDA

During the year the first *Monitoring the DDA* report was published by the Department for Education and Employment. This UK-wide research included analysis of cases in Northern Ireland and was the first major piece of research into how the DDA was working in practice. The

research looked at all identified cases which had been brought in the first 19 months of the DDA's life and developed a database of cases to aid monitoring. The research drew on detailed case studies of individual cases, legal sources including tribunal and court decisions and interviews with legal and other experts involved in the Act's implementation. Some of the main points arising from the research are: -

- i Most Part II DDA cases in the first 19 months were dismissal cases, with only one in ten being recruitment.
- ii The definition of disability in the DDA was widely seen as complex and difficult for tribunals and parties in cases to interpret. Particular concerns arose in relation to the Act's focus on "normal day-to-day activities" which excludes disabilities affecting applicants only at work.
- iii There was concern about the burden of proof under the Act, and the need for applicants to prove that discrimination had occurred.
- iv Of the Part II cases which had reached an outcome, 22% were heard at a tribunal, 41% were settled via ACAS, 34 % were settled privately or withdrawn and the remaining three per cent were struck out or otherwise disposed of.
- v In only 16% of cases heard at a tribunal was the applicant successful.

Focus Group Research

A summary was prepared of focus group research carried out into the experiences of young disabled people, and into service provision in a number of key sectors: financial services, transport, hotel and catering, and retail. The qualitative research identified areas of concern – both for disabled people and service providers – and highlighted methods of best practice in involving disabled people in consultations and qualitative research.

Public Consultations

Advice was provided on many documents to Northern Ireland Departments and directly to Ministers as a means of raising awareness and highlighting the varying needs of disabled people and the DDA. These included: -

Vulnerable & Intimidated Witnesses

This response advised that more attention needed to be given to the range of disabilities which might place witnesses in a vulnerable position. In particular it was argued that those involved in the justice system should consider all reasonable adjustments to make the process more accessible to disabled people at large.

Mental Incapacity

Hague Convention on Private International Law – Draft Convention on the Protection of Adults. This response emphasised the need to ensure that due account was taken of the needs and rights of disabled adults with learning disabilities.

Housing Selection Scheme

Concerns were raised that the draft Common Selection Scheme proposed by the Housing Executive did not include specific references to its obligations under the DDA.

Civil Service Commissioners – Code of Practice on Recruitment

Comments advised of the need for high profile reference to the obligation to make reasonable adjustments in the recruitment and selection process.

Access to the Countryside

The Department was advised that in planning to improve access to the countryside the needs of people with disabilities should be provided for, especially facilities for those with mobility difficulties.

Amendments to the Building Regulations

The Construction Service was advised that its proposal to amend the Building Regulations for dwellings to be visitable by disabled people was inadequate and a much higher standard should be provided for.

■ PARTNERSHIPS

Sign Language Interpreters

Concern was raised about the under provision of sign language interpreters in Northern Ireland and the Council lobbied for action to remedy this. By September 1999 a training programme for interpreters was made possible through funding from the European Social Fund, T&EA and DHSS. A new initiative at the Belfast Institute of Further and Higher Education to provide training for deaf people to become sign language tutors was also launched.

Raising awareness of the DDA

The Council was concerned at the lack of awareness of the DDA, particularly among small businesses. Accordingly we engaged in a series of meetings with the Federation of Small Businesses to raise awareness and assist in the development of a policy on disability. The Council also took part in a number of talks to raise awareness of the DDA, including conferences arranged by Disability Action, as part of its 'Celebrating Change' Festival, the Blind Centre and Talking Newspapers, Muscular Dystrophy Association, North West Forum on Disability, and the Southern Health & Social Services Board.

Equality Commission for Northern Ireland

First Annual Report 1999–2000

**FAIR EMPLOYMENT
& TREATMENT**





■ FAIR EMPLOYMENT & TREATMENT

PROMOTING EQUALITY

"Fair employment in Northern Ireland remains an issue of considerable importance and sensitivity.....Several witnesses stressed how important to the Peace Process issues of equality of opportunity are, particularly issues of fair employment. We agree". So begins the Fourth Report of the Northern Ireland Affairs Committee, published in July 1999. The report, which evaluates the effectiveness of the 1989 Fair Employment (NI) Act and considers what more might need to be done, not only provides a public record of the impact of a crucial ten years in the history of fair employment legislation but also contains conclusions and recommendations which will be seen as benchmarks against which future progress will be assessed.

This report comes at an opportune time. Progress on building an equality culture in Northern Ireland will now be rooted in the unique experiment in regional devolution that we have embarked upon and the important structural and legislative developments embodied in the Northern Ireland Act. Importantly the report also marks the next phase in the development of fair employment legislation, with the significant changes to the legislation contained in the Fair Employment and Treatment (NI) Order 1998.

This has been the first full year since the coming into operation of the Fair Employment and Treatment Order on 1 March 1999 and in this context we report below on progress made in key areas such as changes in the distribution of employment opportunities between Protestants and Catholics, the implementation of affirmative action plans and improvements in equality practices and procedures, as well as developments in the case law relating to discrimination on grounds of religious belief and political opinion.

Measuring change

During the year the Commission reviewed the tenth series of monitoring returns from 129 public sector bodies (Specified Authorities) and 3,899 private sector concerns. The detailed analysis of these returns showed that the Catholic share of the monitored workforce in 1999 was [39.6%]* compared to a Catholic share of those available for work of [42.0%].

The Catholic proportion of the male monitored workforce has increased from [32.0%] in 1990 to [36.9%] in 1999. Among the female workforce, Catholics increased from [38.5%] in 1990 to [42.5%] in 1999. Since 1990 the Catholic proportion had increased in every occupational group. In 1999 the greatest degree of under representation was in personal and protective service occupations with a Catholic share of [33.1%].

The overall picture revealed by the 1999 monitoring returns shows a continuation of the improvement in Catholic participation in the labour market. There is still a gap in employment, which contributes significantly to the continuing differentials in the experience of unemployment of Protestants and Catholics. The Commission remains focused on the continuing differential unemployment rates of Protestants and Catholics, particularly among the long-term unemployed, where almost two thirds are Catholic.

During the year we developed a strategy to raise awareness among employers of those changes in the legislation which facilitate recruitment from the unemployed, and to encourage them to make use of these in their overall affirmative action programmes. Over the next year this will be developed into a planned programme of employer contact, promotional work and liaison with T&EA and training providers.

* excludes those whose community could not be determined

The legislation also allows the Commission to advise Government on measures which it might introduce to reduce the number of, or religious imbalance in, the unemployed and on benchmarks for the future reduction of the unemployment differential. This work will also be taken forward.

■ PROMOTING AFFIRMATIVE ACTION

The Commission's objective in this area is to increase the number of programmes of outreach affirmative action including goals and timetables adopted by concerns with imbalances in their workforce. The periodic review of employment composition and practices (Article 55 Review) continues to be the key mechanism we use to promote affirmative action.

During the year the Commission actively promoted affirmative action with a group of 100 concerns with 51-100 employees. In initiating this programme we recognise that the number of employees in some of these concerns is relatively low and the resources to implement affirmative action programmes may be more limited than in larger private and public sector concerns. The approach to working with these concerns was therefore modified to take account of these factors. Training seminars were organised to run in conjunction with support from individual Commission officers. These covered equality awareness, recruitment and selection and implementing affirmative action programmes.

The Commission welcomes the good faith efforts shown by these concerns and is very pleased with the progress that has been made over this period. By 31 March 2000, 43 concerns had agreed programmes of affirmative action. A further five were found to be affording fair participation to both communities following analysis of Article 55 Reviews. All of the agreed programmes include a commitment to review and develop equal opportunities and employment

policies and procedures and to take outreach affirmative action to address an under-representation either in their workforce overall, or at particular grades or locations within their workforce. In 27 of these concerns, outreach measures to the Catholic community are included and in 16 outreach measures to the Protestant community are included. During the course of the programme, two concerns reduced their workforce to less than 25 employees and three were deregistered. Work with the 47 remaining concerns is progressing well.

The Commission has agreed formal undertakings on affirmative action programmes with 80 concerns. These formal undertakings are legally enforceable under Articles 12 and 13 of the Order. During the year we formally reviewed progress on 22 undertakings and are pleased to note that in the majority of these concerns there was some evidence of improvements in employment trends even though in some cases the potential for change was very limited. Most of these concerns had also made good faith efforts to implement the affirmative action programmes. In a number of cases, specific problem areas were identified and pursued.

At the end of the year the Commission had in place 284 affirmative action agreements. These commit the employers to providing written reports on progress either annually or as part of their triennial review process.

As more concerns put in place affirmative action programmes, the Commission's work in ensuring that these programmes are effectively implemented has increased. This includes the provision of advisory and training assistance on all aspects of the implementation of the programmes, as well as regular monitoring and review of workforce trends and of the efforts made by the concern to implement the agreed measures.

■ BUILDING PARTNERSHIPS

Partnership working is an increasingly important aspect of our work and during this year we were able to deliver considerable programmes of training and other information provision in conjunction with the Federation of Small Businesses, Northern Ireland Chamber of Commerce and Industry, Londonderry Chamber of Commerce, Recruitment Employment Confederation, Equality Forum, as well as a range of other trade and sectoral organisations.

An employer survey undertaken during the year highlighted a low awareness of the impact of the new Order and as a result many anticipated training and advisory requirements regarding the new provisions. In response much of our activity this year was aimed at raising employer awareness of the changes to the monitoring regulations introduced by the Order. In particular a specific focus on the changes to monitoring was added to the training programmes for small businesses.

During the year 628 training seminars were provided for employers, 95 of which were for small businesses. The majority of these training events dealt with recruitment and selection, and sectarian harassment. A useful finding from the employer survey was that nearly half of all employers surveyed had attended a fair employment training course or seminar and satisfaction with the training received was high, with nine out of ten employers saying that they were satisfied and that the course had met their requirements. The Commission will continue to use the information to assist with the planning of its training programmes as over the next few years our focus is directed to other areas of the legislation.

Other areas of work during this year involved promoting good employment practice in conjunction with public and private sector employers and through the trade union

movement. Central to this work has been our relationships with organisations such as NIC.ICTU, Counteract and the Labour Relations Agency. We look forward to extending our work with these organisations and building links with a wider range of groups.

■ STATUTORY COMPLIANCE

Registration

The tenth Register of Employers, published in September 1999, included 3994 private sector registered concerns and 132 specified public bodies deemed to be registered with the Commission.

Monitoring

During the year the Commission continued to ensure that the high level of compliance amongst registered employers, with their duty to submit an annual monitoring return, was maintained. This work produced very good results, with employers responding in a positive manner and enforcement action being necessary in the lowest number of cases since monitoring began. Only four of the 4100 employers required to make a return were prosecuted for failure to submit within the specified period.

We undertook an extensive programme to raise awareness and advise employers of the new monitoring provisions. All registered concerns received information outlining the changes in the monitoring regulations and advising that the changes may necessitate adjustments to their systems for collecting the required information. To assist employers further, a Step by Step Guide to Monitoring and excerpts from the proposed new monitoring return form were produced and distributed to over 4000 registered employers.

Article 55 Review

An exercise to assess compliance with the third review requirement among a target group of 100 small and medium sized businesses which had not previously submitted reviews to the Commission, was undertaken during this year. Eighty-two (87%) of the 94 reviews received were satisfactory. As a result of follow-up by Commission staff, 91 (97%) of reviews had addressed the core components of an Article 55 review by the year-end. One concern failed to respond to the request to submit a copy of its review report and has been referred to the Commission's solicitor for further legal action.

Twenty Article 56 notices, enquiring about the manner in which their review was prepared, were issued to registered concerns during this year. All but three concerns responded to these notices, and further legal action was under consideration.

The Commission received a total of 314 reviews this year. All employers received feedback on the compliance of their review within three months. Sixty-seven percent received more detailed feedback on aspects of their policies and procedures.

The model documentation and related advisory materials produced to assist employers complete their Article 55 Reviews were updated and brought into line with the requirements of the Order.

■ DEVELOPMENTS IN THE LAW

Since 1 March 1999, in addition to discrimination in the employment field, the Commission has maintained its user focus in providing advice and/or assistance to applicants who believe that they may have been discriminated against in relation to the provision of education, goods, facilities and services or as regards the sale or letting of premises including land.

Survey work undertaken earlier in 1999 had indicated that awareness of changes in the fair employment provisions introduced by the Order was relatively low among employers and the general public. Additionally very few employers anticipated that the extension of the legislation to cover goods, facilities and services, and premises and land, would have a great effect on the way in which they conducted their business, although just under one quarter anticipated some revision of their practices and procedures. To address these findings during the first half of this year a considerable number of articles and related advertising were placed in local newspapers and other publications to raise awareness of this fact. This is still an underdeveloped area of our work and will receive a greater focus in the incoming year.

Employment remains high in public perceptions as the area in which discrimination is most likely to occur. This perception is supported by our complaints figures. Of the 1296 enquiries made during the year, the vast majority were employment related. The negotiation of settlements between the parties on the optimum terms remains a major component of our work. Some 36 cases were concluded by way of negotiated settlements with a total of some £495,059. General statistics on our other work on fair employment cases can be found at Appendix iii.

An important development introduced by the 1998 Order related to national security certificates. The landmark judgement of the European Court of Human Rights

delivered on 10 July 1998 in the cases of *Tinnelly -v- United Kingdom* and *McElduff -v- United Kingdom* transformed the position in domestic law for those subjected to security vetting in the context of employment. The Court concluded that the issue by the Secretary of State of Section 42 Certificates constituted a disproportionate restriction on the applicant's right of access to a court or a tribunal and thereby breached the applicant's rights to a fair and public hearing under Article 6 of the European Convention. In order to comply with the Court's ruling the United Kingdom government has introduced legislative amendments.

Articles 79 and 80 of the Order replace section 42 of the 1976 Act as amended and provide a right of appeal against national security certificates. Sections 90 to 92 of the NI Act 1998 establish a tribunal to which an applicant may appeal against security certificates issued by the Secretary of State. This provides a further appeal against a decision of the tribunal to the Court of Appeal on any question of law material to the tribunal's determination. These sections of the Act came into operation on 16 August 1999. The Secretary of State for Northern Ireland is still considering a request to revoke the Section 42 certificates which were issued in the *Tinnelly* and *McElduff* cases.

The Commission in the case of *Devlin -v- United Kingdom*, is supporting a further application to the European Court of Human Rights in respect of the operation of national security certificates in selection to the Northern Ireland Civil Service.

Other legislative amendments during the year have allowed for a supplementary Questions Procedure, the power to ask for interrogatories with the leave of the Fair Employment Tribunal and the provision for the service of a Questions Procedure in County Court cases.

We have continued to implement our strategy to increase the range, knowledge and expertise of advisers and representatives of individual complainants. An extensive range of training has been provided to employment lawyers' groups, university students and trade unionists. Four highly successful courses on the preparation of presentation of fair employment cases accredited by the Law Society of Northern Ireland were given to Practising Solicitors. Case law updates have been provided to a wide variety of audiences including 300 panel members of the Industrial and Fair Employment Tribunals.

Training has been aided by the publication during the year of a Guide to taking a fair employment case and the production of a fourth edition of *Fair Employment Case Law*, which have been widely welcomed by practitioners in this area of law.

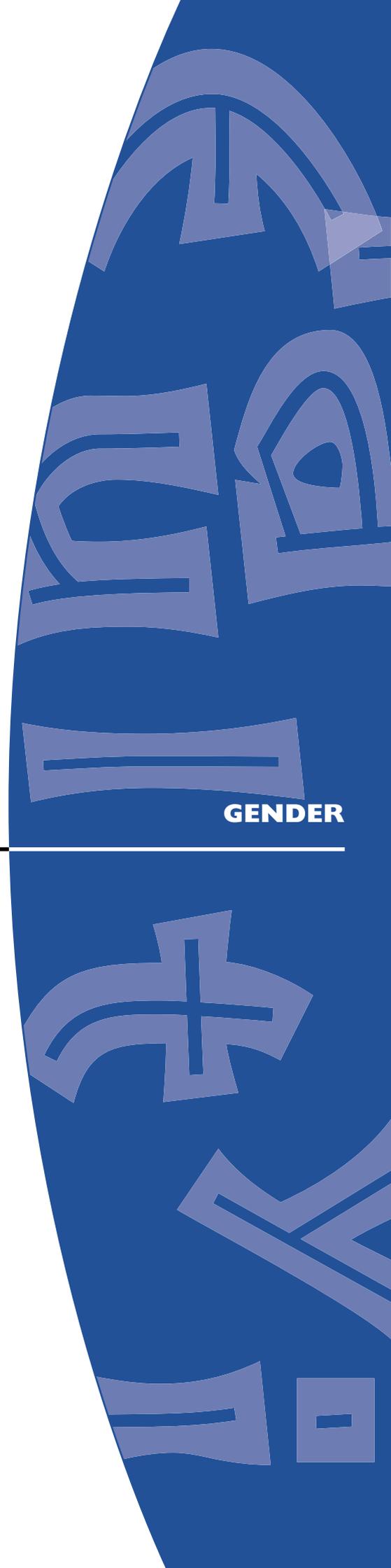
■ PUBLIC RELATIONS

Changes in the wider political environment also impacted on our public relations work throughout the year. The Northern Ireland political rollercoaster brought a regular stream of journalists, academics and other interested observers to our door, seeking information about the legislation and the progress that is being made. The new regional structures have heightened interest and debate in areas relevant to fair employment such as policing reform, the disparity in levels of unemployment in the two communities, the composition of senior levels of the Civil Service and the display of flags and emblems on public buildings.

Equality Commission for Northern Ireland

First Annual Report 1999–2000

GENDER





■ GENDER

PROMOTING EQUALITY

Work with employers

The largest single group of enquiries from employers and from complainants is about recruitment and selection, with pregnancy and maternity issues second and general guidance on equal opportunities policies third. There has also been a significant number of requests for information on family friendly policies such as part-time working, job share and career break with several concerns introducing new schemes. Recently there has been a large number of enquiries on Genuine Occupational Qualifications, perhaps reflecting the increase in the provision of leisure facilities in hotels and by local authorities. Employers are also showing an interest in including welcoming statements in advertisements to address gender under-representation in specific grades or departments

The number of employer contacts following settlements has increased, with sexual harassment being the largest area of concern followed by pregnancy, recruitment and selection and family friendly policies. Assistance has also been requested in relation to equal pay and job evaluation schemes. Recruitment and selection is still the most requested subject for training with employers increasingly seeking to have training across all areas of discrimination. Programmes have been drawn up dealing with recruitment and selection, and harassment on sex, race and religious grounds. A training manual has been prepared on the key issue of avoiding sex bias in recruitment and selection, with detailed case studies and information on the legislation and the Code of Practice.

We received several complaints from the public about advertisements offering discriminatory inducements to "ladies" to attend functions, and about application forms requiring relevant information on marital status and children. These have been followed up with the advertisers and employers concerned.

The library and information bank moved to the Andras House site in January 2000, with an inevitable slight hiccup in the service. However, once it was again on stream, our former users and some new ones, found their way back to a slightly more spacious facility. To quote one satisfied user this year, "It's like walking into Aladdin's cave"! Our biggest user group is made up of FE students, with undergraduates second and school pupils third. Usually, they are looking for introductory and broadly-based information, this year very often on the new Commission and its work. Among the more specific queries, family-friendly policies and flexible working come top, often from people who are considering asking their employer for a more flexible working pattern.

Inevitably, there was a considerable interest in the establishment of a new Commission in October 1999, and a corresponding surge of requests for the Chief Commissioner and others to speak about our work. Speeches and articles, either wholly or partly on gender issues, were prepared for audiences from, among others, the business community, human resource specialists, trade unions, lawyers, the NGO sector, and politicians. Topics covered included : the development of gender mainstreaming in the European Union; childcare; family-friendly policies; developments in European Community law on sex equality; women in politics and public life.

The Commission launched, jointly with NIC.ICTU, a Women's Agenda for the Assembly, a summary of key gender equality issues that must be tackled by the Assembly. Women members of the Scottish Parliament and the Welsh Assembly and representatives of the Scottish and Welsh TUCs spoke of their experiences of working in and with a devolution. The 100+ participants at the launch included MLAs along with trade unionists and women's NGOs. Although the launch, on 11 March 2000, took place while the Executive was suspended, the Commission and NIC.ICTU were determined to go ahead in preparation for a resumption of devolved government in due course.

■ DEVELOPMENTS IN THE LAW

The European Union has long played an important part in promoting sex equality. This is now being developed in the other equality areas, notably in race. We arranged in conjunction with European Liaison a seminar to brief participants on the history and current state of the proposed Directives under Article 13 of the Amsterdam Treaty.

Regulations to implement important European legislation came under consideration this year. The Parental and Maternity Leave Regulations increased statutory maternity leave from 14 to 18 weeks, and gave parents the right to 13 weeks' leave (after one year's service). Responding to the draft regulations, the Commission welcomed the extension of the Parental Leave Directive to the UK, but was extremely disappointed that the leave is to be unpaid, restricted to children under five, and applies only to parents of children born on or adopted after 15 December 1999. In our response to the consultation on the implementation of the Part-time Work Directive, we also welcomed the development, given that 75% of part-timers are women. Again, however, we regretted the ways in which the proposed regulations limited the application of the Directive.

Complaints

A series of cases assisted by the Commission this year involved women working in non-traditional jobs as diverse as driving instructor, gritter lorry driver, and butcher's assistant. The discrimination complained of included non-appointment, sexual harassment, and treatment during pregnancy.

Regrettably, there is no decline in the number of complaints of sexual harassment being brought to the Commission. The problem is usually seen as one between colleagues, often involving an abuse of seniority. However, one significant case this year, that of Jackie Wilson -v- Strabane District Council, involved the relationship between employee and customer. The case settled with the respondent admitting liability, paying compensation of £6,000 including interest, affirming its commitment to equality of opportunity, and undertaking to liaise with the Commission to review its sexual harassment policy and procedures to ensure that employees are protected from harassment by clients and customers.

The Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999 came into force on 1 August 1999. They extend legal protection to cover discrimination on the grounds of gender reassignment to transsexual women and men. One woman in this position described being "laughed at, treated like a freak" by colleagues. Suffering from depression, she was off work for several months, and found no real change on her return. In settlement of the case she took against a large public sector employer, she received £10,000 in compensation and an apology for the hurt and distress she suffered.

The largest number of complaints are about recruitment and selection. In this area, the case of Nora Donnelly -v- University of Ulster settled with Ms Donnelly receiving £18,000 in compensation. She had applied for a post as Associate Lecturer, and claimed that the university's failure to appoint her, as the best qualified and most experienced candidate, amounted to discrimination on the grounds of sex, religion and political opinion. The University regretted any upset or distress which may have been caused to Ms Donnelly.

The definition of the employer/employee relationship is a recurrent issue in sex discrimination case law. A case of significance in establishing the scope of the meaning of "employee" was *Perceval Price & Others -v- Department of Economic Development and NI Court Service*. In September 1999, an industrial tribunal held that it had jurisdiction to hear claims made by the applicants, who were found to be workers in employment in their position as holders of statutory office by appointment to tribunal chairmen. The case concerns access to the judicial pension scheme.

Issues arising out of a woman's pregnancy continue to form a high proportion of complaints. Depressingly, the same issues tend to recur. For example, Ms Christine de Grauw applied for a post in the Dixons Store Group. She advised the respondents on her application form and at interview that she was pregnant. Unsuccessful in her application, she complained of unlawful discrimination. The case settled for £7,500 with an apology for Ms de Grauw and an undertaking on the part of the respondent to review its recruitment and selection procedures.

■ ENFORCING CHANGE

The powers of formal investigation under the Sex Discrimination Order were used to investigate a series of sex equality issues, including terms and conditions of part-time workers, recruitment and selection, and equal pay.

■ RESEARCH AND POLICY

Research projects and publications are designed to promote equality in policy-making and service delivery, and to inform the work of the Commission. A key issue addressed this year was that of statistics. Full, disaggregated, up-to-date statistical information is at the heart of mainstreaming, and our research, published as *Gaps in stats*, showed that current official statistics are telling only part of the story. At a more user-friendly level, we published the fifth edition of *Where do women figure?*, our well-established digest of the most recent statistics available about the relative position of women and men in Northern Ireland.

Low and unequal pay continues to be a focus of the Commission's work. We published research on the impact of the minimum wage which showed that its introduction has brought some benefits to the lowest-paid; has had only minor and short-term impact on employers; and has done little to correct the pay gap which stays stubbornly around 20 percent. Following last year's major research series *Money matters for women*, we commissioned further research into the impact of the change from Family Credit to the Working Families Tax Credit on women's incomes and employment.

The Commission raised its concerns with government ministers over women's access to education and training under current programmes such as New Deal. We also made recommendations to promote equality in the development of the Structural Funds Plan and Programmes.

Research published as *A case for equality: gender equality in the solicitors' profession*, showed a distinct lack of equal opportunities for women solicitors. They are disproportionately found in the lower professional grades, they earn less than male colleagues, less than one-third have access to flexible working patterns, and one in three have experienced sexual harassment. The research report recommended that the profession develop equal opportunities guidelines, and we subsequently commented on a draft regulation, and draft equal opportunities policy, of the Law Society, and draft solicitors' model equal opportunities policy.

In the Commission's response to the Northern Ireland childcare strategy *Children First*, which on balance we welcomed, we highlighted the need for childcare work to be properly valued, the need for high standards as well as adequate and secure funding, and ideas for promoting family-friendly policies. We receive a steady flow of requests from employers for advice on introducing such policies, and have supported and taken part in training, conferences and inter-agency working on this crucial issue.

In the area of education, we published *Primary concerns*, which highlighted the need to attract more men into primary school teaching. *What science engenders* found that boys and girls learn differently, and recommended changes in teaching practice to promote equality in the classroom. We have also assisted further research which is examining children's views on occupational sex typing and educational practice.

■ PARTNERSHIPS

The women's sector is made up of a very diverse range of people and organisations with, however, a common goal of promoting equality between the sexes. The Commission undertakes a correspondingly diverse range of contacts and partnerships within the sector. In the year under review we were represented on the management or steering committees of over 20 organisations as well as making one-off or occasional inputs to the work of many others at their request.

At EU level, we attended all three meetings of the European Advisory Committee on Equal Opportunities, contributing in particular to the committee's Opinion on the proposed Framework Strategy on Gender Equality.

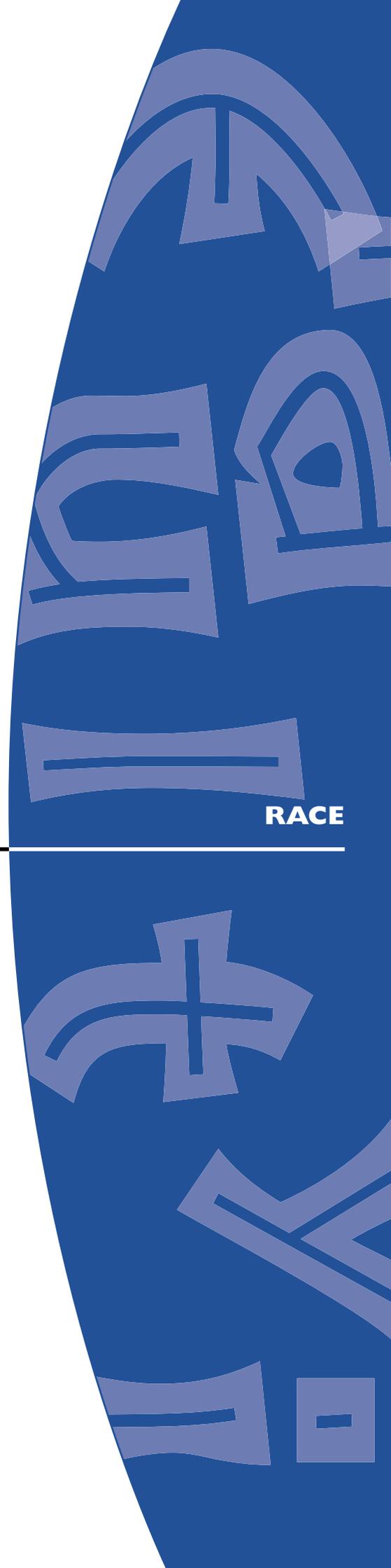
Grants

Under Article 55 of the Sex Discrimination Order, the Commission may give grants for activities which take forward the Commission's statutory duties in the area of sex equality. These are relatively small amounts, but often make it possible for a women's group to carry out a discrete project which adds value to its on-going work. You can find a complete list of grants awarded during the year in Appendix iv.

Equality Commission for Northern Ireland

First Annual Report 1999–2000

RACE





■ RACE

PROMOTING EQUALITY

Work with Employers and Service Providers

As the number of complaints of unlawful discrimination rose throughout the year, we worked to develop a settlement strategy which would inform our work to bring about change within organisations and tackle institutional discrimination. When cases were being settled undertakings were sought which would commit an organisation to, for example, review policies and procedures to include racial equality for the first time, to provide training on racism and racial discrimination for managers and staff or to introduce ethnic monitoring. At the same time we worked alongside service providers who were beginning the process of addressing racial discrimination issues for users and in relation to their staff. This was particularly the case in the health sector where providers had become aware of the difficulties many black and minority ethnic users were encountering in terms of the accessibility of the service. We also worked with the Social Security Agency which undertook an assessment of black and minority ethnic community needs with a view to determining what needed to be done to improve quality and access. On policing, regular contact was maintained throughout the year with the RUC and we participated as members of the policing sub-group of the Promoting Social Inclusion Working Group on Travellers and were represented at meetings of the Ethnic Minority Police Liaison Committee.

Our work on education took the form of issuing, for consultation, a good practice guide on racial equality as well as liaison with the Department of Education for Northern Ireland and participation in the Travellers Movement (NI) education sub-group and the education sub-committee of the Promoting Social Inclusion Working Group on Travellers. Staff provided training sessions for employers

and service providers throughout the year including public sector and voluntary and community sector organisations, private sector employers and trade unions, and established links with the financial sector including the Bank of England and the Financial Services Agency.

Promotion work

In order to raise the profile of racial equality issues, staff and Commissioners undertook a number of media engagements and actively sought coverage for our activities. This included the BBC Radio series *Race Around Ulster*. We also hosted a lunch for representatives from the local print media to discuss our research on media reporting on black and minority ethnic issues in Northern Ireland.

We undertook speaking engagements for schools and young people and worked to develop a profile for the Commission with the communities in Northern Ireland. We participated in events such as the Ards Multi-cultural Festival, Chinese New Year in Bangor, Belfast and Craigavon and the Eid Festival in Craigavon and attended a number of minority ethnic group annual general meetings. We were pleased to be asked to participate in the Irish Traveller Movement Annual General Meeting in Wexford in March.

We released the first *Code of Practice for Employers for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment* in August 1999 and distributed it to over 4000 Northern Ireland employers. This together with our guide to making a complaint under the Race Relations (NI) Order 1997 were translated into Chinese. The second annual report of the Commission for Racial Equality was laid before Parliament in June and the proceedings of the Into the Light conference held in February 1999 were issued as a conference report in June 1999.

Grants

Under Articles 43 and 44 of the Race Relations Order the Commission may make grants to promote equality of opportunity, and good relations, between persons of different racial groups or for the purposes of undertaking or assisting research work or educational activities. A total budget of £56,000 was allocated for this important work, and a list of grants awarded is included in Appendix iv.

These grants are considered to be a meaningful and effective way in which the Commission can help to build capacity within black and minority ethnic communities. A major contribution was made to fund the Craigavon Travellers' Support Group in order that they could access legal and technical expertise and support at a Public Inquiry into a planning application for a Traveller site in the area. The outcome of the inquiry is awaited.

Other, smaller, grants helped community groups to develop structures and business plans which, in turn, enhanced their opportunities to access much needed funding for core activities to assist their communities. We also assisted in promoting good relations between racial groups in Northern Ireland through funding for two community festivals.

■ DEVELOPMENTS IN THE LAW

Complaints

We dealt with a considerable increase in the number of individual complaints of racial discrimination during the year. In total 149 applications for assistance were approved. A growing area of work is the denial of access to facilities and services, particularly to members of the Irish Traveller community. The first case, *Ward -v- The Olive Grove*, on racial discrimination in the provision of goods, facilities and services in Northern Ireland, was heard in the County Court towards the end of 1999. It was

successfully argued that the plaintiffs, members of the Traveller community, had been unlawfully denied access to a bar on racial grounds. Each of the four plaintiffs was awarded £2,500 compensation.

We also assisted our first cases in the field of education which highlighted for us the need to consider how best to address the issue of racial harassment in schools. In employment, complainants came to us with allegations of less favourable treatment in appointment procedures, in opportunities for promotion, in dismissal and in relation to racial harassment at work.

By the year end we were beginning to see an increase in the number of cases, in relation to both goods, facilities and services and to employment, which were being settled prior to hearing. One example is the case of an Indian temporary security guard who alleged that he was harassed by his colleagues and, after he had complained to his employer, was unsuccessful in his application for a permanent post. In the settlement his ex-employer apologised for the hurt he had suffered and paid him £9,000 compensation for injury to his feelings. The employer also agreed to ensure the implementation of equal opportunities and anti-harassment policies. As this case illustrated, while compensation is important for the complainant, the Commission wishes to ensure that the same complaint does not occur in the future with another worker. It is equally important for our solicitors to negotiate terms of settlement in which the respondent will make a commitment to undertake other actions to advance racial equality, such as a review of policies and procedures or the provision of training.

In terms of ethnic background and racial group, 44% of complainants come from the Irish Traveller community with the next largest group being white complainants representing 34% of the total.

■ POLICY AND RESEARCH

Staff contributed to consultation responses including those on vulnerable witnesses, the Review of the Enforcement of UK Anti-discrimination Legislation, the Patten Report, proposals for Directives under Article 13 of the Amsterdam Treaty, *Children first – the Northern Ireland childcare strategy*, *Learning for tomorrow's world – towards a new strategic plan for education services in Northern Ireland*, and *Vision into practice – consultation on New TSN*.

Recommendations for changes to the Race Relations Order were issued for consultation by the former CRE for Northern Ireland. Responses were received from a broad range of organisations. These are now being considered by the Commission and a final report will be prepared for submission to the Northern Ireland Assembly. In addition, we maintained a watching brief on the amendments proposed for the race relations legislation in Great Britain arising out of the recommendations of the Stephen Lawrence Inquiry. It will be important that steps are taken in Northern Ireland to ensure that positive changes which will enhance the legislation in Great Britain are also made in this jurisdiction without delay.

Research

The Commission's research function focused this year on two main areas – media reporting and the need for community advocacy services. We were aware of negative reporting of black and minority ethnic issues, including Traveller issues, particularly in some rural weekly newspapers across Northern Ireland. Liz Fawcett of the University of Ulster was commissioned to undertake a review of print media between January 1998 and July 1999. Her findings substantiated what the communities had been

telling us. Her report, published as our Racial Equality Bulletin 2, was accompanied by a set of good practice guidelines for editors which was distributed widely throughout Northern Ireland, including by the National Union of Journalists.

The second area on which we concentrated our efforts was to look at the need for community based advocacy services for minority ethnic groups in relation to access to rights under the Race Relations Order. Our interest in this area arose out of the profile of the ethnic background of complaints coming to the Commission for help. We were, for example, curious as to why we had so few legal enquiries from the Chinese community, the largest minority ethnic group in Northern Ireland. The project set out to examine issues around access to determine what the communities themselves felt about how legal advice and assistance might best be obtained and to recommend a way forward. The methodology includes questionnaires and focus groups and work is ongoing.

Because of the relative newness of racial equality issues in Northern Ireland, there is a need for a research programme which will provide much needed information to inform our policy work in race relations. The Commission was pleased to participate as a member of the Advisory Group for a comprehensive series of reports on minority ethnic issues being undertaken on behalf of the Northern Ireland Statistics and Research Agency, work which will continue over the next year. A list of research work is in Appendix v.

■ PARTNERSHIPS

We see capacity building as one key way to help promote equality of opportunity and good relations and so developing and maintaining links and partnerships with black and minority ethnic communities in Northern Ireland is central to our work on racial equality. To this end we facilitated consultations for groups including on the Patten proposals for the Royal Ulster Constabulary, recommendations for changes to the Race Relations Order,

Traveller accommodation and an update on race relations issues in the post-Lawrence era in Great Britain. We hosted informal receptions for colleagues from minority ethnic communities to give them the opportunity to meet Commission staff and others interested in racial equality issues.

In the United Kingdom we are members of the Core Working Group of the UK Race and Europe Network and attended roundtables on the development of a European Network on Racism, while in the Republic of Ireland we have observer status on the National Consultative Committee on Racism and Interculturalism. Together with NCCRI we held a North/South Roundtable in October in Dundalk out of which came an agenda for action which was launched in Belfast on 21 March, the United Nations Day against Racism. On that day we also participated in the Radio Voix Sans Frontières broadcast from more than 500 community radio stations across the world. We met with representatives of the Churches Commission on Racial Justice to discuss its role in Northern Ireland and how we might liaise more closely on issues of mutual concern. Plans are now underway for a major North/South conference on human rights and equality to mark the United Nations Day on Human Rights later this year. The Commission is working with a number of partners in order to make this event happen.

On an international level we are working to establish the links necessary to ensure that the Commission will play an influential role in the United Nations World Conference on Racism in South Africa in 2001 as well as the preparatory conference in Strasbourg in October 1999.

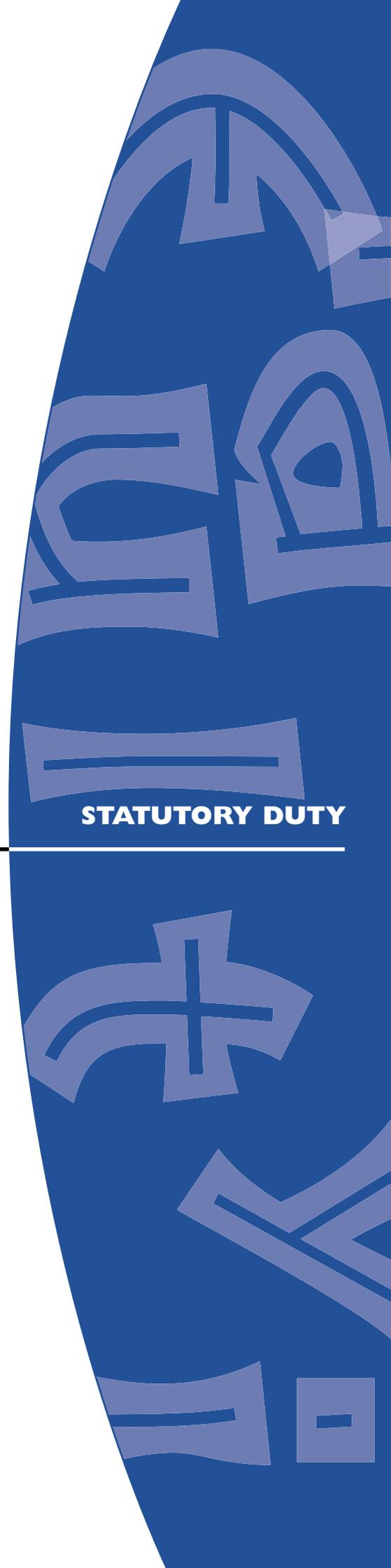
We maintain links with the European Monitoring Centre on Racism and Xenophobia and the European Commission against Racism and Intolerance as well as the newly established Equality Authority in the Republic of Ireland. We were pleased to be invited to speak at the Authority on our work in relation to individual complaints.

Closer to home we have continued involvement with the Training and Employment Agency Sub-committee on Equality and are members of the Voluntary Sector Research Group.

Equality Commission for Northern Ireland

First Annual Report 1999–2000

STATUTORY DUTY





■ **STATUTORY DUTY**

STATUTORY DUTIES ON PUBLIC AUTHORITIES

MAINSTREAMING EQUALITY: the legislative provisions

From 1 October 1999, the Equality Commission assumed important functions concerning new statutory duties placed on public authorities by section 75 of the Northern Ireland Act 1998.

The new duties require public authorities in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without. Without prejudice to these obligations, a public authority is also required, in carrying out its functions, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Public authorities are each required to prepare an Equality Scheme stating how they propose to fulfil these duties and these must be submitted to the Equality Commission for approval. The legislation also requires public authorities to conduct impact assessments of their policies.

The principles of transparency and accountability in public policy decision making have been built into the statutory framework. Public authorities are required to consult with those affected by their policy decisions both in the preparation of their Equality Schemes and as an integral part of the process of policy development.

■ THE ROLE OF THE EQUALITY COMMISSION

The Equality Commission is required to keep under review the effectiveness of the new duties and to offer advice to public authorities and others in connection with the duties. In addition it is required to carry out specific functions relating to Equality Schemes including the preparation of Guidelines on Equality Schemes, approving Equality Schemes, investigating complaints of failure to comply with an approved Scheme and in certain cases referral of Schemes to the Secretary of State.

We recognise that the legislative provisions are only the first step and that the real challenge will lie in making sure that they are effectively implemented. We are fully committed to making this happen and have prioritised work in this area. During the year under review, the Commission set itself a challenging programme of work to ensure that the new duties will make a real difference to the lives of the people of Northern Ireland and that all of those affected by the duties will be fully involved in the process.

Top level commitment

The Commission is firmly of the view that top level commitment to the statutory duties is essential and has lobbied for this at meetings with the First Minister, the Deputy First Minister, the Head of the Northern Ireland Civil Service and with other Government ministers. We welcome the very positive response we have received in these discussions and look forward to continuing co-operation from Government at all levels in the operation of the new provisions.

■ GUIDELINES ON EQUALITY SCHEMES

The timetable for implementation is very tight. The new legal obligations took effect for most public authorities on 1 January 2000. For these authorities the date for submission of their first Equality Schemes is 30 June 2000. The legislation requires that Equality Schemes submitted to the Equality Commission must conform to any guidelines on form and content which are issued by the Commission with the approval of the Secretary of State.

Before the establishment of the Commission, the former equality bodies, conscious of the proposed deadline for the start of the legislative provisions, appointed a member of staff to begin work to raise awareness of the new obligations. In July 1999, the draft Guidelines on Public Authority Equality Schemes, which were originally published in March 1999 in the Report of the Equality Commission Working Group (set up by Government to make recommendations for the setting up of the new Equality Commission) were circulated widely to public bodies and voluntary, community and trade union organisations. A programme of briefing sessions for public bodies and groups and organisations from the various categories of people covered in the new duties was organised throughout Northern Ireland. Initial comment and feedback on the draft Guidelines was invited and this was made available to the Equality Commission on its establishment.

The Commission received over fifty written responses through this process. The number of responses received from the voluntary/community sector at this stage was small, reflecting the greater pressure on resources within this sector. Some organisations indicated that they wanted to make comments as part of a formal consultation process and that they did not want to see any diminution of the working draft Guidelines before this. We were committed to ensuring that all views would be taken into account in the preparation of the Guidelines and on 22 October 1999 we issued the draft Guidelines without amendment for formal consultation.

Consultation

The consultation period ended on 1 December 1999. The period was shorter than we would have liked but we needed to finalise the Guidelines before submitting them for approval to the Secretary of State before the commencement date for the new duties on 1 January 2000.

The Commission was very pleased with the outcome of the consultation exercise. We received a total of 115 responses - 51 were from public bodies and 64 were from voluntary, community and trade union organisations, church groups, political parties and others. The key issues raised included requests for a 'model' Equality Scheme and for clarification on the meaning of 'functions', 'policies' and on the screening of policies. Almost all of the responses raised concerns about the timetable for implementation and the need for additional resources to be made available especially to facilitate the consultation requirements of the new duties. In its discussions with Government during the year, we have lobbied for additional resources to be made available for both public bodies and the voluntary and community sector.

■ GUIDE TO THE STATUTORY DUTIES

The Commission amended the draft Guidelines to take account of consultation and forwarded the amended document to the Secretary of State on 23 December 1999. Subsequently, in light of legal advice, we decided to make some structural changes to the document and an amended Guide to the Statutory Duties (which incorporated the Guidelines) was forwarded to the Secretary of State on 21 January 2000. The Secretary of State's comments on the Guide were received by the Commission on 18 February 2000. Following further communication between the Commission and the Secretary of State's office, the Secretary of State's approval was subsequently received on 21 March 2000. The Guide and a leaflet summarising its

key points were publicly launched on 31 March 2000. The Guide was prepared in a range of accessible formats and the leaflet was prepared in seven different languages.

■ DESIGNATION OF PUBLIC AUTHORITIES

While most Northern Ireland public bodies are automatically within the scope of the legislation by virtue of section 75 3(b) and 3(c) of the Northern Ireland Act 1998, the Secretary of State has discretion to designate additional bodies under section 75 3(a) and 3(d) of that Act.

Under section 75 3(a), the Secretary of State can designate any of the departments, corporations or bodies listed in Schedule 2 to the Parliamentary Commissioner Act 1967. These are mostly United Kingdom Government departments and public bodies. The work of some of these bodies, for example the Department of Social Security, the Inland Revenue, the Home Office and the Ministry of Defence, has significant implications for equality of opportunity in Northern Ireland. Section 75 3(d) enables the Secretary of State to designate 'any other person'. Arising from this provision, other public bodies which have considerable importance for equality of opportunity such as the Northern Ireland further and higher education sectors and the transport companies could be brought within the scope of the legislation

Since its first formal meeting in October 1999, the Commission has been vigorously lobbying Government to ensure that the range of public authorities included within the scope of the legislation is fully inclusive of all those bodies whose work impacts on equality of opportunity in Northern Ireland. The Commission was very disappointed that, at year end, the Secretary of State had not designated any additional bodies.

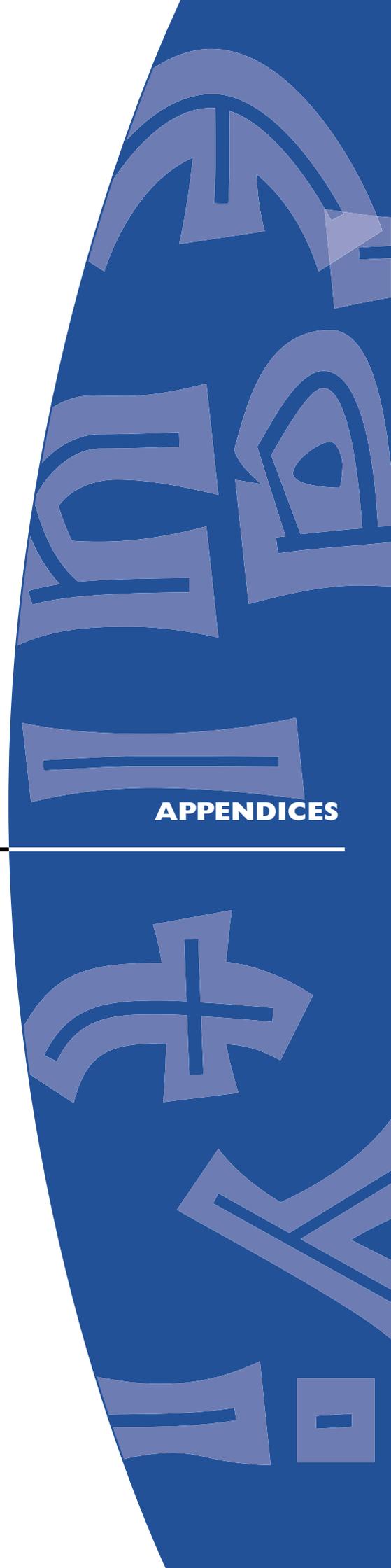
■ PARTNERSHIP

The Commission is committed to a partnership approach to its work and considers this to be particularly important in the context of the statutory duties. During the year under review, we worked in close association with individual public bodies and public sector organisations to facilitate awareness raising and the consultation process on the draft Guidelines. A similar and very valuable programme of work was organised in partnership with main umbrella organisations within the voluntary, community and trade union sectors. We would like to record our thanks and appreciation to all those who have assisted us in this important work during the year.

Equality Commission for Northern Ireland

First Annual Report 1999–2000

APPENDICES





■ **Appendix i**

Equality Commission for Northern Ireland

Joan Harbison	(Chief Commissioner)
Bronagh Hinds	(Deputy Chief Commissioner)

Jeremy Bryson	Margaret Logue
Harry Coll	Shahid Malik
Rosemary Connolly	Robin Mullan
Paul Donaghy	Harry McConnell
Alan Henry	Robert Osborne
John Heron	Richard Steele
Ann Hope	Anna Man-wah Watson
Ruth Lavery	Monica Wilson
Stephen Livingstone	Noreen Wright

On 1 October 1999 the Equality Commission took over the functions previously exercised by the Commission for Racial Equality for Northern Ireland, the Equal Opportunities Commission for Northern Ireland, the Fair Employment Commission for Northern Ireland and the Northern Ireland Disability Council. The membership of these bodies during the period under review is outlined below.

Commission for Racial Equality for Northern Ireland
(1 April 1999 – 30 September 1999)

Joan Harbison (Chairman)
Mary Clark-Glass
James Hawthorne
Pauline Leeson
Fee Ching Leong
Suneil Sharma
Patrick Yu

Equality Commission for Northern Ireland

Equal Opportunities Commission for Northern Ireland
(1 April 1999 – 30 September 1999)

Joan Smyth (Chair)
Ann Hope (Deputy Chair)
Brenda Callaghan
Harry Coll
Seamus Connolly
Ronnie Hillen
Elizabeth Kearns
Margaret Logue
Laura Lundy

Fair Employment Commission for Northern Ireland
(1 April 1999 – 30 September 1999)

Sir Robert Cooper (Chairman)
Samuel Adair
Peter Bloch
Margaret Elliott
Ruaidhri Higgins
Elizabeth Meehan
Keven McCabe
Jim McCurley
Ruth Laird

Northern Ireland Disability Council
(1 April 1999 – 30 September 1999)

Harry McConnell (Chairman)
David Gray (Deputy Chairman)
Helen Bowman
John Carberry
Robin Harris
Aileen Hull
John Hutchinson
Maura McCann
Richard Moore
Maureen Mulligan
G Max O'Brien
Dr Victor Patterson
Elaine Waterson
Monica Wilson

■ Appendix ii

Staff of the Commission

Members of staff at 31 March 2000

Evelyn Collins Chief Executive

Disability Unit *

Eilish Murtagh (s)

Fair Employment and Treatment Directorate

Advice and Information

Keith Brown Director

Belinda Bell - Wolfe (Job Share)

Ciaran Bradley

Catherine Carleton

Sandra Davison

Carole Dennis

Brendan Doyle

Frank Fleming

Leanne Higginson

Bronagh Kelly

Julie McCormack (c) (Job Share)

Louise McGregor (c) (Job Share)

Anne McKernan

Roisin Mallon (Job Share)

Teresa Moley

Helen Mone

Jane Noble (Job Share)

Diane Purdy (Job Share)

Kelly Spence (Job Share)

Gayle Wilkinson

Heather Wilson (Job Share)

General Operations

Jacqui McKee (a)	Director
Sinead Berwick	
Carolyn Brown	
Yvette Brymer	
Patricia Casey	
Donal Collins	
Gillian Davidson	
Paul Davidson	
Deidre Diamond	
Aidan Fitzpatrick	
Jane Garvey	
Miriam Gibson	
Frances Nugent	
Catherine O'Hora	
Naomi Roberts	
Mairead Starrs	
Joanne Steenson	
Terry Stevenson	

Legal Services

Anne Balmer	(JobShare)	Director
Druisilla Hawthorne (a)	(Job Share)	Director
Gina Condit		
Paddy Conway		
Sinead Eastwood		
Michele Glenholmes		
Pauline Hannigan		
Michele Killough		
Mary Kitson		
Rosemary Lundy		
Mary McAdorey		
Michael McDowell (c)		
Eunan McMullan		
Eoin O'Neill		
Martin O'Neill		
Paul O'Neill		
Lisa Taggart		
Lorraine Toolan		
Ciaran Trainor		

Sex Equality Directorate

Equality and Information

Irene Kingston (a)	Director
Julie McBride	
Margaret McCune (Job Share)	
Lyn Mackender	
Liz O'Keefe (Job Share)	
Maria Quinn	
Margaret Watson	
Sharon Zukor	

Investigation and Research

Joan McKiernan	Director
Elizabeth Hyndman	
Ron Keegan	
Joan McAlister	
Raymond Russell	
Margaret White	

Legal

Jennifer Greenfield	(Job Share)	Director
Petra Sheils	(Job Share)	Director
Edel Anderson		
Joanne Daly	Job Share)	
Nuala Duckett	(Job Share)	
Sally Gibbs (c)		
Marie Claire Kinney		
Margaret McCune	(Job Share)	
Tim McGarry (c)		
Sheila McGivern		
Joan McKeeman		
Edith Mackey		
Helen Magowan		
Joanne Murphy		
Geraldine Shevlin	(Job Share)	

Statutory Duty Unit *

Mary Bunting	Director
Brenda Campbell	
Joy Poots	

* further recruitment ongoing

(s) secondment

(a) acting up

(c) career break

■ **Composition of Equality Commission Staff at 1 January 2000**

Community Background

Grade	Protestant	Roman Catholic	Cannot be Determined	Total
Operational Staff	31 (34.8%)	53 (59.6%)	5 (5.6%)	89
Support Staff	16 (55.2%)	13 (44.8%)	0	29
Total	47 (39.8%)	66 (55.9%)	5 (4.3%)	118

Sex

Grade	Male	Female	Total
Operational Staff	25 (28.1%)	64 (71.9%)	89
Support Staff	3 (10.3%)	26 (89.7%)	29
Total	28 (23.7%)	90 (76.3%)	118

■ Appendix iii

Complaints and written decisions

LEGAL COMPLAINTS

Complaints Statistics	Fair Employment	Race	Sex	Total
Legal complaints and enquiries (preliminary investigations)	1296	185	1510	2991
	524			524
Applications granted assistance	123	214	92	429
Applications refused assistance	107	12		119
Industrial Tribunal Proceedings				
Cases granted assistance	118	42		160
Cases withdrawn	45		1	46
Cases settled	40	11	41	92
Cases heard and upheld	2		3	5
Cases heard and dismissed			2	2
County Court Proceedings				
Cases granted assistance		86		86
Cases heard and upheld		14		14
Cases heard and dismissed		5		5
Other Courts				
Court of Appeal	1		2	3
High Court	2			2
House of Lords	2			2
European Court of Human Rights	1			1

■ **Summaries of Written Decisions**

Fair Employment

McVeigh -v- United Kingdom Passport Agency Fair Employment Tribunal FET 399/95

Facts The applicant in this case was a Protestant woman who applied for promotion to Administrative Officer with the Passport Agency in May 1995. She was informed on 10 August 1995 that she had not been successful. Four persons were successful in their promotion bid, three of whom were Catholic and one non-determined. The applicants for promotion consisted of 13 Catholics, six Protestant and two non-determined. The promotion board consisted of two persons from London and a local line manager. Only the latter knew the religion of all the candidates. It was also clear from the statistics provided that there was an imbalance in favour of Catholics in the Passport Agency.

The applicant's case was that she had been discriminated against in that other Catholic candidates had been promoted without interview, one of whom had received lesser box markings, albeit at a different grade. She also alleged discrimination in respect of her non-selection at interview, where a Catholic candidate was appointed ahead of her despite there being no difference in their assessment at interview, and where she had a superior appraisal mark.

The respondent alleged that the successful candidates had been more fluent at interview and that the appraisal reports were not considered. The respondent however, accepted that there had been a breach of the Fair Employment Code of Practice in respect of failing to retain notes of the interview, and there was a failure to follow its own policy of having regard to staff reports.

Decision The Tribunal decided that the applicant had been less favourably treated than other candidates for the promotion, both in respect of one of the candidates who had been promoted without interview, and in respect of a Catholic candidate who had been promoted after interview. It looked for an explanation from the respondent but was not satisfied that this was a clear, specific and innocent explanation. With the background of religious imbalance in the respondent's workforce it inferred that discrimination on religious grounds had taken place.

The Tribunal did not consider that the applicant had suffered "great injury to feelings". It awarded her £1,500 for this, together with £500 interest and agreed special loss of £3,583. The total award was accordingly £5,783.

11 January 2000 FET

The applicant sought a review of the award which was refused by the Tribunal. A case stated in respect of the award of damages and the refusal to review was then requested. The respondent in the case also appealed the decision on the finding of unlawful discrimination and the matter is presently before the Northern Ireland Court of Appeal.

Chief Constable of the Royal Ulster Constabulary and Assistant Chief Constable AH -v- Sergeant A NI Court of Appeal.

Facts This case arose from an appeal against the finding of the Fair Employment Tribunal on 7 October 1998, that the respondent (Sergeant A) had been discriminated against by his employer, the Chief Constable, and also by the Assistant Chief Constable, who had suspended him from duty pending an investigation of an allegation of drink driving.

Sergeant A's case rested on the comparison of his immediate suspension in respect of the alleged offence with the treatment afforded to Sergeant DH, who did not receive an immediate suspension for a drink driving offence. Sergeant A was Catholic whilst Sergeant DH was Protestant. The Assistant Chief Constable who made the decision in respect of both was Catholic.

Decision The judgement of the Court was given by the Lord Chief Justice, Carswell LJ. The Court answered four questions, which it considered covered all the points in the case.

1. Was the Tribunal correct in law in holding that the relevant circumstances in each case relating to the respondent and Sergeant DH, were not "materially different" within the meaning of S16(a) of the Fair Employment (NI) Act 1976?
2. Was the Tribunal correct in law in holding that the Appellants (Chief Constable and Assistant Chief Constable) treated the respondent (Sergeant A) less favourably than they treated or would treat other persons?
3. Was the Tribunal correct in law in its application of the burden of proof?
4. If the applicants treated the respondent less favourably than they would have treated other persons, was the Tribunal entitled on the facts proved or admitted to hold that he was so treated on the grounds of his religious belief?

The Court answered all of the questions in the negative.

In respect of the first question it considered that relevant circumstances such as the aggravating features surrounding the incidents and the personal circumstances, record and performance of each Sergeant had been left out of account by the Tribunal and that accordingly it had fallen into error.

As Sergeant DH was found not to be a true comparator the decision of the Tribunal could not stand. The Court also concluded that on one point, the Tribunal had improperly placed a burden of proof on the Appellants and had in effect given too much weight to evidence of senior officers who made recommendations about suspension, as opposed to the Assistant Chief Constable who took the decision.

In light of the "remarkably unlikely conclusion" that a person would discriminate against his co-religionist, and the failure of the Tribunal to properly weigh the facts outlined in its decisions, the Court concluded that, even if the Tribunal had been correct on the issue of less favourable treatment, on the facts found no reasonable Tribunal directing itself properly on the law could find for the respondent.

The Appeal was accordingly allowed and the decision of the Tribunal reversed.

26 January 2000 N.I.C.A.

■ Race discrimination

The first race discrimination case in Northern Ireland dealing with access to services was decided on 9 December 1999. It involved four complaints brought by two married couples from the Irish Travellers community who were refused service in the Olive Grove Public House in Newry. A total award of damages of £5,000 was made, and an injunction granted restraining the owners of the establishment from committing further acts of racial discrimination.

A second case in the same jurisdiction was decided on 13 March 2000. This decision was given in written form and the facts and outcome are summarised below.

Ward & Others -v- JJB Sports Plc

In the County Court for the Division of Armagh and South Down.

Facts The 10 plaintiffs in this matter were all members of the same family. One of the family who was not a plaintiff in these joined actions had been excluded from the defendant's premises. He had brought an action alleging racial discrimination and assault, arising from incidents where he had been excluded from these premises. The County Court judge found in this case that he had been justifiably excluded although he was awarded damages for what was described as a technical assault.

The present case arose however from the letter sent by the defendant to him, which notified him of his exclusion and stated in the final sentence that:

"Will you please note that this also applies to all other members of your family".

The other members of the family issued civil bills seeking declarations that they had been discriminated against on the grounds of their race, and an injunction to prevent future acts of racial discrimination and damages.

Decision The County Court judge upheld the plaintiffs' claims that they had been discriminated against on grounds of their race as Irish Travellers. It was considered by the judge that the defendant's letter was intended to impose a ban on all members of the Ward family, despite the fact that the present plaintiffs had not caused any difficulties.

There was no innocent explanation for the treatment as it was clear from the respondent's replies in the plaintiffs' questionnaire that each plaintiff was banned from the defendant's premises. An attempt to explain the matter away as a reference to other troublesome customers who had been in the company of the family member who had been justifiably excluded, was rejected.

A declaration of discrimination was given together with the injunction sought. £250 damages were awarded for the upset and annoyance caused by the letter. The judge remarked that a private communication was considerably less distressing than a public ban imposed at the store.

County Court 13 March 2000

■ Sex discrimination

**Wilson -v- Royal Mail Scotland and Northern Ireland
Industrial Tribunal 2399/97 SD**

Facts The applicant in this matter complained that she had been discriminated against on grounds of her sex and/or pregnancy, in that, whilst she was on pregnancy related sick leave and maternity leave, two posts for which she would have been eligible to apply were advertised internally and subsequently filled.

It was not the respondent's policy to send out notification of job vacancies to employees who were on sick or other leave unless the employee made a written request to be notified. Women going on maternity leave were normally seen by an administrator from the personnel department and would be advised that the onus was on them to notify the respondent of interest in some job or area of work. It was accepted that the applicant, whether because she was on pregnancy related sick leave or otherwise, did not have a meeting with the administrator and was not informed of the vacancies.

Decision The unanimous decision of the Tribunal was that the applicant had been discriminated against under the provisions of the Sex Discrimination (NI) Order 1976 and the European Equal Treatment Directive 76/207.

The Tribunal dismissed the argument of the respondent (which placed reliance on the decision in *Boyle & Others -v- EOC 1998 IRLR 717*) that the respondent was entitled to compare the applicant's treatment with a man on extended leave of absence because of illness. It distinguished the case of *Boyle & Others* and found for the applicant, awarding her £1,750 for injury to feelings.

10 August 1999 IT

**Stewart -v- J E Coulter Ltd & Others
Industrial Tribunal 3433/98 SD**

Facts The applicant in this case complained of sex discrimination related to her pregnancy in respect of three matters.

1. That she was not paid full days pay on the days she took sick leave after she had become pregnant. She had previously been paid full days pay prior to June 1998 in respect of sick leave and had informed management of the firm of her pregnancy in March 1998.
2. That she was entitled to a pay rise and that it was withheld because of her pregnancy.
3. That offensive comments were made to her about her size and her pregnancy, in particular by her line manager.

Decision The Tribunal dismissed the applicant's complaint in respect of paid sick leave finding that the Company had taken the decision to stop paying her an ex gratia amount in respect of sick leave because of her sickness record. It considered that the company would have treated any person male or female in the same manner.

The Tribunal also similarly dismissed the applicant's complaint in respect of an increase in pay. Whilst criticising the management of the company, in regard to its delay in dealing with the applicant's diminishing work performance, it accepted that there had been such a deterioration and did not infer that there was any discrimination against the applicant.

On the third point however the Tribunal found in favour of the applicant, accepting that the applicant's line manager had made offensive remarks to her. The applicant had been discriminated against on grounds of her sex in this respect, and the Tribunal criticised the failure of the company even to refer to the Sex Discrimination (NI) Order 1976 in its equal opportunity policy.

The Tribunal awarded the applicant £2,000 in respect of injury to feelings, the sum of £160 interest, and a further £30.83 in respect of an unlawful deduction from the applicant's wages.

30 June 1999 IT

Rodgers -v- 1. Martin and 2. McClarnon & Connolly t/a Patisserie Home Bakery Industrial Tribunal 845/99 SD

Facts The applicant in this matter was employed by the second named respondent as a shop assistant. The first respondent was the bakery's area supervisor who was responsible for staff management. The applicant complained about three matters.

- (a) The respondent unlawfully directly discriminated against her by comments made:

- (b) The respondent unlawfully indirectly discriminated against her by applying a requirement or condition of her with which she could not comply, within Article 3(1)(b) of the Sex Discrimination (NI) Order 1976 namely;
 - (i) that she was required to start work at 7.30am and
 - (ii) that she be "mobile", regarding the shop chosen as her work location.
- (c) She was constructively dismissed by the respondent amounting to unfair dismissal.

Decision In relation to the first matter in respect of direct discrimination, the Tribunal preferred Ms Martin's evidence. On foot of this finding, the Tribunal also rejected the allegation of indirect discrimination in respect of the 7.30am start requirement.

It accepted that there was a "mobility" requirement but had no statistical evidence available to show any disparate impact on the applicant's group. It was also not satisfied that the applicant could not comply with the requirement as she had alleged. It therefore dismissed the allegation of indirect discrimination.

Finally the Tribunal concluded the applicant had not been constructively dismissed as alleged.

10 February 2000

**Clarke -v- Mediguard Services Ltd
NI Court of Appeal**

Facts The applicant in this matter brought a complaint of sex discrimination against her employer, Mediguard Services Ltd, which was subsequently brought over by ISS Mediclean Ltd. The latter company was then joined as a respondent before the Industrial Tribunal, and in the course of those

proceedings settled its dispute with the applicant. The applicant wished however to continue proceedings against Mediguard Services Ltd, but the Tribunal dismissed the application.

The applicant appealed to the Court of Appeal by way of case stated.

Decision The judgement of the Court was given by Carswell LCJ who ruled that the correct construction of the TUPE (Transfer of Undertakings Protection of Employment) Regulations was that liability incurred by a transferor will in general pass to the transferee, with the consequence that after the transfer the employee will not be able to hold the transferor liable. Cases of sex discrimination were not an exception. The appeal was dismissed.

25 February 2000 N.I.C.A.

Patefield -v- Belfast City Council NI Court of Appeal

Facts The applicant in this case took a case of sex discrimination against Belfast City Council for failing to make her former post available to her on her return from absence due to maternity. The applicant was in fact employed by a recruitment service but worked in the Cemeteries Office of the Council, becoming by the date of her maternity leave the longest serving person working in that office. She was replaced by a permanent employee of the Council.

The Tribunal found that if she had not gone off work she would have undoubtedly remained in the post. They also found that she had thereby been discriminated against on the grounds of her sex contrary to Article 12 of the Sex Discrimination (NI) Order 1976. The Council appealed the decision to the Court of Appeal.

Decision The Court quickly identified that the appeal raised issues relating to the rights and remedies of temporary contract workers against the persons or bodies for whom they carry out work when sent by their agencies. It considered the law in relation to the matter and found that the following propositions had been established.

1. When Ms Patefield went off work in March 1998 there was then a job available for a contract worker.
2. When Ms Patefield went off work for maternity reasons, Belfast City Council replaced her by a permanent employee, although it knew that she wanted to return to her post after the birth of her child. If she had not gone off work at that time, the Council would have kept her indefinitely in her post.
3. Replacing her by a permanent employee subjected her to a detriment at that time, for it effectively removed the possibility of her returning to her post after the birth of her child.
4. In so acting the Council treated her less favourably than they would have treated a man, who would not have become unavailable for work because of pregnancy.
5. By this action therefore the Council discriminated against Ms Patefield.

Carswell LCJ giving the judgement of the Court stated:

"We accept that the Council could have lawfully replaced (Ms Patefield) with a permanent employee at any time when she was in post, and that it might appear somewhat paradoxical to hold that it was unlawful to do so when she went off for maternity reasons. We consider however that we are compelled so to hold by the decision of the European Court of Justice in Webb -v- Emo Cargo (UK) Ltd [1994] IRLR 482"

The appeal was accordingly dismissed.

25 February 2000 N.I.C.A.

■ Settlements

Name of Case	Admission of Discrimination	Admission in relation to procedures	Apology	Remedial Terms	Compensation	Nature of Case
Fair Employment Directorate						
Philip Robinson -v- Ulster Folk & Transport Museum x 7		✓	✓	✓	£60,000	Various detriments including victimisation
Oliver Loughran -v- NIHE		✓	✓	✓	£5,000	Failure to be put on tender list
Bernadette Kelly -v- NIHE		✓	✓	✓	£5,000	Failure to be put on tender list
Patricia Quinn -v- SHSSB				✓	£5,000	Recruitment/victimisation
Bernadette McGrail -v- W D Irwin		✓	✓	✓	£5,000	Harassment
Nora Donnelly -v- University of Ulster x 2			✓	✓	£18,000	Recruitment/selection
Wendy Ewing -v- First National Building Society	✓	✓	✓	✓	£9,000	Harassment
Nuala McDonald -v- Francis Hanna		✓	✓	✓	£10,000	Recruitment/selection
Henry Cook -v- Securicor	✓		✓	✓	£40,000	Harassment
Graham White -v- Dukes Transport Ltd				✓	£12,500	Dismissal
Carmel McMahon -v- Queen's University					£29,466	Other Detriment
Bryan Clarke -v- NIO				✓	£60,000	Harassment
Laurence Armour -v- NI Railways	✓		✓	✓	£10,000	Harassment
James McCartney -v- Namosa Ltd				✓	£9,000	Harassment

Name of Case	Admission of Discrimination	Admission in relation to procedures	Apology	Remedial Terms	Compensation	Nature of Case
Thomas Melville Evans -v- Flagship Newspapers		✓	✓	✓	£5,500	Recruitment/selection
Geoffrey Massey -v- Pinewick Ltd	✓	✓	✓	✓	£20,000	Harassment
Michael Malone -v- Fire Authority of NI x 2					£30,000	Recruitment/selection
Joseph Begley -v- Allied Bakeries		✓			£10,000	Harassment
Jackie D'Arcy -v- NI Tourist Board		✓	✓	✓	£22,500	Recruitment/selection
Paddy Logue -v- The Family Centre			✓	✓		Recruitment/selection
Bryce Anderson -v- Salvo Liberante		✓		✓	£1,000	Harassment
Edward Mullan -v- Rollformed Fabrications			✓	✓	£20,000	Redundancy
Kerry Reilly -v- Ministry of Defence	✓	✓	✓	✓	£30,500	Harassment
Philip Boyd -v- Finlay Hydro Screens				✓	£7,500	Recruitment/selection
James Craig -v- RUC			✓	✓	£17,500	Recruitment/victimisation
George Silo -v- DOE (Water Service)	✓		✓	✓	£6,000	Harassment
Christine Holmes -v- Street Beatyouth Project	✓		✓	✓	£4,000	Dismissal

Name of Case	Admission of Discrimination	Apology	Remedial Terms	Compensation	Nature of Case
Sex Equality Directorate					
Elaine Smith -v- AVA Leisure Ltd & Sam Stranaghan		✓	✓	£5,000	Dismissal
Michelle Doak -v- AVA Leisure Ltd & Sam Stranaghan		✓	✓	£5,000	Dismissal
Eileen McGartland -v- NIO		✓	✓	£6,500	Recruitment/selection job sharing
Julie McMurray -v- NIO		✓	✓	£6,500	Equal pay
Elizabeth Watterson -v- Antrim Credit Union Ltd & Others		✓	✓	£16,250	Pregnancy/maternity rights
Helena Coogan -v- United Assurance Management Services Ltd & Another		✓	✓	£4,000	Sexual harassment
Phyllis Harris -v- JT Green & Son Limited & Jackie Gordon		✓	✓	£6,000	Sexual harassment
Jackie Wilson -v- Strabane District Council	✓	✓	✓	£6,000	Sexual harassment
Elaine White -v- Child Support Agency & Andrew McWilliams		✓	✓	£1,500	Sexual harassment
Bernadette Davison -v- Child Support Agency & Andrew McWilliams		✓	✓	£1,500	Sexual harassment
Christel Edwards de Graauw -v- Dixons Retail Group	✓	✓	✓	£7,500	Recruitment/selection
Lynda Ireland -v- DOE		✓	✓	£7,500	Pregnancy/maternity
Shirley McLaughlin -v- R A Irwin & Co Ltd	✓	✓	✓	£5,000	Pregnancy/maternity

Name of Case	Admission of Discrimination	Apology	Remedial Terms	Compensation	Nature of Case
Pauline Allen -v-Sunblest Bakeries	✓	✓	✓	£5,000	Pregnancy/maternity
Rosemary Perry -v-Coca-Cola Bottlers Ltd		✓	✓	£5,500	Recruitment/selection
Christine Craig -v- Chief Constable RUC				£5,000	Sexual harassment
Clair Anderson -v- Chief Constable RUC				£5,000	Sexual harassment
James Craig -v- Chief Constable RUC		✓		£17,500	Recruitment/selection
Lorraine Irwin -v-PANI			✓	£5,000	Recruitment/selection
Anne McCullough -v- (1) PANI	✓			£13,500:	Sexual harassment
(2) Chief Constable of RUC				£12,500 by RUC	
(3) Sgt John Anderson				and £1,000 by Sgt Anderson	
Nuala McDonald -v- Francis Hanna & Co and JCW Rea & Son Solicitors	✓	✓	✓	£10,000	Recruitment/selection
Jane Ritchie -v- (1) Chief Constable of RUC	✓	✓		£16,000:	Sexual harassment
(2) Const David Davidson				£15,500 by RUC	
(3) Supt Donaldson				and £500 by Const Davidson	
Nora Donnelly -v- University of Ulster		✓	✓	£18,000	Recruitment/selection, victimisation
Breda Wilson -v- Courtaulds Textiles Limited and Others	✓	✓	✓	£8,000	Sex discrimination and equal pay

Name of Case	Admission of Discrimination	Apology	Remedial Terms	Compensation	Nature of Case
Anon -v- Chief Constable of RUC and PANI		✓		£4,500	Victimisation
Jacqueline Currie -v- (1) PANI (2) Chief Constable of RUC (3) Det Insp Stephen Reid		✓		£25,000	Sexual harassment
Maria Duggan -v- NIO No 1 Maria Duggan -v- NIO No 2		✓	✓	£6,000	Recruitment/selection, victimisation
Marie Nancarrow -v- (1) Tricia McKern (2) Jersey European Airways		✓	✓	£7,500	Recruitment/selection
Patricia Dunne -v- (1) Western Education and Library Board (2) Brian Turtle Limavady College of Further and Higher Education			✓	£1800	Equal pay
Lorraine Irwin -v- Department of Finance and Personnel		✓	✓	£12,000	Recruitment/selection
Doreen Brown -v- Department of Finance and Personnel	✓	✓	✓	£8,000	Recruitment/selection
Eileen Logan -v- (1) North and West Belfast Health & Social Services Trust (2) Grovetree House				£1,000	Working parents

Name of Case	Admission of Discrimination	Apology	Remedial Terms	Compensation	Nature of Case
Patricia Livingstone -v- Commissioners of the Inland Revenue		✓	✓	£3,250	Pregnancy/maternity
Angela Maxwell -v- (1) Falls Women's Centre (2) City West Action Ltd (3) Training & Employment Agency (4) D E D				£3,000	Training provision
Roberta Craig -v- (1) A Hampton (2) Sunblest Bakeries NI (3) Wilson Waide (4) Mervyn Hempton (5) Fiona Moore			✓	£15,000	Victimisation
Janette Farquhour -v- Cyril Johnston & Co				£2,750	Family friendly policies

Name of Case	Admission of Discrimination	Apology	Remedial Terms	Compensation	Nature of Case	Ethnicity
Racial Equality Directorate						
Mrs Damdimopoulos -v- Causeway HSS Trust	✓		✓	£2,000	Racial harassment	White Irish/ Cypriot husband
Catherine Calderwood -v- Greater Shankill Early Years Project	✓		✓	£5,000	Recruitment/ selection	White English
Joanne McKay -v- Gul, Hussain, Byrne & Madas Marketing		✓		£3,000	Racial harassment	White Irish
Sandra Venter -v- Bic Systems	✓		✓	£750	Dismissal	White South African
Hilal Najim -v- Ferris Craig & Moore	✓		✓	£4,750	Promotion	Iraqi
Clarissa Riordan -v- Open University		✓	✓	£1,000	Racial harassment, education	Nigerian
Asibey -v- Queen's University, Belfast			✓	£1,000	Racial harassment, disciplinary procedures	Black British

■ Appendix iv

Grants awarded

Under Article 44 (i) of the Race Relations (NI) Order 1997 and Article 55 of the Sex Discrimination (NI) Order 1976, the Commission can provide financial or other assistance for promotional and educational activities to organisations promoting gender and racial equality and also good relations.

Race Relations	
<p>Craigavon Travellers' Support Group To provide legal and technical support and expertise in relation to a planning enquiry into an application for a Traveller site.</p>	
<p>Belfast Traveller Sites Project To fund the publication of one edition of Traveller News.</p>	
<p>Derry Traveller Support Group To fund production of a development plan for a community facility.</p>	
<p>Children's Law Centre Towards the production and launch of a video entitled <i>The Same Difference</i></p>	
<p>Children's Law Centre To cover the translation costs for the United Nations Charter on the Rights of the Child</p>	
<p>Belfast Traveller Sites Project To cover the printing costs for a year 2000 calendar using photographs taken by Travellers of Travellers</p>	
<p>Oi-Yin Women's Group To provide computer skills training</p>	
<p>Multi-cultural Resource Centre Toward the cost of preparing a business plan</p>	
<p>Grand Opera House Sponsorship for the <i>Colour of Justice</i> production</p>	

Sex Equality	
<p>Parents Advice Centre Towards the production of a directory of men's groups and organisations.</p>	
<p>Fermanagh Women's Network To help meet the costs of a policy development/training residential for the Network.</p>	
<p>NIWEP Towards the costs of sending two members of the Older Women's Network to a European conference in Amsterdam.</p>	
<p>NEXUS Institute To help meet the costs of producing a training pack for counsellors.</p>	
<p>Belfast Women's Training Services Towards the publication costs of a book on creative writing.</p>	
<p>International Women's Day Financial assistance for the preparation of events for IWD.</p>	
<p>Women's News Towards design costs of events information for International Women's Day.</p>	
<p>Making Women Seen and Heard For developing work on mainstreaming equality in the Structural Funds.</p>	
<p>Women Together Towards meetings and administration costs involved in the formation of the "Women's Consultative Forum".</p>	

■ **Appendix v**

Research

Equality Commission for Northern Ireland

Omnibus Survey

An analysis of awareness and attitudes on the Equality Commission, the Statutory Duty, and disability, fair employment, race and sex issues.

Disability Discrimination

Accessing everyday services – the views of disabled people and service providers.

Difficulties faced by disabled people when accessing services and participating in social activities.

Monitoring the Disability Discrimination Act (DDA) 1995.

Racial Equality

Press reporting on minority ethnic issues and racism in Northern Ireland

A review of local and regional print coverage and the development of good practice guidelines.

Building on strengths

A study to assess the need for community-based information provision and advocacy to address issues of accessibility to appropriate advice and assistance in relation to the legal process for racial groups in Northern Ireland.

Good practice in primary healthcare

A review of practices and procedures in relation to the provision of primary healthcare for minority ethnic communities in Northern Ireland.

Gender Equality

Completed :

Where do women figure?

Statistics on women and men in Northern Ireland.

Teaching science in primary schools

An examination of the way boys and girls learn (and are taught) science.

Gaps and stats

Gender and official statistics as they relate to the lives of women and men in Northern Ireland.

Women and Information Technology

A feasibility study to assess the low take-up and usage of the Internet by women and women's organisations.

Impact of the National Minimum Wage

The impact of the NMW on low-paid workers and on the firms who employ them.

On-going :

Occupational sex typing

An examination of children's views on occupational sex typing and educational practice.

Working practices

An examination of the implications for gender equality in Northern Ireland of current and anticipated trends in employer policies and practices involving atypical work.

Craigavon employer practices

An examination of the provision of family friendly measures and positive action initiatives in the Craigavon area.

The hidden unemployed: an untapped labour force in Craigavon

An examination of the relationship between labour market participation and women's access to flexible and affordable childcare. Co-funded with DHFETE.

Working Families Tax Credit

An examination of the impact of the change from Family Credit to the Working Family Tax Credit on women's incomes and employment.

Mainstreaming in Derry City Council area

Research and consultation to assess the feasibility of establishing a Women's Commission in the Derry City Council area and the Northwest region. The research is being conducted by INGAGE, Inter-Agency Group Addressing Gender Equality, and is co-funded with a number of other agencies.

Barriers to women's participation

An examination of the barriers to women's participation in education and politics in North Belfast.

Women's support network

An examination of the social and economic impact of women's centres in the Greater Belfast area.

Labour Force Survey

Research into the comparative position of women and men in NI, GB and the Republic of Ireland, using Labour Force Survey statistics as the basis of the analysis.

Women and poverty

Research into the manifestation and nature of poverty among women in Northern Ireland.

■ **Appendix vi**

Publications 1999 – 2000

Equality Commission for Northern Ireland

Equality Commission for Northern Ireland
Corporate Plan 2000 – 2003 Consultative Draft

Disability Discrimination

Northern Ireland Disability Council
2nd Annual Report 1998-1999
Code of Practice

Fair Employment and Treatment

Fair Employment Commission for Northern Ireland
10th Annual Report 1998-1999
Step by Step Guide to taking a case to the Fair
Employment Tribunal
Fair Employment Case Law Religious and Political
Discrimination in Employment (Fourth Edition)
Article 55 Review A Guide for Employers
Article 55 Review Report Structure
Article 55 Review Report Structure for Small Organisations
A Step by Step Guide to Monitoring: Consultative Draft
Register of Employers

Statutory Duty

Guide to the statutory duties. A guide to the
implementation of the statutory duties on public
authorities arising from Section 75 of the Northern Ireland
Act 1998
Putting Equality at the centre of Public Policy: a brief guide
to the statutory duties on public authorities

Racial Equality

Commission for Racial Equality for Northern Ireland
Annual Report 1998-99

Recommendations for Changes to the Race Relations
(NI) Order

Racial Equality Bulletin 2 – Press reporting on minority
ethnic issues and racism in Northern Ireland.

Gender Equality

A case for equality: gender equality in the solicitor's
profession in NI.

Equal Opportunities Commission for Northern Ireland,
23rd annual report, 1998/1999.

Gaps in stats: gender and official statistics in Northern
Ireland.

What science engenders: boys, girls and the teaching and
learning of primary science.

Women, social security and the new Labour Government.
The fourth in a series of reports on women's economic
independence and the social security system.

Where do women figure? : statistics on women and men in
Northern Ireland.

Equality Commission for Northern Ireland

First Annual Report 1999–2000

**FINANCIAL
STATEMENTS**





■ Financial Statements

For 6 Months ended 31st March 2000

Including at Annex I:

Receipts and Payment Accounts for 6 Months ended 30th September 1999 for the following bodies:

- Commission for Racial Equality
- Equal Opportunities Commission
- Fair Employment Commission

■ CONTENTS

	Page
1. Foreword	3
2. Statement of Commission's and Chief Executive's Responsibilities	7
3. Statement on the Systems of Internal Financial Control	8
4. Auditors Report	10
5. Financial Statements	
(a) Income and Expenditure for 6 months to 31 March 2000	14
(b) Statement of Total Recognised Gains and Losses for 6 months ended 31 March 2000	15
(c) Balance Sheet as at 31 March 2000	16
(d) Cash Flow Statement for 6 months to 31 March 2000	17
(e) Notes to Accounts for the 6 months to 31 March 2000	18
Annex 1 Receipts and Payments Account for 6 months to 30 September 1999	29
Notes to the Accounts	30
Annex 2 Accounts Direction	35
Schedule 1	37
Schedule 2	38

■ Foreword to the Accounts

The Equality Commission for Northern Ireland is an executive non-departmental public body sponsored by the Office of the First Minister and Deputy First Minister. The Commission, established on 1st October 1999 under the Northern Ireland Act 1998, assumed, along with additional responsibilities for statutory equality duties and disability matters, the duties and responsibilities of the three former Commissions;

The Commission for Racial Equality for Northern Ireland,
The Equal Opportunities Commission for Northern Ireland and
The Fair Employment Commission.

The three former bodies were sponsored by the Department of Economic Development. These accounts are prepared in accordance with Schedule 8 (2) of the Northern Ireland Act 1998 and the Transfer of Rights and Liabilities (Northern Ireland) Order 1999 and in a form directed by the Office of the First Minister and Deputy First Minister with the approval of the Department of Finance and Personnel. A copy of the Accounts Direction can be found at Annex 2.

Important Events Occurring After the Year End

There have been no significant events since the year-end which would affect these accounts.

Results for the Year

The results of the Commission for the period are set out in detail on page 9. The deficit for the year was £42,335.

Business Review

A full review of the activities of the Commission is given in the 1999/2000 Annual Report.

Fixed Assets

Details of the movements of fixed assets are set out in Note 6 to the accounts.

Research and Development

The Equality Commission for Northern Ireland does not engage in any research and development activities.

Charitable Donations

The Commission during the period made no charitable donations.

Pension Liabilities

Staff Pension Liabilities are borne by the Principal Civil Service Pension Scheme (NI) - see notes 1 and 3 to the Accounts.

Payments to Suppliers

The Commission is committed to the prompt payment of bills for goods and services received in accordance with the Government's Better Payment Practice Code. Unless otherwise stated in the contract, payment is due within 30 days of receipt of the goods or services, or presentation of a valid invoice or similar demand, whichever is later.

During the period 87% of bills were paid within this standard.

Disabled Persons

The Equality Commission seeks to follow best practice guidance as set out in Disability Codes of Practice on employment and the provision of services to disabled persons.

Equality of Opportunity

The Commission is committed to the provision of equality of opportunity and fair participation to all persons regardless of sex, marital status, religious belief, political affiliation/opinion, age, family status, ethnic or racial background, sexual orientation, disability, nationality or trade union membership. The Commission will, in all its actions, conform both with the letter and the spirit of the relevant equality legislation. The Commission will provide equality of opportunity to all persons irrespective of whether or not there are legislative provisions in place.

Employee Involvement

The Commission encourages widespread consultation and exchange of information at all levels within the Commission. This is effected through staff briefings, and the involvement of staff representatives on a Joint Consultative and Negotiating Committee.

Commission Members

The following have served as members of the Equality Commission during the period:

Joan Harbison	Chief Commissioner
Bronagh Hinds	Deputy Chief Commissioner
Jeremy Bryson	
Harry Coll	
Rosemary Connolly	
Paul Donaghy	
Alan Henry	
John Heron	
Ann Hope	
Ruth Lavery	
Stephen Livingstone	
Margaret Logue	
Harry McConnell	
Shahid Malik	
Robin Mullan	
Robert Osborne	
Richard Steele	
Anna Man-wah Watson	
Monica Wilson	
Noreen Wright	

Commissioners' Interests

An up to date register of Commissioners' interests is maintained by the Chief Executive as Accounting Officer and is available for inspection at the Commission's office in Andras House, 60 Great Victoria Street, Belfast BT2 7BB.

Commission Offices

Andras House
60 Great Victoria Street
Belfast BT2 7BB

Chamber of Commerce House
22 Great Victoria Street
Belfast BT2 7BA

Auditor

Northern Ireland Audit Office
106 University Street
Belfast BT7 1EU

Signed by:

Chief Executive and Accounting Officer

Evelyn Collins

■ **Statement of Commission's and Chief Executive's Responsibilities**

Under Paragraph 7 (2) of Schedule 8 of the Northern Ireland Act 1998, the Commission is required to prepare a statements of accounts in the form and on the basis determined by the Office of the First Minister and Deputy First Minister, with the approval of the Department of Finance and Personnel. The accounts are prepared on an accrual basis and must give a true and fair view of the Commission's state of affairs at the year-end and of its income and expenditure, total recognised gains and losses and cash flows for the year.

In preparing the accounts the Commission is required to:

- observe the accounts direction issued by the Office of the First Minister and Deputy First Minister, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards have been followed and disclose and explain any material departures in the financial statements; and
- prepare the financial statements on an ongoing concern basis, unless it is inappropriate to presume that the Commission will continue to operate.

The Accounting Officer of the Office of the First Minister and Deputy First Minister has designated the Chief Executive of the Equality Commission for Northern Ireland as the Accounting Officer of the Commission. The Chief Executive's duties as Accounting Officer, including responsibility for the propriety and regularity of the public finances and for the keeping of proper records, are set out in the Non-Departmental Public Bodies Accounting Officer's Memorandum issued by the Department of Finance and Personnel.

Chief Executive and Accounting Officer

E Collins

■ **Statement on the Systems of Internal Financial Control**

As Accounting Officer, I recognise my responsibility for ensuring that an effective system of financial internal control is maintained and operated by the Equality Commission for Northern Ireland.

The system can provide only reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded and that material errors or irregularities are either prevented or would be detected within a timely period.

The system of financial internal control is based on a system of regular management information, administrative procedures including the segregation of duties, and a system of delegation and accountability. In particular it includes:

- comprehensive budgeting systems with an annual budget which is reviewed and agreed by the Commission;
- regular reviews by the Commission of periodic and annual financial reports which indicate financial performance against the forecasts;
- setting targets to measure financial and other performance;
- clearly defined capital investment control guidelines;
- as appropriate, formal project management disciplines;

The three former Commissions did not have an internal audit service, as required by Government Accounting Northern Ireland. The Equality Commission has procured an internal audit service from the Southern Health and Social Services Board and the systems of internal financial control for the 6 months period to 31.3.00. were reviewed.

My review of the effectiveness of internal control is informed by the work of internal audit, the executive managers within the Commission who have responsibility for the development and maintenance of the financial control framework, and comments made by the external auditors in their management letters and other reports.

Following a comprehensive review during the period of the Commission's financial management, human resource, administration and management information systems, a number of potential improvements to the systems of internal control were identified. Management has accepted all of the recommendations and action has either been taken, or is planned in the near future to address these issues.

Evelyn Collins (Chief Executive and Accounting Officer)

■ Auditors Report

Equality Commission for Northern Ireland (incorporating the accounts of the three former Commissions – the Fair Employment Commission, the Equal Opportunities Commission and the Commission for Racial Equality)

The Certificate and Report of the Comptroller and Auditor General to the Northern Ireland Assembly

I certify that I have audited the financial statements on pages 11 to 31 under the Northern Ireland Act 1998 and the Equality Commission for Northern Ireland (Supplementary Provisions) (Northern Ireland) Order 1999.

The financial statements of the Commission for the six month period from its commencement on 1 October 1999 to 31 March 2000 on pages 11 to 25 have been prepared under the historical cost convention as modified by the revaluation of certain fixed assets and the accounting policies set out on pages 15 to 17.

As stated in note 1.10 on page 17, the Commission has prepared the accounts of the three former Commissions for the six month period ended 30 September 2000 on a receipts and payments basis and these are included in the financial statements in Annex 1 on pages 26 to 31.

Respective Responsibilities of the Chief Executive and Auditor

As described on page 6 of the Commission and Chief Executive are responsible for the preparation of the financial statements and for ensuring the regularity of financial transactions. The Commission and Chief Executive are also responsible for the preparation of the other contents of the Annual Report. My responsibilities, as independent auditor, are established by statute and guided by the Auditing Practices Board and the auditing profession's ethical guidance.

I report my opinion on these financial statements as to whether:

1. the financial statements of the Commission give a true and fair view and are properly prepared in accordance with the Northern Ireland Act 1998 and the accounts direction made thereunder by the Office of the First Minister and Deputy First Minister, and whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them, and
2. the accounts of the former Commission properly present the receipts and payments and are prepared in accordance with the Equality Commission for Northern Ireland (Supplementary Provisions) (Northern Ireland) Order 1999 and whether in all material respects the payments and receipts have been applied to the purposes intended by Parliament and conform to the authorities which govern them.

I also report, if in my opinion, the Foreword of the Commission is not consistent with its financial statements and the accounts of the former Commissions.

I read the other information contained in the Annual Report, and consider whether it is consistent with the audited financial statements. I consider the implications for my certificate if I become aware of any apparent misstatements or material inconsistencies with the financial statements.

I review whether the statement on page 7 reflects the Commission's compliance with the Department of Finance and Personnel's guidance 'Corporate governance: statement on the statement of internal financial control'. I report if it does not meet the requirements specified by the Department of Finance and Personnel, or if the statement is misleading or inconsistent with other information I am aware of from my audit of the financial statements.

Basis of Opinion

I conducted my audit in accordance with Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements. It also includes an assessment of the judgements made by the Board and Chief Executive in the preparation of the financial statements. It also includes an assessment of the significant estimates and judgements made by the Board and Chief Executive in preparation of the financial statements of the Commission, and of whether the accounting policies are appropriate to its circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statement are free from material misstatement, whether caused by error, or by fraud or other irregularity and that:

1. the expenditure and income of the Equality Commission for Northern Ireland for the six month period ended 31 March 2000 have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them:
2. in all material respects the payments and receipts of the former Commissions for the six month period ended 30 September 1999 have been applied to the purposes intended by Parliament and conform to the authorities which govern them.

In forming my opinion I have evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In my opinion:

- the financial statements give a true and fair view of the state of affairs of the Equality Commission for Northern Ireland at 31 March 2000 and of the deficit, total recognised gains and losses and cash flows for the six month period then ended and have been properly prepared in accordance with Schedule 8 (7)(2)(a) of the Northern Ireland Act 1998;
- in all material respects the financial transactions of the Equality Commission for Northern Ireland conform to the authorities which govern them. In all material respects the expenditure and income have been applied to the purposes intended by Parliament;
- the accounts of the former Commissions properly present the receipts and payments of those bodies for the six months ended 30 September 1999; and
- in all material respects the payments and receipts made by these former bodies have been applied to the purposes intended by Parliament and conform to the authorities which govern them.

I have no observations to make on these financial statements.

J M Dowdall
Comptroller and
Auditor General
29th May 2001

Northern Ireland Audit Office
106 University Street
Belfast BT7 1EU

■ Income and Expenditure Account for 6 months to 31 March 2000

	Notes	6 months to 31/03/00
		£
INCOME		
Grant from The Office of the First and Deputy First Minister - Vote A Line 2	2	<u>2,664,691</u>
EXPENDITURE		
Staff & Members' Salaries	3	1,467,106
Operating Costs	4	547,394
Other Costs	5	690,001
Depreciation	1 & 6	61,278
Revaluation Write Off		2,556
Capital Expenditure Grant Release		<u>(63,834)</u>
		2,704,501
Notional Cost of Capital	10	<u>2,525</u>
TOTAL EXPENDITURE		<u>2,707,026</u>
Surplus/ (Deficit) for period		(42,335)
Credit in respect of notional costs	10	<u>2,525</u>
Transfer to reserves		(39,810)

All amounts above relate to continuing activities.

The notes on pages 15 to 30 form part of these accounts.

■ Statement of Total Recognised Gains and Losses for 6 months ended 31 March 2000

	£
Result for the period	(42,335)
Unrealised surplus on revaluation of fixed assets	731
Total recognised loss for period	<u>(41,604)</u>

■ Balance Sheet as at 31 March 2000

	Notes	31/3/00 £	1/10/99 £
Fixed Assets			
Tangible Assets	1 & 6	213,433	117,801
Current Assets			
Debtors	7	45,477	82,612
Cash in Hand and at Bank	8 & 13	97,216	62,825
		<u>142,693</u>	<u>145,437</u>
Current Liabilities			
Creditors – amounts falling due within 1 year	9	245,140	205,820
Net Current Assets		(102,447)	(60,383)
Total Assets less Current Liabilities		110,986	57,418
Creditors - amounts falling due after 1 year	11	20,446	22,700
Provisions	12	168,650	168,650
Deferred Capital Income	13	212,702	117,801
		<u>(290,812)</u>	<u>(251,733)</u>
Financed by:			
General Fund	14	(291,543)	(251,733)
Revaluation Reserve		<u>731</u>	-
		<u>(290,812)</u>	<u>(251,733)</u>

■ Cash Flow Statement for 6 months to 31 March 2000

	Notes	£
Net cash inflow from operating activities	15	34,391
Capital expenditure		(158,735)
Capital grant received		158,735
		<hr/>
Increase in Cash		34,391
		<hr/>

■ Notes to the Accounts for the 6 months to 31 March 2000

I ACCOUNTING POLICIES

I.1 Accounting Convention

The financial statements have been prepared in accordance with the historical cost convention modified by the revaluation of fixed assets, and paragraph 7 (2) of Schedule 8 of the Northern Ireland Act 1998.

Without limiting the information given, the financial statements comply with the accounting and disclosure requirements of the Companies (Northern Ireland) Order 1986, the accounting standards issued or adopted by the Accounting Standards Board and accounting and disclosure requirements issued by the Department of Finance and Personnel, insofar as those requirements are appropriate.

This being the first operating period of the Commission and accrual accounting procedures being introduced, comparators are not available.

I.2 Income

The activities of the Commission are fully funded by the Office of the First Minister and Deputy First Minister. Income from other sources is immaterial. Permission must be sought from the Office of the First Minister and Deputy First Minister before non-grant income can be applied to Commission's activities. Non-grant income for which departmental approval to use is not forthcoming is surrendered to the Consolidated Fund.

Grants of a revenue nature are credited to the Income and Expenditure Account in the year to which it relates. Grants appropriated for capital purposes are credited to a Deferred Income Account and released to the Income and Expenditure Account over the expected life of the assets.

I.3 Expenditure

All expenditure on goods and services will fall within the ambit of the Grant in Aid and will comply with the Commission's Financial Memorandum and government purchasing requirements.

I.4 Fixed Assets

- (a) Fixed assets additions are fully funded by the Office of the First Minister and Deputy First Minister.
- (b) Tangible fixed assets have been valued on a mixture of historic cost and net current replacement cost.

- (c) A capitalisation threshold of £500 is applied.
- (d) The life expectancy of assets has been taken as that appropriate to the Equality Commission and not the expected life placed on the asset by the former Commissions.
- (e) Depreciation is provided on tangible assets at rates calculated to write off the cost of each asset evenly over its expected life as follows:

Furniture and Fittings	10 years
Office Equipment (light)	5 years
Office Equipment (heavy)	10 years
Computer Equipment	3 years
Photocopiers	3 years

1.5 Pension Costs

Staff have the opportunity to join the Principle Civil Service Pension Scheme (NI). The expected costs of providing pensions, as calculated periodically by professionally qualified actuaries, are charged to the income and expenditure account so as to spread the cost over the service lives of the employees in the scheme in such a way that the pension cost is a substantially level percentage of current and expected future pensionable payroll.

Superannuation contributions are funded as follows:

Salary band – up to £14,299	12%
£14,300 - £29,399	13.5%
£29,400 - £63,699	17.5%
£63,700 and over	19.5%

1.6 Investments

The Commission does not undertake any investment activities.

1.7 Stocks

The value of stocks of consumables is immaterial and the Commission does not attribute a value for stocks in the accounts.

1.8 Value Added Tax

The Commission does not have any income which is subject to output VAT. Accordingly the Commission cannot recover any input tax.

1.9 Legal Fees

It is the current policy of the Commission not to accrue for legal fees in respect of complainant support until they are known by way of invoices. The outcomes in processing cases are so varied that the Commission deems it unsafe to otherwise accrue for legal commitments.

1.10 Former Commissions

It is a requirement of the Transfer of Rights and Liabilities Order that the Commission prepare accounts, on a receipts and payments basis for the three former Commissions. These accounts are set out in Annex I to the accounts.

2 Grant from the Office of the First Minister and Deputy First Minister

	£
Grant from OFMDFM	2,823,426
Less transfer to deferred income	158,735
	<hr/>
Transfer to Income & Expenditure	2,664,691

3 Salaries and Wages including Commissioners

		£
Commissioners' Fees	3(a)	94,956
Staff Salaries	3(b)	1,372,150
		<hr/>
		1,467,106

3(a) Commissioners' Fees

	Fees £	Social Security Costs £	Pension Costs £	Total £
Chief Commissioner	30,500	3,457	5,948	39,905
Other Commissioners*	53,333	1,718	-	55,051
	83,833	5,175	5,948	94,956

* Other Commissioners' fees are for 8 months from 1st August 1999

3(b) Staff Salaries and Wages

Directorate	Gross £	S S Costs £	Pension £	Agency £	Total £
Disability	18,818	1,694	3,295	-	23,807
Fair Employment	542,582	37,663	75,875	27,847	683,967
Sex Equality	254,844	19,415	33,464	3,956	311,679
Race Equality	50,890	4,870	9,593	3,964	69,317
Statutory Duty	19,644	1,717	3,384	9,177	33,922
Resources	105,210	7,910	13,623	36,504	163,247
General Mgt.	72,306	5,103	8,802	-	86,211
	1,064,294	78,372	148,036	81,448	1,372,150

Average Number of Full Time Equivalent Posts by Directorate:

Disability	1
Fair Employment	54
Sex Equality	27
Race Equality	8
Statutory Duty	2
Resources	13
General Mgt	4
Agency Staff	11
	120

3(c) The Chief Executive

The Chief Executive's salary does not include a performance related bonus nor does she receive any taxable benefits in kind.

The Chief Executive is a member of the Principal Civil Service Pension Scheme (NI) on the same basis as all other members of the Commission staff.

At 31st March 2000 the Chief Executive has served 1 month of a five year service contract which may be renewed or made permanent subject to satisfactory performance. At the year end she would have been entitled to compensation for premature loss of office amounting to the equivalent of 4.92 years' gross salary.

3(d) Details are given below of salary and pension entitlement (excluding any pension benefits arising from Additional Voluntary Contributions or the pension benefits transferred from another scheme) of the Chief Commissioner, other Commissioners, the Chief Executive and other senior management included in the above cost summaries:

	Age at 31/3/00	Salary Paid In Period (6 months)	Real Increase in Pensions at 60 (6 months)	Total Accrued Pension + at 60 As at 31/3/00
Commissioners		£	£	£
J Harbison (Chief Commissioner)	62	30,500	315*	339*
B Hinds (Deputy CC)	49	5,333	-	-
J Bryson	64	2,667	-	-
H Coll	53	2,667	-	-
R Connolly	40	2,667	-	-
P Donaghy	44	2,667	-	-
A Henry	55	2,667	-	-
J Heron	60	2,667	-	-
A Hope	**	2,667	-	-
R Lavery	43	2,667	-	-
S Livingstone	39	2,667	-	-
M Logue	48	2,667	-	-
H McConnell	39	2,667	-	-
S Malik	32	2,667	-	-
R Mullan	48	2,667	-	-
R Osborne	49	2,667	-	-
R Steele	46	2,667	-	-
A Man-wah Watson	50	2,667	-	-
M Wilson	51	2,667	-	-
N Wright	47	2,667	-	-
(Rounding)		(6)	-	-
Total		83,833		

*The Chief Commissioner has, by agreement, remained in post beyond the normal retirement age of 60

**Age not disclosed

General Management

H Goodman *** (Chief Executive retired 28/2/00)	-	29,121	-	-
E Collins (Chief Executive appointed 1/3/00)	41	24,810	986	10,059
S Rogers (Head of Race Directorate)	54	18,375	168	5,167

*** The retiring Chief Executive had, by agreement, remained in post after the normal retirement age of 60.

+ In addition to the annual pension entitlement a lump sum equivalent to three years' pension is payable on retirement.

"Salary included gross salary, performance pay or bonuses, overtime and any other allowances to the extent that it is subject to UK taxation.

Pension benefits are provided through the Principal Civil Service Pension Scheme (NI). This is a statutory scheme which provides benefits on a "final salary" basis at the normal retirement age of 60. Benefits accrue at the rate of 1/80th of pensionable salary for each year of service. In addition a lump sum equivalent to three years' pension is payable on retirement. Members pay contributions of 1.5% of pensionable earnings. Pensions increase in line with the Retail Price Index. On death, pensions are payable to the surviving spouse at a rate of 1/2 the member's pension. On death in service, the scheme pays a lump sum benefit of twice pensionable pay and also provides a service enhancement on computing the spouse's pension. The enhancement depends on length of service and cannot exceed 10 years. Medical retirement is possible in the event of serious ill-health. In this case pensions are brought into payment immediately without actuarial reduction and with service enhanced as for widow(er)'s pensions.

4 Operating Costs: **6 months to**
31/3/00

General Costs:	£	
Travel & Subsistence	32,990	
Staff Recruitment	28,985	
Staff Training	33,509	
Postage	15,003	
Telephones	34,725	
Hospitality	4,543	
Audit	7,436	
Insurance	6,027	
Miscellaneous	18,998	
Office Consumables	45,951	
R & M Office Equipment	2,876	
Annual Contracts Office Equipment	12,704	
Library	<u>13,805</u>	257,552

Premises Costs:

Rents	129,006	
Rates	42,665	
Service Charge	24,499	
Electricity	14,065	
R & M Buildings	37,012	
Refurbishment	33,378	
Cleaning	9,217	<u>289,842</u>
		<u>547,394</u>

5 Other Costs: **6 months to**
31/3/00

Commission Expenses					19,752
	Race	Gender	Religion/ Political	General	
Programme Costs:	£	£	£	£	
Education, Advice & Information	71,133	22,329	94,728	51,421	239,611
Legal Fees	32,812	172,752	62,459	242	268,265
Formal Investigations, Research & Consultancy	-	68,452	16,981	76,940	162,373
	<u>103,945</u>	<u>263,533</u>	<u>174,168</u>	<u>148,355</u>	<u>690,001</u>

6 Fixed Assets:

	Fixtures & Fittings £	Office Equipment £	Information Technology £	Total £
Equality Commission assets as at 1/10/99	Nil	Nil	Nil	Nil
Transferred in as at 1/10/99				
CRE NI	9,101	10,990	13,037	33,128
EOC NI	65,520	24,660	40,619	130,799
FEC	90,103	87,259	103,963	281,325
Valuation as at 1.10.99	164,724	122,909	157,619	445,252
Revaluation as at 31.3.00	3,245	384	<5,277>	<1,648>
Additions	1,492	23,907	133,336	158,735
Less Disposals	Nil	nil	Nil	Nil
Valuation as at 31.3.00	169,461	147,200	285,678	602,339
Equality Commission Depreciation as at 1/10/99	Nil	Nil	Nil	Nil
Transferred in as at 1/10/99				
CRE NI	7,733	5,410	11,003	24,146
EOC NI	48,886	18,551	23,180	90,617
FEC	77,552	70,291	64,845	212,688
Accum. Depreciation 1.10.99	134,171	94,252	99,028	327,451
Depreciation for Period	8175	14,240	38,863	61,278
Backlog Depreciation	2,586	312	<2,721>	177
Accum. Depreciation 31.3.00	144,932	108,804	135,170	388,906
Net Book Value as at 31.3.00	24,529	38,396	150,508	213,433
Net Book Value as at 1.10.99	30,553	28,657	58,591	117,801

The Office Equipment includes capitalised leased equipment with a net value of £12,227.
The depreciation charge in respect of this equipment was £9,310.

7 Debtors: amounts due within 12 months	£
Prepayments	45,477
8 Cash at Bank and in Hand	£
Cash at Bank	97,105
Cash in Hand	<u>111</u>
	97,216
9 Creditors and Accruals: amounts falling due within 12 months	£
Sundry creditors and accruals	240,432
Early Retirement Costs	4,708
Lease Payments due within 1 year	<u>-----</u>
	245,140
10 Notional Costs	
<p>The Income and Expenditure account bears a non-cash charge for interest relating to the use of capital. The basis of the charge is 6% p.a. on the average capital employed defined as the average total assets less current liabilities (6% p.a. on £84,176 = £2,525).</p>	
11 Creditors: amounts falling due after 1 year	£
Early Retirement Costs	20,446
Finance leases	<u>Nil</u>
	20,446
12 Provisions:	
Legal Fees (cases lodged against former bodies)	18,650
Surrender of existing lease	<u>150,000</u>
	168,650
13 Deferred Income	
<p>Capital Allocations not yet released to Income and Expenditure Account</p>	
As at 1/10/99	117,801
Received in period	158,735
Released to Income & Expenditure	(63,834)
As at 31/03/00	<u><u>212,702</u></u>

14 Reconciliation of Movements in Reserve Funds

	General Reserve	Revaluation Reserve
Opening Balances at 01.10.99	(251,733)	-
Result for period	(42,335)	-
Credit in respect of notional cost of capital	2,525	-
Unrealised surplus on revaluation of fixed assets	-	731
Closing Balances at 31.03.00	<u>(291,543)</u>	<u>731</u>

15 Notes to Cash Flow Statement:

15.1 Reconciliation of result for period to net cash inflow from operating statement

	£
Result for period	(42,335)
Credit in respect of notional cost of capital	2,525
Adjustments for non-cash transactions:	
Depreciation	61,278
Amounts written off assets	2,556
Capital grant release	(63,834)
Adjustments for movements in working capital:	
Decrease/(increase) in debtors	37,135
(Decrease)/increase in creditors	39,320
(Decrease)/increase in creditors - over 1 year	<u>(2,254)</u>
Net cash inflow	<u>34,391</u>

15.2 Reconciliation of net cash inflow to movements in net funds

	£
Opening cash at 01.10.99	62,825
Net cash inflow	<u>34,391</u>
Closing cash at 31.03.00	<u>97,216</u>

16 Related Party Transactions

The Equality Commission is a non-departmental public body sponsored by the Office of the First Minister and Deputy First Minister (OFMDFM). OFMDFM is regarded as a related party. During the period the Commission had various material transactions with OFMDFM and various other bodies for which OFMDFM is regarded as the parent body.

There have been various at-arms-length transactions between the Commission and certain Commissioners detailed as follows:

Rosemary Connolly, a practising solicitor, received, in addition to the fees shown at 3(a) above, professional fees and reimbursements of £11,100 for services provided on behalf of assisted complainants.

Harry McConnell: in advance of the start of the new Disability Unit in May 2000, Harry McConnell, previously Chair of the Northern Ireland Disability Council, undertook a number of activities over the period, which would normally have fallen to staff. In respect of these activities, a payment of £2,275 was provided for, as the work was of a nature which would not normally fall within the remit of a Commissioner.

Harry Coll, a practising solicitor, was appointed to defend the former CRENI before the merging of the three former bodies. While no monies have been paid during this period a provision of £4,000 has been made.

17 Contingent Liabilities

A number of cases have been taken against the CRENI, EOCNI, and FEC as detailed in the attached Receipts and Payments Statements.

Notwithstanding the Equality Commission's intention to defend vigorously these claims and associated costs, a provision of £18,650 for legal costs has been made.

Excluding the above provision, a potential liability for legal costs amounting to £50,000 exists in respect of a commercial dispute and a judicial review.

Having obtained legal advice, and on the basis of the information available, the Commission believe that the provision made represents their best estimate of the outcome of the claims and associated costs.

Annex I

Receipts and Payments Accounts For 6 months to 30 September 1999

	Notes	CRE NI		EOC NI		FEC NI	
		6 months to 30/09/99	12 months to 31/03/99	6 months to 30/09/99	12 months to 31/03/99	6 months to 30/09/99	12 months to 31/03/99
		£	£	£	£	£	£
RECEIPTS	2	190,574	449,865	680,000	1,517,000	1,330,000	2,832,000
Grants received from Department of Economic Development Vote x Other Receipts		-	669	4,484	10,302	-	-
Total Receipts		190,574	450,534	684,484	1,527,302	1,330,000	2,832,000
PAYMENTS							
Salaries and Members' Fees	3	108,902	196,861	414,624	767,054	936,084	1,883,921
Other Operating Payments	4	86,979	248,221	273,983	742,180	357,155	908,783
Surplus/(Deficit) from Operations		195,881	445,082	688,607	1,509,234	1,293,239	2,792,704
Other Payments	5	(5,307)	5,452	4,123	18,068	36,761	39,296
Surplus/Deficit for the period		(787)	(8,268)	(1,347)	(20,622)	9,852	28,802
Statement of Balances as at 30/09/99		(6,094)	(2,816)	(5,470)	(2,554)	26,909	10,494
Opening Balance		6,695	9,511	30,287	32,841	10,498	4
Surplus of Receipts over Payments		(6,094)	(2,816)	(5,470)	(2,554)	26,909	10,494
Closing Balance	6	601	6,695	24,817	30,287	37,407	10,498

Notes to the Accounts

30 September 1999

I. Format of Accounts

- (a) The accounts are drawn up in a form as directed by the Office of the First Minister and Deputy First Minister and approved by the Department of Finance and Personnel.
 (b) The accounts are prepared on a receipts and payments basis – no provisions are made for expenditure nor are payments in advance accounted for.

	CRE NI		EOC NI		FEC NI	
	6 months to 30/09/99 £	12 months to 31/03/99 £	6 months to 30/09/99 £	12 months to 31/03/99 £	6 months to 30/09/99 £	12 months to 31/03/99 £
2. Grants Received						
Grants received from DED	190,574	449,865	680,000	1,517,000	1,330,000	2,832,000
3. Salaries and Members' Fees						
Salaries and wages including pension contributions						
were as follows:						
Commissioners' Fees	20,839	45,932	30,994	44,826	67,228	119,733
Employees' Salaries & Wages	88,063	150,929	383,630	722,228	868,856	1,764,188
	108,902	196,861	414,624	767,054	936,084	1,883,921
Commissioners' Fees						
Chair's Remuneration	6,913	18,055	11,762	10,587	29,459	58,989
Pension Costs	Nil	Nil	1,588	1,853	5,463	10,319
	6,913	18,055	13,350	12,440	34,922	69,308
Other Commissioners						
Social Security Costs	12,300	23,700	16,709	29,179	17,309	41,080
	1,626	4,177	935	3,207	4,031	9,345
	13,926	27,877	17,644	32,386	21,340	50,425
Chief Commissioner (EC)						
Pension Costs	Nil	Nil	Nil	Nil	9,170	Nil
	Nil	Nil	Nil	Nil	1,796	Nil
	Nil	Nil	Nil	Nil	10,966	Nil
	20,839	45,932	30,994	44,826	67,228	119,733

* during this period the Chair had dual role as Chair and Chief Executive (portion of earnings included with staff costs)

	CRE NI		EOC NI		FEC NI	
	6 months to 30/09/99	12 months to 31/03/99	6 months to 30/09/99	12 months to 31/03/99	6 months to 30/09/99	12 months to to 31/3/99
Commissioners' fees fell within the following range:						
£Nil - £5,000	6	6	9	9	8	-
£5,001 - £10,000	-	-	-	-	1	8
£10,001 - £15,000	1	-	-	-	-	-
£15,001 - £20,000	-	1	-	-	-	-
£50,001 - £60,000	-	-	-	-	1	1
Staff						
Gross Salaries	69,483	114,828	320,756	597,283	668,780	1,350,930
S S Costs	5,084	8,175	22,618	44,162	40,968	101,614
Pension Costs	9,280	14,434	40,256	80,784	95,220	182,886
Agency	4,216	13,492	Nil	Nil	63,888	128,758
	88,063	150,929	383,630	722,228	868,856	1,764,188

Notes

3. Salaries and members' fees

(a) Employees' salaries

The Commissions contributed between 12% and 17.5% of pensionable salaries to the Northern Ireland Civil Service Principal Pension Scheme.

The emoluments of the Chief Executives for 6 months including pension contributions were:

CRE NI	£21,591
EOC NI	£24,615
FEC NI	£34,011

The Chief Executives were ordinary members of the Northern Ireland Principal Pension Scheme.

The average number of employees, excluding Commissioners during the period was:

Management	1	1	10	10	19	18
Operational	4	4	8	8	35	35
Support	2	2	11	11	11	13
	7	7	29	29	65	66

Early retirement costs to which the Fair Employment Commission was committed at the end of the period were as follows:

	Within 1 year To 1st August 2005		£4,708		£4,708 p.a.		CRE NI		EOC NI		FEC NI	
	6 months to 30/09/99	12 months to 31/03/99	£	£	6 months to 30/09/99	12 months to 31/03/99	£	£	6 months to 30/09/99	12 months to 31/03/99	£	£
4. Other Operating Payments												
Commissioners' Expenses	3,004	9,728	465	251	2,755	7,335						
General Administrative X's												
Postage	3,259	4,858	4,128	4,871	8,247	16,359						
Telephone	2,830	3,943	6,615	13,187	10,771	19,775						
Travel & Subsistence	6,971	6,589	5,381	13,191	14,055	25,729						
Hospitality	1,029	1,623	1,541	3,605	262	2,662						
Audit Fees	3,193	2,350	1,469	1,116	3,760	3,701						
Insurance	-	1,960	3,904	4,394	5,697	1,945						
Miscellaneous	261	890	1,852	14,507	5,450	10,677						
Library	-	-	-	-	3,714	7,448						
Stationery/Supplies	3,558	6,677	3,970	8,836	14,147	31,673						
Printing	5,976	25,915	625	1,802	-	-						
Office Equipment – Maint.	-	-	4,934	12,552	1,087	3,216						
Office Equipment – Contracts	830	2,169	5,602	10,251	14,834	42,579						
Staff Training	3,178	8,588	9,339	23,181	11,807	14,898						
Staff Recruitment	-	7,145	1,406	5,993	535	6,474						
Professional Fees	246	5,970	-	-	-	-						
Management Info Systems	211	-	5,143	5,386	-	-						
EC Projects				1,384								
	31,542	78,677	55,909	124,256	94,366	187,136						

4. Other Payments (continued)

	CRE NI		EOC NI		FEC NI	
	6 months to 30/09/99	12 months to 31/03/99	6 months to 30/09/99	12 months to 31/03/99	6 months to 30/09/99	12 months to 31/03/99
Premises:						
Rents	7,339	13,987	45,384	87,091	76,008	143,122
Rates	5,735	5,468	32,680	31,159	46,914	44,729
Service Charge	8,086	10,393	9,417	18,177	6,111	36,632
Electricity	506	742	1,694	3,302	4,748	17,222
Repairs & Maintenance	-	1,469	431	1,284	-	6,655
Office Cleaning	510	1,004	152	765	7,456	14,762
Refurbishment	-	-	-	-	-	1,682
	22,176	33,063	89,758	141,778	141,237	264,804

Other Expenditure:

Advice, Education	13,561	98,649	20,080	98,622	45,476	151,684
Investigations, Research	1,000	8,037	16,878	84,227	18,988	44,524
Legal Fees	15,696	20,067	90,893	293,046	54,333	253,300
	30,257	126,753	127,851	475,895	118,797	449,508
Total Operating Payments	86,979	248,221	273,983	742,180	357,155	908,783

5. Other Payments

Office Equipment	475	5,530	1,094	7,584	9,852	28,802
Office Furniture	312	2,738	253	13,038	-	-
	787	8,268	1,347	20,622	9,852	28,802

6. Cash and Bank Balances

Cash at Bank	560	6,667	24,777	30,276	37,377	10,477
Cash in Hand	41	28	40	11	30	21
	601	6,695	24,817	30,287	37,407	10,498

7. Related Party Transactions

The three Commissions were non-departmental public bodies sponsored by the Department of Economic Development. The Department of Economic Development is regarded as a related party. During the period the Commissions had various material transactions with the Department and various other entities for which the Department of Economic Development is regarded as the parent body.

None of the Commissioners, members of the key management staff or related parties have undertaken any material transactions with the Commissions during the year.

8. Contingent Liabilities

A number of cases have been taken against the CRENI, EOCNI and FEC relating to:

- (a) Employment practices – having received expert opinion, the Commission is of the belief that: with the exception of one case which has since been settled out of court for £10,000 a provision for damages is not necessary. A possible liability of up to £18,650 in respect of legal fees could arise from these cases.
- (b) Judicial Review – a potential liability of up to £25,000 could arise for legal fees in respect of the ongoing judicial review.
- (c) Commercial Dispute – a potential liability of up to £20,000 could arise for legal fees in respect of an ongoing commercial dispute.
- (d) Dilapidation Charges – a potential liability in respect of dilapidation charges at the end of the lease could arise. The value of this liability can not be safely calculated.

The financial statements on pages 9 to 25 were approved by the Commission on 18 October 2000 and were signed on its behalf by:

Evelyn Collins (Chief Executive)

■ Annex 2

Accounts Direction

Equality Commission for Northern Ireland

Accounts Directive given by the Office of the First Minister and Deputy First Minister with the approval of DFP, in accordance with Paragraph 7(2)(A) of Schedule 8 to the Northern Ireland Act 1998.

1. The Equality Commission for Northern Ireland shall prepare accounts for the financial year ended 31 March 2000 and subsequent financial years comprising:
 - a) a foreword
 - b) an income and expenditure account
 - c) a balance sheet
 - d) a cash flow statement; and
 - e) a statement of total recognised gains and losses,

including such notes as may be necessary for the purposes referred to in the following paragraphs.
2. The account shall give a true and fair view of the income and expenditure and cash flows for the financial year, and the state of affairs at the end of the financial year.
3. Subject to this requirement, the accounts shall be prepared in accordance with:
 - a) generally accepted accounting practice in the United Kingdom (UK GAPP);
 - b) the disclosure and accounting requirements contained in the "Fees and Charges Guide" (in particular those relating to the need for appropriate segmental information for services or forms of service provided) and in other guidance which DFP may issue from time to time in respect of accounts which are required to give a true and fair view;
 - c) the disclosure and accounting requirements given in "Government Accounting Northern Ireland" and in "Executive NDPBs :Annual Reports and Accounts Guidance" as amended or augmented from time to time,

insofar as these are appropriate to the Equality Commission for Northern Ireland and are in force for the financial year for which the statement of accounts is to be prepared.

4. Clarification of the application of the accounting and disclosure requirements of the Companies (Northern Ireland) Order and accounting standards is given in Schedule 1 attached. Additional disclosure requirements are set out in Schedule 2 attached.
5. The income and expenditure account and balance sheet shall be prepared under the historical cost convention modified by the inclusion of
 - a) fixed assets at their value to the business by reference to current costs; and
 - b) stocks at the lower or net displacement cost (or historic cost if this is not materially different) and net realisable value.
6. This direction shall be reproduced as an appendix to the accounts.

Signed by authority of the Office of the First Minister and Deputy First Minister

.....

Dated.....

■ Schedule I

Application of the Account and Disclosure Requirements of the Companies (Northern Ireland) Order and Accounting Standards

Companies (Northern Ireland) Order

1. The disclosure exemptions permitted by the Companies Act shall not apply to the Equality Commission for Northern Ireland unless specifically approved by DFP.
2. The Companies (Northern Ireland) Order requires certain information to be disclosed in the Directors' Report. To the extent that it is appropriate, the information relating to the Equality Commission for Northern Ireland shall be contained in the foreword.
3. When preparing its income and expenditure account, the Equality Commission for Northern Ireland shall have regard to the profit and loss account format I prescribed in Schedule 4 to the Companies (Northern Ireland) Order.
4. When preparing its balance sheet, the Equality Commission for Northern Ireland shall have regard to the balance format I prescribed in Schedule 4 to the Companies (Northern Ireland) Order. The balance sheet totals shall be struck at "Total assets less current liabilities".
5. The Equality Commission for Northern Ireland is not required to provide the additional information required by paragraph 33(3) of Schedule 4 to the Companies (Northern Ireland) Order.
6. The foreword and balance sheet shall be signed by the Accounting Officer and dated.

Accounting Standards

7. The Equality Commission for Northern Ireland is not required to include a note showing historical cost profits and losses as described if FRS 3.

■ **Schedule 2**

Additional Disclosure Requirements

- I. The foreword shall, inter alia:
 - a. state that the accounts have been prepared in a form directed by the Office of the First Minister and Deputy First Minister with the consent of DFP in accordance with paragraph 7(2)(a) of the Schedule 8 to the Northern Ireland Act 1998;
 - b. include a brief history of the Equality Commission for Northern Ireland and its statutory background.
2. The notes to the accounts shall include details of the key corporate financial targets set by the Department together with the performance achieved.