

nipsa

January 2012

equality

News from the Equal Opportunities Committee

turning back time on women's equality

the impact of the cuts

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Working for your rights

Lesbian, Gay, Bisexual and Transgender (LGBT) Workers

- Campaigning against Bullying and Harassment
- Campaigning against all forms of Discrimination
- Tackling Domestic Violence and Hate Crime
- Challenging Homophobia, Biphobia and Transphobia
- Promoting tolerance and mutual respect in the workplace
- Fighting Public Spending Cuts

Problems at Work?

Contact your local Branch Secretary or Women's/Equality Officer for advice and support. If you feel more comfortable speaking to someone outside your workplace you can contact your Seconded Officer or Headquarters Official.

Your Legal Rights: a summary

It is illegal to discriminate against any worker on the grounds of their sexuality. The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 outlaw both direct and indirect discrimination in the following areas:

- Recruitment, selection for promotion, transfer, training and dismissal.
- Terms of employment, including any employee benefits.
- Harassment or Victimisation.

Under the Equality Act 2006, it is unlawful to discriminate on the grounds of sexuality in the provision of goods, facilities, services

and premises (for example, a shop, hotel or holiday company).

The Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999 protect transgendered people from discrimination and victimisation in the employment and vocational training.

Have Your Say

NIPSA's Equal Opportunities Committee are keen to hear from members who have an interest in LGBT issues about how we go about setting up an LGBT group within NIPSA which will reflect and cater for the needs of our LGBT members.

We ran a focus group in Belfast in October last year and we are now running another focus group meeting in the City Hotel, Derry on Saturday 28 January 2012 from 11.00am to 1.00pm. The event will be facilitated by Matthew McDermott from the Rainbow Project.

If any member is interested in being part of this focus group please forward your contact details by e-mail to karen.barrett@nipisa.org.uk



Domestic Violence

A Serious Crime in Northern Ireland

According to the latest figures from Women's Aid the number of women and their children seeking help and support has increased.

- During the period 2010-2011 Women's Aid 24 hour Domestic Violence helpline handled 38,216 calls, an increase of 18% on the previous year.
- 1,058 women and 754 children sought refuge.
- 3,450 women and 3,739 children accessed the Floating Support Service supporting women in their own home.

Domestic violence is and remains an under-reported crime. Similarly the overall consequences of abuse, particularly in children and young people, can be long-term and often incalculable. The following statistical level of incidents and crimes officially recorded by the PSNI highlights the extent of the problem in our society.

- 22,685 incidents with a domestic motivation were reported to the PSNI in 2010/11.
- That means the PSNI responded to a domestic incident every 23 minutes of every day of the year in Northern Ireland.
- The total number of recorded offences of murder was 20. Those classified as having a domestic motivation totalled 7. Therefore 35% of all murders in Northern Ireland in 2010/11 had a domestic motivation.

NIPSA is deeply concerned at this increasing trend of year on year increases in the number of domestic violence incidents. We believe this trend is likely to get worse as the full scale of cuts in services and the

changes to the welfare and benefits systems, particularly in respect of changes to the rules around Housing Benefit and the introduction of Universal Credit, are fully implemented. NIPSA will continue to call on the Assembly to ensure that all victims of domestic violence are protected from any negative impact of these cuts and changes to the welfare benefit system.

NIPSA has produced a Domestic Violence Guide to help branch representatives assist a member who is experiencing domestic violence. The Guide also includes a directory of advice, support and helpline services. It is available on the NIPSA website or by contacting the Information and Advice Unit in NIPSA Headquarters.





turning back time on women's equality

Measures to reduce the deficit are hitting women hard: cuts to their jobs, cuts to the benefits and services supporting women's everyday lives, and a growing likelihood that women will be the ones left 'filling the gaps' as public services are withdrawn.

This triple jeopardy is turning back time on women's equality. It is pushing women out of the workforce, driving down women's incomes and undermining women's hard won rights to protection from violence and access to justice.

Women on average earn less, own less, and are more likely to work and retire in poverty than men. They can ill afford to bear the brunt of these cuts. It is those who have least to lose – women who are unemployed or on low incomes, pregnant women, families, single mothers and pensioners, victims of sexual, domestic or other violence – who will lose most.

Benefits and welfare for women and families slashed

Families are shouldering an unfair burden of the impact of austerity. Cuts to maternity, pregnancy and child benefits and changes to the funding available for early years services affect those on the lowest incomes and women, who continue to provide the lion's share of care for children within families, most.

The government's plan to introduce charges to use the new statutory child maintenance service between 2012 and 2014 will affect single parent families whose only means to obtain child maintenance from the ex-partner is through the Child Support Agency. They will have to go without because they cannot afford the fees, and are reluctant, possibly because of reasons of domestic violence, to set up a private arrangement with their ex-partner.

Vital specialist support services under attack

Despite calls from Ministers that violence against women services should not be a 'soft target' for funding cuts, specialist services – many of which provide literally life-saving help to women – are currently facing considerable cutbacks, putting both their current provision and future existence in jeopardy.

Low-income mothers forced into paid work

Increasing numbers of low-income mothers are being asked to move into paid work. At the same time, support to help cover childcare costs is being rolled back.

This is squeezing tight incomes even further. In some instances it is resulting in mothers having to give up paid employment as it no longer makes financial sense to work. In Northern Ireland one of the main barriers to women accessing the job market is affordable quality childcare.

Women face poverty in retirement

The state pension age for women will rise from 60 to 66 by 2020. As well as these changes women face cuts to their work-based pensions. For instance, public service pensions will be uprated according to the CPI measure of inflation rather than RPI, significantly reducing their value to members over time as CPI tends to be lower than RPI.

In the public sector the government has indicated their intention to save £2.8bn per year by 2014-15 by increasing employee contributions to public service pensions.

This increase is in effect an extra tax on public service workers, as the money won't go into improving the schemes, but into the deficit they did nothing to cause.

The government is also looking to reform the public service pension schemes by increasing normal pension ages and changing the design of the schemes, in line with the recommendations of Lord Hutton's report.

Although the government has indicated that there will be some protection for low paid workers – those earning less than £15,000 (full time equivalent) will not face contribution increases – this means that part time workers (who are predominantly women) stand to lose out. A public sector employee whose full time equivalent salary is greater than £15,000 but who works part time and has take home earnings less than £15,000 will still face the full contribution increase.



A Bill of Rights for Northern Ireland

OVERDUE

As the vast majority of public sector workers are women they will be disproportionately affected by these plans to make them pay more, work longer and receive less pension.

In addition to the above raft of cuts women still earn less than men and the gender pay gap is widening in Northern Ireland. This is likely to get worse by the public sector pay freeze and the reduction in public sector jobs.

There is a fairer alternative

We have been bombarded with the message that we must accept this bitter medicine because it is for our own good and there is simply no alternative. But there are alternatives.

NIPSA believes that a fairer and more economically sound approach to bringing down the deficit would be to focus on taxes rather than cuts. Taxes can be raised in a way that does not disadvantage the less well off in society and has a less gendered impact.

What is needed is more progressive taxation and an alternative economic model which focuses on fairness and equality – A ‘Robin Hood’ tax on financial transactions that could be turned into a ‘Maid Marion’ tax by ensuring that the revenue from the tax is used to avoid the cuts in benefits and public services that will be so damaging to women and undermine gender equality.

So what can we do about it?

- Get involved in NIPSA’s Public Service Defence Campaign and make our voices heard.
- Get the gender impact of the cuts on the agenda at your Branch meetings. Talk to your friends, family and colleagues about the issues.
- Lobby your MLA’s and Ministers calling for a review of policy on work, welfare, pensions, health, childcare and justice that considers how the cumulative impact of these policies affects women’s daily lives and addresses the inequalities identified. Insist that the government complies with its legal duty to advance gender inequality.
- Get involved in your local trades councils and local campaigns.
- Get local press interest in stories about services or jobs being cut in your area and the effect that it will have on women and children.
- Visit NIPSA’s campaign website www.nipsa.org.uk and Facebook page where you can share your news about cuts being made in your area and find out about local campaigns, meetings and demonstrations.

The Human Rights Consortium, a coalition of almost 200 organisations from across Northern Ireland of which NIPSA is a long-standing member, continues to campaign for a strong and inclusive Bill of Rights for Northern Ireland. We believe a Bill of Rights should include the highest possible standards of human rights protections. It should include a combination of social, economic and cultural rights (for instance education, an adequate standard of living, and language) and civil and political rights (freedom of assembly, voting rights etc). A strong and inclusive Bill of Rights would protect the most vulnerable and promote equality for all.

The process

Since 2000 there has been a number of stages in the Bill of Rights process; the extensive consultation and research by the Northern Ireland Human Rights Commission (NIHRC), the establishment of the Bill of Rights Forum bringing together civil society and politicians to feed into the process, NIHRC’s production of their final advice to the Northern Ireland Office (NIO), and the NIO’s consultation document that followed. The Consortium membership took the decision to reject this consultation document as it dismissed the majority of NIHRC’s advice and only recommended



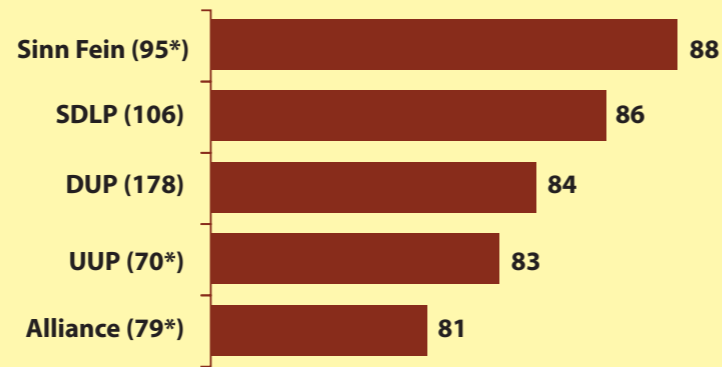
the inclusion of two rights in the Bill of Rights for Northern Ireland. However the membership used the opportunity of the consultation to reiterate what we wanted to see in a Bill of Rights for NI – one that would be worthy of the name. The NIO received 36,492 responses, and from the Consortium’s analysis at least 95% supported a strong and inclusive bill. This included responses from 138 organisations which in themselves represent hundreds of thousands of people across Northern Ireland. This is an unprecedented response level to a public consultation made all the more impressive by the fact that these submissions came from all sections of society. Despite repeated requests from civil society and a commitment in the consultation document the NIO chose not to analyse responses or provide a breakdown of support.

Lack of consensus?

One reason often cited by the NIO for the lack of progress on the delivery of one of the key promises from the Belfast (Good Friday) Agreement is that there is no consensus in Northern Ireland on the issue. However we would strongly refute that claim and have clear evidence to the contrary. Firstly our membership of 193 organisations spans all sections of Northern Irish society; community groups from both Catholic and Protestant communities, organisations working with and for ethnic minorities, faith-based organisations, trade unions, organisations helping the vulnerable such as people with disabilities and the elderly, and it continues to grow and widen. Secondly, we carry out regular omnibus polling which has repeatedly revealed high and growing support in both main communities for a Bill of Rights here. Indeed polling conducted by Millward Brown Ulster (July 2010) revealed that support in the Protestant/ Unionist community for the bill, standing at 83% surpassed that of Catholic/Nationalist community support by 2%. More recent

polling by Ipsos MORI (July 2011) has shown that there is no statistical difference in support for a Bill of Rights amongst voters from all main political parties here (see table below).

Table showing the % of voters from each party which support a Bill of Rights for Northern Ireland



Ipsos MORI June-July 2011, based on a face to face survey with 1,008 people. (means small sample)*

Where the consensus is lacking is amongst the political parties themselves. Despite the fact that at some point every political party has supported the concept of a Bill of Rights for Northern Ireland, a number of parties have given up negotiating the content. This means that the process has not progressed since the people of Northern Ireland rejected the NIO consultation document in their thousands and called for a worthy alternative.

Building political consensus – whose responsibility?

No substantial attempt has yet been made to reach an agreed consensus on the political level. A process of debate and discussion on all sides now needs to be established in order to finally mould an agreed content and deliver a Bill of Rights as supported by the people.

Experience in Northern Ireland has shown that where there has been a lack of cross-party support in relation to the implementation of other aspects of the Agreement, leadership, pressure and a process from the UK and Irish governments

to bring the parties together has resulted in progress and resolution. Most recently we have seen an announcement by the Secretary of State that he personally will chair all-party talks in an effort to break the political deadlock around dealing with the past. This is an issue which is inextricably linked with the Bill of Rights and the efforts to secure a fair, just and stable Northern Ireland. A similarly led process is what is needed in relation to the Bill of Rights. The Irish government has made it clear that a specific and substantive Bill of Rights for Northern Ireland remains one of the undelivered elements of the Agreement. What is needed is a response from the UK government that delivers.

UK Bill of Rights process

It is important to maintain the distinction between the current discussion about a UK Bill of Rights and that which was promised in relation to Northern Ireland. The genesis of both processes are completely different, public opinion and awareness in Northern Ireland far exceeds anything on a UK wide basis and there has already been over a decade of work, consultation, research and capacity building in Northern Ireland to the extent that the people have taken ownership of the issue from within all communities in Northern Ireland. The principle of parity of esteem, required in the Belfast/Good Friday Agreement between both main communities

would not be met by a British Bill of Rights in the same way that an Irish Bill of Rights would not. A Northern Irish Bill of Rights is the necessary common ground.

The people of Northern Ireland did not vote for the coalition agreement (and therefore not the promise of a British Bill of Rights), they voted for the Belfast/Good Friday Agreement, and so the promises within this must be honoured. Our most recent polling shows that preference is for a specific Northern Ireland Bill of Rights rather than a

sub-section on Northern Ireland included in any future UK Bill of Rights.

The Road Ahead

While the Human Rights Consortium persist in campaigning for movement on the political level – locally, nationally and internationally, we continue to build

the grassroots

movement in support of a strong and inclusive bill. From working with young people from Inner East Belfast to training trade unionists, we are raising awareness and encouraging the mobilisation of people to fight for their rights. We hope to see a future where individuals and communities are using a rights-based approach to tackle social issues such as poverty, disadvantage and lack of opportunities. At this harsh economic time we need resource allocation to be grounded in a fair human rights framework which will build trust in our institutions and restore hope for a better future.



First Minister Peter Robinson and Sorcha McKenna, Human Rights Consortium Campaign Manager

Disability Equality Law

Proposals for Reform

Roisin Mallon & Michelle Morris Equality Commission for Northern Ireland

The Equality Commission for Northern Ireland is calling on the Northern Ireland Executive to make urgent changes to the disability equality legislation in Northern Ireland.

These changes are aimed at addressing inconsistencies within the disability equality legislation and strengthening the rights of disabled employees, customers, transport users, tenants, students in further and higher education and pupils in schools, against unlawful discrimination and a failure to make reasonable adjustments. Further, the changes will give additional protection against discrimination for those who care for disabled people.

They will also help harmonise and simplify the legislation, as well as ensuring that Northern Ireland equality law keeps pace with legislative changes that have already taken place in Great Britain or are due to be implemented.

The Equality Commission considers that disabled people in Northern Ireland should not have less protection against disability discrimination either in employment or when accessing goods and services, compared to disabled individuals in other parts of the UK.

The recommended proposals are in relation to the **Disability Discrimination Act 1995** and the **Special Educational Needs and Disability (Northern Ireland) Order 2005**.

For the purposes of this article we will focus on the employment related proposals however full details of the all the proposals can be accessed from the Commissions website.

Summary of Employment Related Proposals:

- the disability legislation is **harmonised and simplified** so that there is a uniform set of definitions of discrimination and other provisions across the scope of the legislation;
- disabled people have protection against **indirect disability discrimination** and **discrimination arising from disability**; thus addressing the impact of the House of Lords' decision in June 2008 in the case of Mayor and Burgesses of the London Borough of Lewisham v Malcolm (Malcolm);
- the **definition of disability** is amended so as to **remove the list of capacities** from the definition; thereby making it easier for disabled people to fall within the definition of disability;
- there is express protection for people, such as carers, friends or family members, who are subjected to direct discrimination or harassment because of their **association** with a disabled person, or because they are wrongly **perceived** to be disabled;
- **questions by employers** related to disability and health before a job offer is made are **prohibited**, except in specified circumstances;

These recommendations for changes to the disability equality legislation are in line with changes which have either taken effect, or are under consideration, in Great Britain in through the implementation of the Equality Act 2010 in October 2010.



As a result, the disability equality legislation in Great Britain has been significantly harmonised and strengthened.

Additionally there are a number of changes which have not been implemented in Great Britain under the Equality Act 2010, but which the Equality Commission considers are required.

For example, the Equality Commission recommends a fundamental review of the definition of disability, in order to address a number of other deficiencies within the definition. In particular, we recommend changes to the definition in order to reflect the 'social model' of disability. In particular, that the definition of disability is amended to remove the requirement that the effects of an impairment be 'long-term'.

The changes recommended by the Equality Commission will also help ensure that Northern Ireland disability equality law complies with anticipated requirements of the draft European Commission Directive on the provision of goods and services and are in keeping with the obligations placed on the UK Government under the UNCRPD.

A detailed paper on the recommended changes is available on the Commissions website www.equalityni.org

Next Steps

The Commission first shared these proposals with the Office of the First and deputy First Minister (OFMdfM) in 2009 and has met on a number of occasions to discuss the

proposals in more detail.

The Commission will continue to, proactively engage with a wide range of key stakeholders, including MLAs, Assembly Committees and representatives from the disability sector.

Additional equality advice, support and information is available to NIPSA members and their representatives through the PETAL (Progressive Equality Training and Learning) programme which can be accessed via the Commission or ICTU's website.

An Equality Law and Workplace Policy session focusing on the area of Disability, including the proposals for law reform, will take place on **Wednesday 14 March 2012**, 10am -1pm in Equality House. To find out more about this and other PETAL events please contact Higher Executive Officer (Training) at NIPSA on 028 9066 1831.

Other upcoming PETAL Events include:

Wed 18th January (am): Redundancy Equality law and Workplace Policy – Module 4

Thurs 26th January (Full Day): Mental Health and Stress in the Workplace

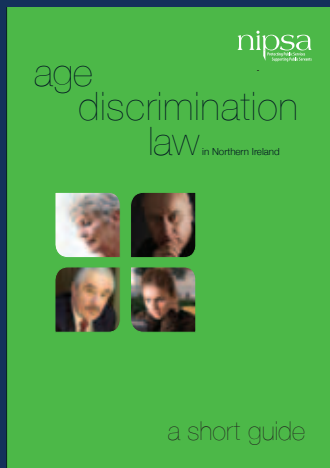
Thurs 16th February (am): Agency Workers Directive Equality law and Workplace Policy – Module 5

Tues 6th March (Full Day): A Guide to the Tribunal Process

Wed 14th March (am): Disability Equality law and Workplace Policy – Module 6

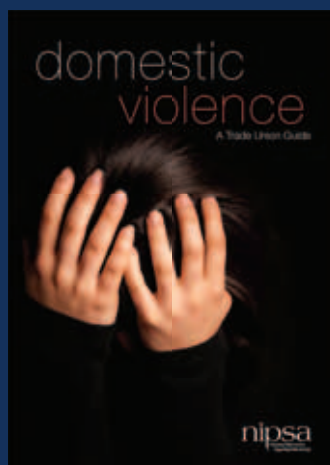
Useful Resources

These publications are available from NIPSA HQ or you can download a PDF version from our website: www.nipsa.org.uk/Home/Equal-Opportunities/Publications



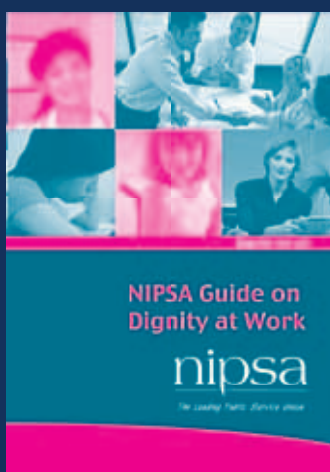
This Guide aims to assist members in identifying and understanding their rights under the legislation.

Updated in 2011, and now refers to legislation which came into force in April of last year.



The more we learn about domestic violence the clearer it becomes that its impact on people's lives will affect their performance in the workplace. Trade unions and employers need to understand this and be ready to deal with such problems as they arise. That is why NIPSA has produced this guide to give trade union reps and employers the information they need to deal with the effect of domestic violence in the workplace. It is also a useful resource in negotiating a workplace policy.

Updated in 2011



The aim of the Guide is to help NIPSA representatives at all levels to assist members who complain that their dignity at work has been violated, or who are working in a hostile environment. It also aims to assist branches in negotiating workplace policies and procedures to foster a working environment that proactively promotes a climate of respect and tolerance.

The views expressed in this newsletter are not, unless otherwise stated, the views of NIPSA