

HEALTH AND SAFETY EXECUTIVE FOR NORTHERN IRELAND

EQUALITY SCHEME

SECTION 75 OF THE NORTHERN IRELAND ACT 1998

JULY 2001

HSENI EQUALITY SCHEME

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HSENI EQUALITY SCHEME

FOREWORD

Statement by Chairperson/Chief Executive

The Health and Safety Executive for Northern Ireland (HSENI) is fully committed to the fulfilment of the obligations in section 75 of the Northern Ireland Act 1998 on the promotion of 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. HSENI is equally committed to the promotion of good relations between people of different religious, political and racial groups. This Equality Scheme sets out how HSENI proposes to fulfil those obligations.

We will ensure that all HSENI staff are fully aware of the need to implement the provisions of this Scheme and we will give leadership within HSENI to achieve this. The proposals contained in this Equality Scheme, while of key importance to us in the short term, also mark the beginning of a longer term process to ensure that the issue of equality is firmly embedded in the culture of HSENI and an integral element in the overall HSENI thinking and decision-making process.

Liam McBrinn
Chairperson

Jim Keyes
Chief Executive

HSENI EQUALITY SCHEME

1. Introduction

1.1 Section 75 of the Northern Ireland Act 1998 ('the Act') requires the Health and Safety Executive for Northern Ireland ("HSENI") in carrying out all of its functions, powers and duties 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.

The main groups relevant to these categories are set out in **Annex A**.

1.2 In addition, and without prejudice to its obligation above, HSENI in carrying out all of its functions, powers and duties shall have regard to the desirability of promoting good relations between people of different religious, political and racial groups. The Office of the First Minister and Deputy First Minister (OFM/DFM) will carry out equality impact assessments during the first year of its Scheme on:

- the Promoting Social Inclusion review of ethnic minority issues; and
- mainstreaming community relations within the public sector and other institutions.

HSENI will contribute, as necessary, to OFMDFM's assessments. In drawing up specific action proposals to address the good relations duty HSENI will draw on this work and on guidance issued by the Community Relations Council.

1.3 Schedule 9 to the Act requires HSENI to set out in an Equality Scheme how it proposes to fulfil the duties imposed by section 75. This document is HSENI's public statement on:

- how it intends to meet its statutory obligations under the Act;
- how it carries out its functions, powers and duties;
- its commitment to the allocation of necessary resources (in terms of people, time and money) to ensure that the statutory duties are complied with and that the Scheme can be implemented effectively and on target;
- its commitment to ensuring effective internal arrangements are in place to ensure duties are effectively complied with and for monitoring and reviewing progress;
- its commitment to the development and delivery of a planned programme of communication and training on the Scheme and equality obligations.

1.4 The Scheme and associated Implementation Plan will also be used internally as a working document for HSENI staff to ensure their compliance with the section 75 duties.

2. **Arrangements for Assessing Compliance with Section 75 Duties**

2.1 Paragraph 8 of Schedule 9 to the Act states that a public authority shall, before the end of the period of 5 years beginning with the submission of its current Scheme, or the latest review of that Scheme under that paragraph, whichever is the later, review that Scheme and inform the Equality Commission of the outcome.

2.2 As set out in the timetable at **Annex D**, HSENI will in fact assess how each of its main policy areas, as identified at paragraph 3.6 below, impacts on the promotion of equality of opportunity and the promotion of good relations within a 3-year timeframe. In year 4 HSENI will re-review policies reviewed earlier as part of a rolling 5-year programme.

2.3 HSENI is committed to the fulfillment of its section 75 obligation in all parts of its organisation. To this end, new internal arrangements have been put in place to ensure that this commitment is effectively and demonstrably carried out. These arrangements will be used to monitor and review the implementation of this Equality Scheme. Statutory responsibility for the implementation of the Scheme lies with HSENI's Chairperson and Board. Overall management responsibility for taking forward section 75 issues within HSENI lies with its

Corporate Affairs Division. That Division will report on a quarterly basis to the Chief Executive on the implementation of the statutory equality duties and the Chief Executive will in turn brief the Chairperson and Board on that implementation. Mr Dermot Breen, a Deputy Chief Executive, currently heads this Division. An organisation chart is provided at **Annex B**.¹

- 2.4 Corporate Affairs Division will co-ordinate and lead action within HSENI on the Implementation Plan developed to ensure the necessary actions are planned and progressed in accordance with the Scheme's commitments and timetable. Tom Blacker of the Corporate Affairs Division will be the central point of contact for both the public and officials in all matters relating to section 75 issues. Contact details for Tom Blacker are as follows:

Tom Blacker
Health and Safety Executive for Northern Ireland
Corporate Affairs Division
83 Ladas Drive
Belfast BT6 9FR
Tel: 028 9054 6854; Fax: 028 9023 5383
and e-mail: tom.blacker@detini.gov.uk.

- 2.5 Corporate Affairs Division will also liaise with the Equality Steering Group within the Department of Enterprise, Trade and

¹ Should there be changes to the structure of the Corporate Services Division, or named officers, HSENI will inform the Equality Commission and consultees at Annex C.

Investment, HSENI's sponsor Department, chaired by Mr Greg McConnell, currently one of the Department's Deputy Secretaries, and comprising senior members of DETI HQ, IDB, IRTU and representatives for the Department's Non-Departmental Public Bodies (NDPBs), including HSENI. This Group will meet quarterly to monitor and review progress on the Implementation Plans for the Equality Schemes within the Department and its NDPBs, and other equality related activity such as New TSN and Human Rights and will report progress to the Minister and Permanent Secretary.

- 2.6 HSENI will prepare an annual review, conducted by the Corporate Affairs Division, on progress made on HSENI's activities during each year to implement the arrangements specified in the Equality Scheme and in complying with the statutory duties. This will include progress on the good relations duty. It will be submitted to the Equality Commission to assist the Commission in compiling its own Annual Report. A copy of HSENI's annual review, signed by HSENI's Chairperson and Chief Executive, will also be published in its annual report. HSENI will liaise with the Equality Commission to ensure that progress is maintained.
- 2.7 Actions, objectives and targets relating to the statutory duties contained in this Equality Scheme and its Implementation Plan will be included in HSENI's Corporate and Operating Plans. Progress on meeting these objectives and targets will be monitored and the outcome reported to the Chief Executive in the quarterly report referred to in paragraph 2.3. HSENI staff will include

implementation of the statutory duties in their annual personal performance and development plans, as appropriate to their role, to ensure the effective integration of equality issues throughout the whole of HSENI. As part of the standard appraisal and reporting system within HSENI personal performance and development plans are monitored and reviewed in the context of the Investors in People initiative.

2.8 HSENI will ensure that implementation of the section 75 duties is supported with the necessary resources (in terms of people, time and finance) to ensure that the statutory duties are complied with. It will inform and train staff on the requirements of the statutory duties and how they can be efficiently implemented. Further details on training are given in **section 10**.

2.9 HSENI is committed to consulting on how it carries out its statutory duties and for that consultation to be timely, open and inclusive. Detailed arrangements for consultation are given in **section 8**.

3. **Functions and Policies**

3.1 The vision of HSENI is simple and clear. It is to see that the risks to people's health and safety arising from work activities are properly controlled and thereby contribute to the overall economic and social well being of our community.

3.2 For the purposes of the Act the functions of HSENI include its powers and duties which are wide ranging and defined in the Health and Safety at Work (Northern Ireland) Order 1978 (“the HSW Order”). Under the HSW Order, HSENI is the primary body in Northern Ireland with responsibility for:

- **securing** the health, safety and welfare of people at work;
- **ensuring** that all other people are protected against risks to health and safety from work-related activities; and
- **the control** of dangerous substances.

3.3 The responsibility to control risk is placed upon those who create it: mainly employers, but also the self-employed, suppliers, designers etc. HSENI is there to inform, stimulate and guide those with duties of care, and others concerned with health and safety at work, in actions leading to higher standards.

3.4 HSENI’s business is to ensure that risks to people’s health and safety from work activity are properly controlled, in ways that are proportionate to risk, allow for technological progress and pay due regard to costs as well as benefits; and in all that it does, seek to promote better management of health and safety at work, through systematic approaches to identifying hazards and assessing and controlling risks.

3.5 In effect, HSENI, subject to the Departmental Minister, has primary responsibility under the HSW Order for the regulation of health and safety at work in Northern Ireland. In principle what

this involves is the proposing and setting of necessary standards and securing compliance with those standards and undertaking other forms of activity designed to stimulate or support necessary action on the part of people and organisations who actually create the harm.

3.6 In this Scheme the following are to be regarded as HSENI's policies, developed to carry out its functions:

- **Policy A - to promote key occupational health and safety messages and themes to targeted sectors and groups.**

HSENI will organise conferences, seminars and workshops on selected and topical themes targeted at groups such as employers, trade unions, employees, work place safety representatives and health and safety training providers. There will be a special focus on the needs of small businesses. HSENI also plans to develop working partnerships with other private and/or public sector organisations that have an interest in improving health and safety at work standards.

- **Policy B - to communicate appropriate, timely and practical occupational health and safety information and advice.**

HSENI will analyse customers' information and advice needs in order to ensure the relevance and adequacy of HSENI's published information and guidance material. HSENI will also ensure that its information and advisory services are easily

accessible taking into account the special needs of people with disabilities and those from ethnic minorities.

- **Policy C - to carry out work place inspection, investigation and enforcement on a risk related basis.**

In carrying out work place inspection, investigation and enforcement activities, HSENI will use risk assessment techniques in order to target work activities involving significant occupational health risks. Special attention will also be given to high-risk sectors such as agriculture, quarrying and construction. HSENI inspectors will issue Improvement and Prohibition notices and instigate legal proceedings where necessary.

- **Policy D - to ensure that an effective and up-to-date health and safety at work regulatory framework is maintained.**

HSENI will publish Discussion and Consultative Documents in relation to proposed new health and safety regulations and develop those regulations having regard to responses from consultees. HSENI will also approve Codes of Practice to support new health and safety regulations where this is considered appropriate.

3.7 Although HSENI is a Non-Departmental Public Body it enjoys Crown status, its staff are civil servants and it is therefore an integral part of the Northern Ireland Civil Service (NICS). As a

consequence, HSENI fully subscribes to and operates NICS corporate personnel policies which are now subject to the requirements of section 75 of the Northern Ireland Act 1998. In addition, HSENI, through DETI as its sponsor Department and in concert with other employing Departments and their Agencies, working in conjunction with the Central Personnel Group in the Department of Finance and Personnel (DFP), contributes and will continue to contribute positively to the development and maintenance of such policies including any impact assessment, through existing NICS-wide personnel fora, for example, the Personnel Directors Group (PDG).

- 3.8 All Northern Ireland Departments and the Northern Ireland Office are represented, at Senior Management (Member of the Northern Ireland Senior Civil Service) level, on the PDG. PDG, which is chaired at Deputy Secretary level by the Central Personnel Group, meets at least 12 times a year to provide leadership and strategic direction on NICS corporate personnel policies. In the application of those policies, HSENI will continue to ensure that it applies its equal opportunities policies.
- 3.9 While DFP has overall responsibility for procurement policies for Northern Ireland Departments, and HSENI also, the procurement arrangements for HSENI are governed by a Service Level Agreement between DETI, as HSENI's sponsor Department, and the Government Purchasing Agency of DFP. Under this Service Level Agreement, the Government Purchasing Agency has

undertaken to comply with all relevant legislation, including the requirements of section 75 of the Northern Ireland Act 1998.

3.10 HSENI will provide such information as may be required by DFP in carrying out equality impact assessments relating to employment or procurement policies and will participate in any steering group established by DFP to oversee these assessments.

3.11 HSENI acknowledges that there are difficulties in defining policies. In particular, it is recognised that:

- some policies cut across different functions and the work of different public bodies (eg New TSN);
- a programme or service may serve more than one policy;
- no policy is discrete;
- every policy is affected by and affects other policies;
- there are also different levels of policy, for example, European Union policies, UK Government Manifesto commitments, local policies adopted by district councils, Boards and Trusts; and
- some policies implemented by HSENI may have been developed elsewhere.

3.12 Where HSENI has lead responsibility for a policy that requires close co-operation with, or is operationalised by, other public bodies, it will ensure that those bodies actively participate in any equality impact assessment. This would include, in particular, their participation in a Steering Group for the assessment and access to

data/research held by that other body which would be of relevance to the assessment.

3.13 Similarly, HSENI will also contribute, as appropriate, to equality impact assessments carried out by other public bodies on their own policies when they derive substantially from the central policies of HSENI.

3.14 As regards the wider picture if, as a result of an equality impact assessment, HSENI identifies a significant equality of opportunity issue arising from a UK-wide or European Union policy, it will advise the appropriate UK Department or the European Commission of its findings.

4. **Equality Impact Assessments**

4.1 To identify which of the policies listed at paragraph 3.6 above would be subject to a detailed equality impact assessment, HSENI has considered the impact of each of them in terms of the nine categories listed in section 75 of the Act and set out in **Annex A** using the following criteria:

- is there any evidence of higher or lower participation or uptake by different groups within any of the nine categories?
- is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular main policy area?

- is there an opportunity to better promote equality of opportunity or good relations by altering policy or working with others in Government or the community at large?
- have consultations in the past with relevant representatives, organisations or individuals within groups indicated that particular policies create problems that are specific to them?

4.2 Table A shows the result of this initial screening process. Based on this result, and the public consultation during the period April-June 2000, HSENI decided to carry out, or commission externally, equality impact assessments on each of the policies listed at paragraph 3.6 above. The impact assessments will examine each policy in relation to all of the criteria in order to confirm the validity of the initial screening process.

TABLE A

POLICY	CRITERION A	CRITERION B	CRITERION C	CRITERION D
A	NO	YES	NO	NO
B	NO	YES	YES	NO
C	NO	YES	YES	NO
D	NO	YES	YES	NO

4.3 Although each of the policies listed in paragraph 3.6 above will not necessarily have a potentially significant impact in terms of all the nine section 75 categories – see Table B which identifies the potential impact established in the initial screening - impact assessments of these policies will examine all nine categories,

again in order to confirm the validity of the initial screening process.

TABLE B

POLICY	RELIGION	POLITICAL OPINION	RACE	AGE	MARITAL STATUS	SEXUAL ORIENTATION	GENDER	DISABILITY	DEPENDENTS
A	NO	NO	YES	YES	NO	NO	YES	YES	NO
B	NO	NO	YES	YES	NO	NO	YES	YES	NO
C	NO	NO	YES	YES	NO	NO	YES	YES	NO
D	NO	NO	YES	YES	NO	NO	YES	YES	NO

4.4 Where sensible and appropriate from an evaluation and assessment perspective, for the purposes of these proposed equality impact assessments individual, but related, programmes within each policy area may be grouped together for one assessment. Where relevant, an equality impact assessment will also include an Annex on the promotion of good relations (without prejudice to the statutory obligation on equality of opportunity).

4.5 Equality impact assessments will involve detailed consideration of available data and, possibly, the commissioning of new research to enable assessments to be carried out on the impact of HSENI's policies on the section 75 groups. HSENI will consult with representative bodies to identify further sources of information during the assessment and will alert the public and relevant groups about the policy being assessed and invite their comments and input to the assessment.

4.6 HSENI will carry out equality impact assessments in accordance with Annex 1 to the Equality Commission's Guidelines and work commissioned by the Equality Commission in addition to guidance from OFM/DFM.

4.7 Before the introduction of any new policies HSENI will carry out the screening exercise as set out in paragraph 4.1 at the early development stage to identify whether there would be any impact on the promotion of equality of opportunity or good relations, and whether greater equality of opportunity could be promoted and therefore be subject to a full impact assessment. Such an assessment would involve public consultation to draw together all available qualitative and quantitative data from both internal and external sources to inform the process.

4.8 HSENI will consult on equality impact assessments with:

- relevant interest groupings;
- the Equality Commission;
- other public authorities;
- voluntary groups;
- community groups;
- trade union groups; and
- other groups with a legitimate interest in the matter.

This must include those directly affected by the policy to be assessed, whether or not they have a direct economic or personal

interest. Such consultation will be conducted in accordance with the arrangements set out in **section 8**.

5. **Timetable**

5.1 Over a period of 3 years from the submission of the Scheme to the Equality Commission, HSENI will carry out internal, or commission external, reviews of each of the policies listed at paragraph 3.6 above including an equality impact assessment. HSENI has prioritised its policy review programme on the basis of:

- relevance to social need;
- effect on people's daily lives;
- effect on economic, social and human rights; and
- scale of expenditure incurred by the policy.

5.2 The timetable proposed will be reviewed on an annual basis as part of the annual review (see paragraph 2.6) to allow for flexibility should particular priorities change. The timetable for these reviews, as well as arrangements for assessments of monitoring, access to information and services and training is given at **Annex D**.

6. **Monitoring**

- 6.1 A system will be established to monitor the impact of policies in order to identify their impact on the relevant groups. This will be reviewed on an annual basis and the results will be widely and openly published.
- 6.2 Knowledge of the uptake of services provided by HSENI, and the impact of its policies on the different section 75 groups, will be important in assessing progress towards equality of opportunity. While HSENI has information on some of the section 75 groups, this does not cover all of the groups and is not in itself sufficient to increase HSENI's knowledge of the impact of its policies as required by the statutory duties. In some instances, baseline data is not available and HSENI needs to establish this in order to measure and monitor developments and progress during the life of the Scheme.
- 6.3 By 31 March 2001 HSENI will complete an assessment of the extent of its baseline data and of existing monitoring within each of its main policy areas and over the groups identified in the Act and consider how it can be extended. In carrying out this assessment, HSENI, in conjunction with the Equality Unit in DETI, is working with bodies representing the section 75 members to identify, from their own experience and knowledge, both quantitative and qualitative data and also existing research on their members.

6.4 Seeking such information on some of the groups may be difficult or sensitive. HSENI will therefore consider with the appropriate representative bodies how best to identify the impact of its policies. In some cases, the information may simply not be available. HSENI will therefore work with the groups to consider how best to gain a greater knowledge of the impact of HSENI activity through, for example, additional research. HSENI will also work closely with other public bodies, which may have additional information, and also with the Northern Ireland Statistics and Research Agency (NISRA).

6.5 The assessment will consider, inter alia:

- the level of baseline data currently available;
- the need for additional monitoring information or research to supplement this over each policy and section 75 group;
- the readiness of both sides of business, the public and section 75 groups to supply such information;
- resource implications;
- the availability and suitability of any proxy measures (eg postcode analysis);
- proposals for collection and maintenance of monitoring data; and
- proposals for evaluating the effectiveness of monitoring.

6.6 On completion of this assessment, HSENI will have identified baseline positions, and will develop a comprehensive monitoring/research Plan to address, in the most appropriate way, gaps in knowledge over

HSENI's policy areas. The Plan will include a system for ongoing monitoring and monitoring for adverse impacts. Progress on the Plan, including monitoring results, will be published in the annual review (see paragraph 2.6).

6.7 If an equality impact assessment within the overall policy review identifies potential differential adverse impact on particular groups within the section 75 categories and no alternative policy is considered feasible, HSENI will consider how to mitigate any potential adverse impact. It may also arrange for specific research or additional monitoring to confirm the extent of the adverse impact and/or the success of any mitigating measures. If subsequent monitoring shows that the policy has resulted in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, HSENI will revise the policy.

6.8 As with all monitoring and research data, information collected through specific exercises will be taken into account in any review of the policy.

7. **Publication of Equality Impact Assessments and Monitoring**

7.1 HSENI will consult on the outcome of any equality impact assessment and of any monitoring undertaken in relation to paragraphs 6.4 to 6.6 above. This material will be placed on HSENI's Internet website at: www.hseni.gov.uk and will also be available on request in printed form and in accessible formats eg braille, large print, audio and minority ethnic languages, from:

Laura Wallace
Health and Safety Executive for Northern Ireland
Corporate Affairs Division
83 Ladas Drive
Belfast BT6 9FR
Tel No: 028 9054 7011; Fax: 028 9054 7012
and e-mail: laura.wallace@detini.gov.uk).

HSENI will inform the general public about the availability of this material through press releases, including releases to the specialist press. Specific consideration will be given as to how best this information can be communicated to young people and those with learning disabilities. It will also directly inform bodies listed at **Annex C** when this material is available.

7.2 Published documentation on an equality impact assessment of a particular policy will include:

- the aims of the policy to which the impact assessment relates;
- associated available monitoring data and research, both quantitative and qualitative, including relevant information from internal HSENI sources, NISRA and that obtained from consultation with representative groups;
- details of the outcome of the assessment, highlighting if an adverse impact has been identified;
- details of consideration given to mitigate any adverse impact of the policy on the promotion of equality of opportunity;

- details of consideration given to alternative policies which might better achieve the promotion of equality of opportunity; and
- details of future monitoring and publication arrangements.

7.3 In taking decisions on a current or proposed policy, HSENI will take into account any relevant equality impact assessment, monitoring and the outcome of the associated public consultation process.

8. **Consultation**

8.1 The purpose of public consultation is to enable HSENI to hear and listen to the views of those who may be affected by its activities, and for these views to be considered as new policies are developed and existing policies are reviewed. HSENI is committed to carrying out consultation in accordance with the Guiding Principles contained in the Equality Commission's "Guide to the Statutory Duties".

8.2 Traditionally, HSENI's consultation processes have been based on written consultation exercises. This will continue to be a method of consulting. However, this approach will be supplemented by other methods of consultation to ensure that section 75 groups and individuals have the opportunity to express their views in relation to HSENI's activities and for HSENI to receive feedback.

- 8.3 While many best practice consultation methods will be appropriate for all, the section 75 groups, and particular groups within the main groups, have different needs. To achieve an inclusive approach, HSENI will work with representative bodies of the section 75 groups in order to identify how best to obtain the views of their members. This will include specific consideration of how best to communicate with young people and those with learning disabilities.
- 8.4 In line with best practice, consultation methods may involve face to face meetings, advisory groups, surveys, consultative panels, Internet discussions and other innovative ways of consulting as there will be different means of consultation for different groups and it will be important to establish the basis for dialogue and engagement during the life of the Scheme and beyond. Consultation with groups and individuals will begin as early as possible to enable all involved in the process to devote adequate time to considering the issues in question.
- 8.5 In organising consultation meetings, HSENI will aim to ensure a full participation by considering the implications for such groups in relation to how the meeting is run, the use of appropriate language and also the time, venue, accessibility, provision of childcare or signing etc for such meetings.
- 8.6 To ensure that all consultations are meaningful it is important that sufficient, timely and appropriate information is available for HSENI, groups and individuals to consider the full implications of

the proposals, and for its part, HSENI will take steps to ensure this eg through the release of relevant quantitative and qualitative data and other documentation such as consultants' reports. Systems are in place to ensure that information is available in accessible formats and in a timely fashion.

- 8.7 In order to remove any barriers to the consultation process, it will be important that the language and formats used for any consultation are accessible and, as noted in paragraph 9.1 below, HSENI proposes to review its arrangements for providing information and will consult representative groups as it carries out this assessment, and on the findings and recommendations of the assessment prior to implementation. Information will be made available in consultation with the affected groups to ensure the highest level of inclusivity in any policy decision-making. In the meantime, anyone wishing information in accessible formats such as braille, disk, audio cassette or in minority ethnic language, should contact:

Laura Wallace
Health and Safety Executive for Northern Ireland
Corporate Affairs Division
83 Ladas Drive
Belfast BT6 9FR
Tel No: 028 9054 7011; Fax: 028 9054 7012
and e-mail: laura.wallace@detini.gov.uk

and appropriate arrangements will be made as quickly as possible.

- 8.8 In addition to consulting on equality impact assessments, monitoring, access and training proposals as outlined elsewhere in this Scheme, HSENI will also consult on legislation, strategies, reviews and other plans.
- 8.9 The list of consultees at **Annex C** will be used in relation to all consultations, ie with regard to matters relating to the duties, the Equality Scheme, screening and impact assessments. The list at **Annex C** is not intended to be exhaustive, and will be amended in the light of experience or should new organisations/associations be formed during the lifetime of the Scheme. In addition, HSENI will also place advertisements in the local press to alert the general public, groups and individuals to the consultation process.
- 8.10 In all matters relevant to the statutory duties HSENI will consult with:
- the Equality Commission;
 - the Community Relations Council;
 - voluntary groups;
 - community groups;
 - trade union groups; and
 - organisations representing the various section 75 categories.

As these bodies may wish to consult their members when considering proposals, in all consultation exercises HSENI will provide a period for response of **at least 8 weeks**.

8.11 There may, however, be circumstances when this timescale may not be possible, for example in respect of policies that must be implemented immediately to protect health and safety. Such instances, however, are expected to be rare. They will be monitored closely to ensure that there is sound justification for a shortened consultation period and kept under review to ensure the integrity of the process. Such cases when they do arise will be reported on in HSENI's annual review to the Equality Commission.

8.12 The outcome of all consultation exercises will be taken into account when HSENI considers how to progress the matter pertaining to the Equality Scheme.

8.13 As discussions are continuing with section 75 groups, specific details on consultation cannot yet be set out. HSENI will however draw together all of the above activity and develop a consultation strategy before 31 October 2001.

9. **Public Access to Information and Services**

9.1 HSENI wishes to communicate effectively with the public and will, by 31 October 2001, assess its arrangements for ensuring that the information it disseminates and the services it provides are made accessible in a way that ensures equality of opportunity and will develop a communication strategy on foot of this work by 31 December 2001. This will include specific consideration of how best to communicate with young people and those with learning disabilities.

9.2 As part of this assessment. HSENI will consider, inter alia:

- existing provision of information/services in alternative formats eg braille, audio, large print, ethnic minority languages;
- what information on HSENI's services needs to be communicated to all groups and, in discussion with them, how best to do so;
- take account of the statutory requirements of the Disability Discrimination Act 1995;
- the likely demand for information in such formats across all the main policy areas listed at paragraph 3.6 above;
- the need to consider specific outreach measures;
- resource implications; and
- in particular, the recommendations of the cross-Departmental Promoting Social Inclusion (PSI) working group on ethnic minority people and on access to information, which will report in 2001.

9.3 HSENI will consult with representative groups as it carries out this assessment and will consult on the findings and recommendations of the assessment prior to implementation. In ongoing discussions with key representative groups, HSENI will monitor its communication strategy regarding access to information and services annually.

9.4 In disseminating information through the local press, HSENI will ensure that press statements and public advertisements are placed

with all three Belfast daily newspapers, including the North West version of the Belfast Telegraph. Where press statements or public advertisements are aimed at a particular geographical area within Northern Ireland, HSENI will ensure that the information is available through at least two local newspapers circulating in that area. HSENI will also ensure that the specialist press receive copies of press releases to disseminate, as they consider appropriate, to their particular readership.

9.5 HSENI will ensure that no section of the community is deterred from visiting its office(s) for whatever reason and all its offices will maintain a welcoming and harmonious environment. HSENI will adhere to the relevant provisions of the Disability Discrimination Act 1995.

9.6 HSENI's commitments in this Scheme on equality of opportunity in accessing information are without prejudice to any rights to information in the current Code of Practice on Open Government, or in the new Freedom of Information legislation.

10. **Training and Awareness Raising**

10.1 Since the enactment of the Act, initial training has been carried out for senior HSENI staff on section 75 issues. HSENI will now ensure that **all staff** involved in the implementation of the Scheme receive an appropriate programme of training and awareness raising on these obligations and other anti-discrimination legislation; the duties and their implications for all staff and the

provisions of this Equality Scheme and will report annually to the Equality Commission on this issue. To ensure effectiveness, this training will be tailored to make it appropriate to the different grades and responsibilities of staff.

- 10.2 Equality training will continue to be listed amongst HSENI's highest priority training needs in HSENI's corporate training plan. This will mean that all managers will assure themselves that the equality training needs of themselves and their staff are planned for and met. All staff and their managers will agree Personal Development Plans annually identifying specific training needs including those in the area of equality and human rights.
- 10.3 HSENI's strategy is to place particular emphasis on those staff whose role is outward facing. HSENI's assessment is that these staff have the greatest leverage to bring about change in the way the work of HSENI impacts upon the public. These staff are enablers of the process of integrating the provisions of the Northern Ireland Act 1998 and other equality/human rights provisions into the daily work of HSENI – as such, they are an important resource for other staff.
- 10.4 To develop this resource HSENI, in conjunction with DETI, is making a careful assessment of the need for more specific “focused” training for specialist staff (particularly those with an outward facing role), such as Inspectors and those involved in research and data collection, policy development, legislation, service design monitoring and evaluation to ensure that they have,

as appropriate, the necessary skills and knowledge to carry out the following effectively:

- screen policies and legislation;
- undertake equality impact assessments;
- investigate and monitor complaints; and
- monitor and evaluate the implementation of the Scheme.

10.5 For staff involved in consultation exercises, HSENI will ensure that they have the wherewithal to communicate effectively with, listen to and understand the needs of all the section 75 groups. Specific training will be given to staff engaged in consultation exercises so that they have the necessary skills to communicate effectively with those being consulted. Communication needs will differ from one group to another, and also within groups, and HSENI will continue to work with representative groups and appropriate external specialists to identify how their needs can best be addressed. As a result, any necessary training will initially be targeted at staff expected to deal with marginalised groups and will be extended more widely as needs are identified.

10.6 Underpinning these specific training actions, training of a more generic nature will also be provided. Specifically:

- formal induction training for all new staff on this Scheme and their obligations under section 75;
- training for all staff newly appointed to management grades as part of core management development programmes;

- training for middle and senior managers as an integral part of more advanced management development programmes; and
- as indicated in paragraph 10.1, all staff involved in implementation of the Scheme.

10.7 In conjunction with DETI, HSENI's training programme is developing and a detailed Training Plan will be in place by 30 September 2001 which will include details of numbers, course content and training providers.

10.8 HSENI is recognised as an Investors in People (IiP) organisation and, therefore, all training will accord with IiP national standards, including the IiP requirements for systematic identification of needs, evaluation and equality of access.

10.9 In addition to formal training, HSENI has undertaken awareness raising on the section 75 statutory duty, the Scheme itself and other equality and diversity issues through staff briefings, guidance leaflets and circulars. It will continue to use this means of ensuring increased awareness of equality issues throughout the ongoing day-to-day work of HSENI.

10.10 Staff within the Equality Unit and the Statistics Research Branch of the Department of Enterprise, Trade and Investment will provide advice to HSENI staff on general section 75 issues and on individual equality impact assessments.

10.11 Training will be developed in association with appropriate groups representing section 75 categories.

10.12 A copy of this Scheme (including the Chairperson's/Chief Executive's message) and the relevant extracts of the Northern Ireland Act 1998 has been placed on HSENI's internal Intranet for the information of all staff. All staff also received a summary of the Scheme in July 2000 with a further personal message from the Chairperson and Chief Executive. Top level involvement in the implementation of the Scheme will be ongoing in the work outlined in relation to the planned assessments, individual equality impact assessments and the Training Plan.

10.13 The intention of HSENI is to create and sustain genuine organisational change, and HSENI will therefore conduct periodic evaluations to assess the effectiveness of its strategy and the extent of the integration of the section 75 obligations into the day-to-day management and policy development and operations of HSENI. The outcome of these evaluations will be included in HSENI's annual review of implementation progress that will be forwarded to the Equality Commission.

11. **Complaints**

11.1 When a person believes that he/she has been adversely affected by a failure of HSENI to comply with this Scheme, he/she should, in the first instance, bring, or have their complaint brought, to the attention of:

Tom Blacker
Health and Safety Executive for Northern Ireland
Corporate Affairs Division
83 Ladas Drive
Belfast BT6 9FR
Tel: 028 9054 6854; Fax: 028 9023 5383
and e-mail: tom.blacker@detini.gov.uk.

11.2 That Division will carry out an internal initial investigation of the complaint and will respond to the complainant **within one month**. In setting out HSENI's response to the complainant (in the format preferred by the complainant), the Division will inform him/her of the procedure for pursuing the complaint further, if necessary, with the Equality Commission, as set out in paragraph 10 of Schedule 9 to the Act.

11.3 If the Equality Commission decides to investigate any complaint, or any other matter falling within paragraph 11(1)(b) of Schedule 9 to the Act, HSENI will co-operate fully, providing access to relevant information that the Commission may require.

12. **Publication of the Scheme**

12.1 Systems will be in place to ensure that the Scheme will be made available in a timely fashion in print form and in accessible formats free on request from:

Laura Wallace
Health and Safety Executive for Northern Ireland
Corporate Affairs Division
83 Ladas Drive Belfast BT6 9FR
Tel: 028 9054 7011 Fax: 028 9054 7012
and e-mail: laura.wallace@detini.gov.uk.

It can also be accessed on HSENI's Internet website at:
www.hseni.gov.uk.

- 12.2 HSENI will issue a press release, and place a prominent advertisement in the press, when the Scheme is approved by the Equality Commission. A copy will be placed in all public libraries and sent to all those organisations listed at **Annex C**.
- 12.3 An executive summary has also been produced and is also available as outlined above.
- 12.4 Specific consideration will be given as to how best to communicate the Scheme to young people and those with learning disabilities.

13. **Review of the Scheme**

- 13.1 In addition to a mid-term review (within 3 years of submission to the Equality Commission) HSENI will arrange for an external review of the operation of this Scheme within 5 years of its submission to the Equality Commission. This review, which will be published, will include an assessment of how HSENI has

complied with its section 75 obligations in implementing all aspects of the Equality Scheme, and how equality of opportunity and good relations have been advanced in relation to the main policy areas.

13.2 Consultations will take place with those bodies listed at **Annex C** (as amended if additional groups are added between now and then) as part of the review prior to submission of the review report to the Equality Commission. The review will comply with any guidelines issued in due course by the Equality Commission.

Corporate Affairs Division
Health and Safety Executive for Northern Ireland
July 2001

**MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75
CATEGORIES LISTED IN THE NORTHERN IRELAND ACT 1998**

Category	Main Groups
Religious belief	Protestants; Catholics; people of other religious belief; people of no religious belief.
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party.
Racial group	White people; Chinese; Irish Travellers; Indians, Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people of mixed ethnic group.
‘Men and women generally’	Men (including boys); women (including girls).
Marital status	Married people; unmarried people; divorced or separated people; widowed people.
Age	For most purposes, the main categories are: children under 18; people aged between 18 and 65; and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration. For

example, for some employment policies, children under 16 could be distinguished from people of working age.

‘Persons with a disability’

Persons with a physical, sensory or learning disability as defined in sections 1 and 2 of, and Schedules 1 and 2 to, the Disability Discrimination Act 1995.

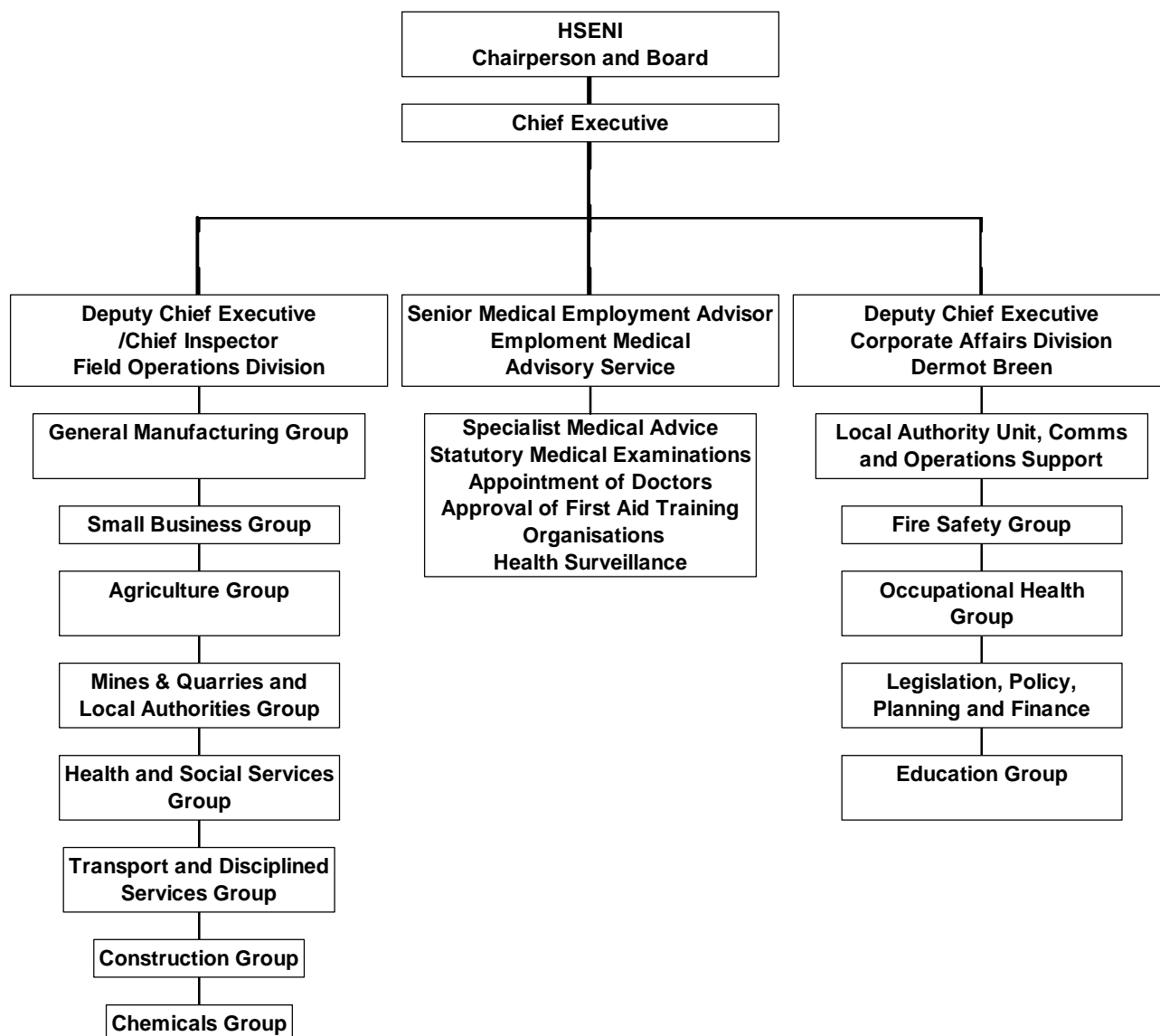
‘Persons with dependants’

Persons with primary responsibility for the care of a child; persons with personal responsibility for the care of a person with a disability; persons with primary responsibility for the care of a dependant elderly person.

Sexual orientation

Heterosexuals; bi-sexuals; gays; lesbians; transgendered people.

HEALTH AND SAFETY EXECUTIVE FOR NORTHERN IRELAND



CONSULTATION LIST

Age Concern

Alliance Party of Northern Ireland

Amalgamated Engineering and Electrical Union

Amalgamated Transport & General Workers Union

Association of Chief Officers of Voluntary Organisations

Association of Teachers and Lecturers

Association of University Teachers

Bahai Office for Northern Ireland

Bakers, Food and Allied Workers Union

Belfast Centre for the Unemployed

Belfast Hebrew Congregation

Belfast Traveller Education and Development Group

Blind Centre (NI)

British Deaf Association (NI)

Bryson House

Business in the Community

Cara Friend

Carers National Association Northern Ireland

Cedar Foundation

Child Poverty Action Group

Children's Law Centre

Chinese Welfare Association

Church of Ireland

Coalition on Sexual Orientation (CoSo)

Committee on the Administration of Justice

Communication Workers' Union

Community Relations Council
Community Relations Training/Learning Consortium
Confederation of British Industry (NI)
CONNECT
Construction Employers' Association
Construction Employers' Federation
Construction Industry Training Board
Co-operation Ireland
Counteract
Democratic Unionist Party
Disability Action
District Councils
Employers' Forum on Disability
Engineering Employers' Federation
Engineering Training Council
Equality Commission
Equality Forum Northern Ireland
Falls Community Council
Federation of Small Businesses
Fermanagh Women's Network
Fire Brigades Union
Foyle Women's Information Network
Gingerbread Northern Ireland
GMB
Graphical Paper & Media Union
Green Party
Help the Aged
Incore

Indian Community Centre
Institute of Directors
Institute of Management
Irish Bank Officials Association
Irish National Teachers Organisation
Knitwear, Footwear & Apparel Trades
Labour
Manufacturing Science Finance
MENCAP
Methodist Church
MPs, MEPs and MLAs
Multi-Cultural Resource Centre
National Association of Schoolmasters/Union of Women Teachers
National Association of Teachers in Further and Higher Education
National Union of Journalists
National Union of Rail, Maritime & Transport Workers
National Union of Students/Union of Students in Ireland
Northern Ireland Agricultural Producers' Association
Northern Ireland Anti-Poverty Network
Northern Ireland Association for Mental Health
Northern Ireland Association for the Care and Resettlement of Offenders
Northern Ireland Association of Citizens Advice Bureaux
Northern Ireland Chamber of Commerce and Industry
Northern Ireland Chamber of Trade
Northern Ireland Committee/Irish Congress of Trade Unions
Northern Ireland Conservative Associations
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Voluntary Action

Northern Ireland Economic Council
Northern Ireland Economic Research Centre
Northern Ireland Gay Rights Association
Northern Ireland Human Rights Commission
Northern Ireland Islamic Centre
Northern Ireland Musicians Association
Northern Ireland Occupational Health and Safety Group
Northern Ireland Public Service Alliance
Northern Ireland Unionist Party
Northern Ireland Women's Aid Federation
Northern Ireland Women's Coalition
Northern Ireland Women's European Platform
Northern Ireland Volunteer Development Agency
Northern Ireland Voluntary Trust
North West Community Network
NSPCC
POBAL
Presbyterian Church in Ireland
Prince's Youth Business Trust
Progressive Unionist Party
Relate
Roman Catholic Church
Royal National Institute for Deaf People
Royal National Institute for the Blind
Rural Community Network
Rural Development Council
SDLP
Services Industrial Professional Technical Union

Sikh Cultural Centre
Sinn Fein
Society of Occupational Medicine
The Worker's Party
Transport Salaried Staffs Association
Transport Training Services Limited
Traveller Movement (Northern Ireland)
UK Unionist Party
Ulster Democratic Party
Ulster Farmers' Union
Ulster Scots Heritage Council
Ulster Teachers' Union
Ulster Unionist Party
United Unionist Assembly Party
Union of Construction, Allied Trades & Technicians
Union of Shop, Distributive & Allied Workers
UNISON
West Belfast Economic Forum
Women's Forum
Women Together for Peace
Women's Information Group
Women's Resource and Development Agency
Women's Support Network
Youth Action Northern Ireland Gender Equality Unit
Youth Council for Northern Ireland

ANNEX D

TIMETABLE FOR REVIEWS AND OTHER ASSOCIATED ACTIVITY

The following timetable summarises the actions which HSENI proposes to take during the years following submission of this Scheme to the Equality Commission – ie Year 1: July 2000 - 31 March 2001, Year 2: 1 April 2001 - 31 March 2002; Year 3: 1 April 2002 – 31 March 2003 etc.

- Year 1
- (a) Undertake equality impact assessment of Policy B – to communicate appropriate, timely and practical occupational health and safety information and advice.
 - (b) Develop and implement Training Plan (paragraph 10.1).
 - (c) Consider need for focused training for specialists and those conducting consultation exercises (paragraphs 10.4 and 10.5).
 - (d) Undertake assessment of monitoring and develop monitoring plan (paragraph 6.3).
 - (e) Quarterly monitoring of Implementation Plan.
 - (f) Prepare Annual Review for the Equality Commission.

- Year 2
- (a) Undertake equality impact assessment of Policy C – to carry out workplace inspection, investigation and enforcement on a risk-related basis.
 - (b) Continue ongoing implementation of Training Plan (paragraph 10.1).
 - (c) Implement outcome of assessment of monitoring arrangements through monitoring/research plan (paragraphs 6.3 and 6.5).

- (d) Consult with representative groups on consultation methods to inform development of HSENI consultation strategy (paragraph 8.13).
- (e) Develop consultation strategy and ensure its implementation (paragraph 8.13).
- (f) Undertake assessment of arrangements on provision of information and access and develop a communication strategy (paragraph 9.1).
- (g) Quarterly monitoring of Implementation Plan.
- (h) Prepare Annual Review for the Equality Commission.

- Year 3
- (a) Undertake equality impact assessment on Policy A – to promote key occupational health and safety messages and themes to targeted sectors and groups.
 - (b) Undertake equality impact assessment on Policy D – to ensure that an effective and up-to-date health and safety at work regulatory framework is maintained.
 - (c) Continue ongoing implementation of Training Plan (paragraph 10.1).
 - (d) Undertake/arrange for mid-term review of the implementation of the Scheme (paragraph 13.1).
 - (e) Quarterly monitoring of Implementation Plan.
 - (f) Prepare Annual Review for the Equality Commission.

- Year 4
- (a) Undertake equality impact assessment of Policy B.
 - (b) Continue ongoing implementation of Training Plan.
 - (c) Quarterly monitoring of Implementation Plan.
 - (d) Prepare Annual Review for the Equality Commission.

- Year 5 (a) Undertake equality impact assessment of Policy C.
- (b) Prepare for and undertake the review of the operation of the Equality Scheme.
- (c) Continue ongoing implementation of Training Plan.
- (d) Quarterly monitoring of Implementation Plan.
- (e) Prepare Annual Review for the Equality Commission.

ANNEX E

CONSULTATION ON DRAFT EQUALITY SCHEME

1. This Annex outlines the background to the consultation exercise on the draft Equality Scheme and addresses the comments received on the Scheme generally and on HSENI policy areas.
2. The draft Equality Scheme issued on 14 April 2000 for consultation with a closing date for receipt of responses of 9 June 2000. Over 300 copies were circulated to the organisations and groups listed at Annex C.
3. Some 38 groups and organisations responded substantively to the draft.
4. The comments received from these groups and organisations were both helpful and constructive in the revision of the Scheme.