A duty to value: Implementing the public sector equality and human rights duty

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Introduction

The Irish Human Rights and Equality Commission Act, 2014, introduced a statutory duty on public sector bodies to have regard to the need to eliminate discrimination, promote equality and protect human rights in carrying out their functions. This marked a significant shift in equality and human rights legislation in requiring public bodies to move from a reactive approach to these issues to a proactive approach. This demands a new mindset of ambition over caution, a new practice of planning over rectifying, and new systems to embed equality and human rights in the procedures of public bodies.

This article first sets out the equality and human rights infrastructure from which this statutory duty draws. It explores European precedents in relation to such statutory duties to identify lessons for implementing the duty, and establishes the potential gains for public bodies from these duties evident in evaluations conducted in other jurisdictions. It presents an analysis of equality and human rights as a starting point for an integrated and values-based approach to implementing the duty, and describes a set of tools that can be used in such an approach. It links the public sector duty to the current commitment to equality and human rights budgeting, before

concluding with a brief assessment of progress made in implementing the duty to date.

A new generation of equality and human rights legislation

The public sector equality and human rights duty sits at the apex of a sophisticated equality and human rights infrastructure. While it represents a new generation of equality and human rights legislation, this duty is rooted in and draws from this broader equality and human rights infrastructure that includes an intertwined mix of legislation, institutions, public policy processes and public policy plans.

The duty is underpinned by equality legislation that prohibits discrimination, harassment, sexual harassment and victimisation in employment and training (Employment Equality Acts, 1998–2012) and in the provision of goods and services, education, accommodation and registered clubs (Equal Status Acts, 2000–11). This legislation requires reasonable accommodation of people with disabilities and allows positive action to achieve full equality in practice. It covers the nine grounds of gender (including gender identity), civil status, family status (including carers and lone parents), age, disability, sexual orientation, race, religion and membership of the Traveller community. This legislation frames implementation of the duty.

The duty reflects human rights obligations on the state under international instruments agreed at EU, Council of Europe and UN levels that encompass civil, political, economic, social and cultural rights, and that include particular provisions in relation to women, children, people with disabilities, and black and minority ethnic groups. The state is required to respect, protect and fulfil these rights. Civil and political rights have been enshrined in domestic legislation under the European Convention on Human Rights Act, 2003, and a range of such rights find expression in the Irish Constitution. The various recommendations made to Ireland by the international bodies monitoring these international instruments should inform implementation of the duty.

The institutions within the equality and human rights infrastructure have a role to play in the implementation of the duty. The Irish Human Rights and Equality Commission is mandated to contribute to the elimination of discrimination, promotion of equality of opportunity and protection of human rights. It has been accorded functions to provide guidance on the duty. It can invite public sector bodies to conduct an equality and human rights review and action plan where there is a failure to implement the duty.

The Workplace Relations Commission has a mandate to mediate, investigate and make findings in relation to cases of discrimination in the first instance. It has no direct role in relation to the duty; however, its findings, and those of the former Equality Tribunal, provide another resource to inform its implementation.

Civil society organisations play roles in campaigning, advocating, innovating, championing, and monitoring equality and human rights, and in representing groups experiencing discrimination, inequality and human rights breaches. These organisations have a key role to play in participating in the implementation of the duty by public sector organisations through supporting these bodies to be better attuned to the issues facing the groups they represent.

The duty stands alongside and should inform another key public policy process that forms part of our equality and human rights infrastructure – equality and human rights budgeting. This commitment in the *Programme for a Partnership Government* (Department of the Taoiseach, 2016) is gradually being rolled out across government departments and will be a focus for the future Oireachtas Budget Office.

Finally, the duty interacts with a range of public policy plans, including the recently published National Women's Strategy, Migrant Integration Strategy, National Disability Inclusion Strategy, and National Traveller and Roma Inclusion Strategy. The duty should provide a driver for the implementation of these plans, just as they, in turn, provide a resource to inform its implementation.

European precedents

While the public sector duty in Ireland is unique in encompassing both equality and human rights, its implementation can draw from a wide body of experience across Europe. A study of public sector equality duties across the EU identified three types of such duties (Crowley, 2017):

- i. Preventive duties: statutory duties on public sector and private sector organisations to take measures to prevent discrimination, harassment and sexual harassment in employment or in the provision of good and services;
- ii. Institutional duties: statutory duties on public sector and private sector organisations to take steps to plan for advancing equality for employees or for people accessing their services;

- iii. Mainstreaming duties: statutory duties on public bodies to have due regard to the need to promote equality in carrying out their functions.

The Irish public sector equality and human rights duty falls into the third category of mainstreaming duties. Section 42(1) of the Irish Human Rights and Equality Commission Act, 2014, states: ‘A public body shall, in the performance of its functions, have regard to the need to: eliminate discrimination; promote equality of opportunity and treatment of its staff and the persons to whom it provides services; and protect the human rights of its members, staff and the persons to whom it provides services.’

The study also reported mainstreaming duties in Austria, Belgium, Britain, Estonia, Finland, Hungary, Lithuania, Northern Ireland and Portugal. A typology was identified in the study, involving four approaches:

- i. an Equality Impact Assessment approach, where implementation involves public sector organisations in assessing draft policies and legislation for their potential impact on social groups experiencing inequality, found in Belgium (Federal), Britain, Estonia, Finland and Northern Ireland;
- ii. an Equality Plan approach, where implementation involves a specific equality planning exercise by public sector organisations covered by the duty, found in Finland, Hungary and Portugal;
- iii. a Coordination approach, where implementation is driven by an institutional structure that engages and coordinates representatives of the public sector organisations covered by the duty, found in Belgium (Flanders);
- iv. a Process approach, where implementation forms part of an existing process, usually strategic planning, in the public sector organisations covered by the duty, found in Austria and Lithuania, as well as Ireland.

The approach in Ireland is process based. Section 42(2) of the Irish Human Rights and Equality Commission Act, 2014, requires public bodies to: ‘set out in a manner that is accessible to the public in its strategic plan (howsoever described) an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body and the policies, plans and actions in place or

proposed to be put in place to address those issues, and to report in a manner that is accessible to the public on developments and achievements in that regard in its annual report (howsoever described)'.

The study identified that the public sector equality duties in place predominantly reflect an ambition of substantive equality. They reach beyond an ambition for compliance with anti-discrimination legislation and seek to contribute to:

- societal change in securing new outcomes for groups experiencing inequality by removing disadvantage, meeting specific needs and securing participation;
- institutional change in encouraging a more planned and systematic approach to equality by public bodies and in stimulating new awareness and cultural change within these organisations.

There are no sanctions for non-compliance with the duty in most jurisdictions. In some jurisdictions compliance can be pursued through the mechanisms established for cases under the equal treatment legislation. In other jurisdictions, implementation is driven by the peer pressure and mutual support of public bodies networking around the duty, an approach that would hold potential for Ireland. The sanction for non-compliance in Ireland is restricted to the Irish Human Rights and Equality Commission inviting the public body in breach to conduct an equality and human rights review and action plan in relation to the performance of its functions.

There has been a mixed track record when it comes to implementation of these duties across Europe. There are some instances of effective implementation. Northern Ireland and Britain stand out in this regard. Lack of implementation is linked with lack of understanding and appreciation of equality more generally. Poor implementation can be a product of the challenge posed to mindsets and approaches by this new generation of equality legislation. The need to put in place effective external supports, including training and guidance, for implementation has been identified. Equality bodies in the more successful jurisdictions have played a key role in this regard. Structures for coordination between public bodies have also been identified as important for effective implementation of public sector duties.

Potential of a public sector equality and human rights duty

Northern Ireland has had a public sector equality duty in place since 1998. Single-ground public sector equality duties on the gender, race and disability grounds were in place in Britain before a multi-ground equality duty was enacted in 2010. Evaluations conducted of these experiences offer insights into the potential of a public sector equality duty.

Public bodies in Northern Ireland are required to have due regard to the need to promote equality of opportunity on a list of equality grounds and regard to the desirability of promoting good relations on a shorter list of equality grounds (Equality Commission for Northern Ireland, 2010). They must publish an equality scheme setting out arrangements for complying with this duty. This should include an outline of the internal arrangements, responsibility and accountability for implementing the duty and for training staff; a description of how they will assess and consult on the likely impact of policies; a description of how consultation with affected individuals and representative groups will be organised; and details of the monitoring arrangement for any future negative impact of the policy in question.

The Equality Commission for Northern Ireland undertook a review of the effectiveness of the mainstreaming duty in 2008. This found that it had:

- stimulated more informed, evidence-based and inclusive policymaking whereby policy better reflected the needs of individuals in relation to equality of opportunity and good relations;
- advanced effective consultation arrangements by public bodies.

The review found less evidence that the duty had the intended outcomes for individuals and concluded that a 'shift in gear now needs to take place' within public bodies, 'away from concentrating primarily on the process of implementing (the public sector equality duty), towards achieving outcomes' (Equality Commission for Northern Ireland, 2008).

In a 2007 report on the five-year self-assessments of their implementation of the duty carried out by public bodies, the Equality Commission for Northern Ireland noted the following:

- improvements in core business, with public authorities identifying structural and cultural changes within their organisations;

- equality of opportunity and good relations considerations were brought into business plans and cascaded down into associated objectives and tasks for staff;
- training, good communication and increased partnership working led to equality thinking being more commonplace within organisations;
- enhanced engagement with civil society organisations, with greater engagement or consultation with those directly affected by their policies;
- greater coherence due to arrangements put in place to facilitate policy development and networking between public bodies in implementing the duty (Equality Commission for Northern Ireland, 2007).

Britain's Equality Act, 2010, imposes a duty on public bodies and organisations exercising public functions to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct through compliance with the Act;
- advance equality of opportunity through removing or minimising disadvantage experienced by people with protected characteristics, taking steps to meet needs specific to people with protected characteristics, and encouraging people with protected characteristics to participate in public life or in any other activity where participation by their group is low;
- foster good relations through acting to tackle prejudice and promote understanding between people with protected characteristics and others.

In 2009 the Government Equalities Office in Britain commissioned a review of the three single-ground mainstreaming duties in place prior to enacting the Equality Act, 2010. This found that the public sector duties led to:

- a positive shift in the culture of organisations, which brought equality into the mainstream and built commitment from senior leaders and staff;
- improvements in the way that organisations made decisions and allocated resources;

- improved outcomes, including outcomes relating to service provision and employment (Government Equalities Office & Schneider Ross, 2009).

An early review of the 2010 duty concluded that it was too early to make a final judgement about the impact of the duty and that a full evaluation should take place in 2016 (Government Equalities Office, 2013).

An evaluation of the 2010 duty in Wales by the Equality and Human Rights Commission found that the duty had raised equality issues up the agenda of most public bodies and that many leaders had begun to take personal responsibility for driving the equality agenda. Benefits were identified in an increased engagement by public bodies with people covered by the grounds under equal treatment legislation, a change in the focus of delivery in order to allocate resources where they were most needed, and action to bring separate initiatives together in an action plan to gain increased momentum (NatCen & Equality and Human Rights Commission, 2013).

The Equality and Human Rights Commission reviewed the duties on public bodies to promote equal opportunities on an open list of grounds in relation to their Scottish functions under the Scotland Act, 1998. It found positive benefits of:

- changes in processes, including data collection, research, policy design and consultation;
- greater awareness and understanding of equality issues and capacity-building through equality training and secondments across the public sector;
- a move to a more equality-sensitive culture within public authorities and greater accountability for meeting the requirements of equality legislation (Fitzgerald & Associates, 2009).

Overall, public sector equality duties have been found to:

- stimulate proactive approaches to equality;
- drive cultural change within organisations;
- secure evidence-based approaches in decision-making in relation to equality;
- enhance quality, inclusiveness, accessibility and accountability of public services;
- ensure value for money in public spending;

- improve outcomes for employees in the public sector and increase productivity, innovation and staff retention;
- bring a greater breadth of experience, knowledge and perspective to the design and delivery of services and policymaking.

Equality and human rights

While the public sector duty in Ireland might offer even more potential for its focus on both equality and human rights, it reflects a greater complexity than the public sector duties in other jurisdictions as a result. Implementation requires clarity and simplicity but without tokenism. It is therefore important to develop an approach that can:

- integrate the focus on equality and human rights rather than pursuing them along parallel streams of action;
- avoid lists of obligations under equality and under human rights that can end up as a tick-box exercise.

A challenge in this regard is evident in that equality and human rights do not fit together as neatly as expected. Equality and human rights are linked by a focus on non-discrimination. Formal equality is based on equal treatment and the elimination of discrimination across a range of grounds. International human rights instruments include a non-discrimination clause such that human rights are to be enjoyed without discrimination on a broad and open set of grounds. However, equality and human rights can point to distinct traditions marked out by differences in ambition, focus and targeting. These differences need to be understood and addressed if an integrated approach to implementing the public sector equality and human rights duty is to be devised.

The ambition for equality is set out in the equality legislation, which seeks formal equality in prohibiting discrimination and enables the pursuit of substantive equality in allowing positive action to achieve ‘full equality in practice’ for groups covered by the legislation. Equality is therefore concerned with social change and new outcomes for groups experiencing inequality. The ambition for human rights, on the other hand, is one of minimum standards and holding the state to account for respecting, protecting and fulfilling these minimum standards. Therefore, human rights are more concerned with corrective change in seeking to address breaches of these minimum standards.

Equality and human rights both have a broad focus. Human rights encompass civil, political, economic, social and cultural rights. There is a hierarchy in that civil and political rights tend to be immediately justiciable whereas most economic, social and cultural rights are to be progressively realised, subject to deploying the maximum available resources. Equality encompasses a focus on the distribution of resources, of power and influence, of status and standing, and of relationships of care and respect between different groups in society. Equality beyond non-discrimination is not justiciable.

Human rights are targeted on the rights of each and every individual. This individual is undifferentiated in terms of personal characteristics. Equality is focused on diverse groups in society and individuals from within these groups.

An effective implementation of the public sector equality and human rights duty requires an integration of these two different traditions. Values offer one such means as the value of human worth provides the foundation stone for both traditions and a shared value base can be identified from this common foundation.

A values-based approach holds other advantages in being aligned with cultural traditions and a concern for values evident across the public sector. A values-based approach would also be aligned with the organisational culture change identified as one positive outcome from the public sector equality duties in Northern Ireland and Britain.

The Equality and Rights Alliance, in its work on implementing the duty, identified how a values-based approach to its implementation ‘can build on the strong values-based tradition that already exists in the public sector’ (Mullen, 2015). Mullen notes that the ‘public service has always been viewed and communicated as being imbued with particular and unique values’.

A discussion paper by the Institute of Public Administration (IPA) identified a range of values associated with public service in Ireland. These include honesty, impartiality, integrity, accountability, efficiency, fairness and equity. The author notes that ‘confidence in the public service requires the development of a values-based culture through training, leadership and codes of conduct, and values statements, combined with preventative measures and recourse mechanisms. Whatever values are deemed appropriate for the public service, the evidence suggests that performance will be enhanced through their meaningful integration into all aspects of the work of the service’ (MacCarthaigh, 2008).

Values-based approach

Values are what motivate us. Values shape our individual behaviours, attitudes and choices. Values also drive organisations. They shape organisations' priorities and influence the manner in which they approach their work on these priorities. Behind the outputs and outcomes of an organisation lie patterns of behaviour, which in turn are guided by systems and procedures. Underpinning these systems and procedures are organisational values. Values could offer a powerful starting point for implementing the public sector duty.

The Equality and Rights Alliance, in its work on integrating equality and human rights, identified values which shape both traditions that could serve as a starting point for implementing the public sector equality and human rights duty (Crowley, 2015; Mullen, 2015). These are:

- 'Autonomy: encompassing choice, agency, freedom, self-determination and the absence of coercion;
- Democracy: encompassing participation, voice, empowerment and accountability from those in positions of power;
- Dignity: encompassing respect, relationships of care and love, human worth and the absence of inhumane and degrading treatment, harassment and discrimination;
- Inclusion: encompassing a sense of belonging and community, interdependence, collective responsibility and a valuing of diversity;
- Social Justice: encompassing redistribution of wealth, income, jobs and social goods and the absence of privilege and entitlement.'

Crowley (2015) notes that this 'framework of values needs to be applied to securing outcomes for groups covered by the nine grounds under the equality legislation as well as the ground of socio-economic status'. This additional ground further serves the integrated approach to equality and human rights required by the public sector duty.

Implementing the public sector equality and human rights duty

The initial guidance developed by the Irish Human Rights and Equality Commission offers a framework within which a values-based approach to the public sector equality and human rights duty could be pursued (Irish Human Rights and Equality Commission, 2016). The commission sets out five steps to gear up for the duty:

- i. 'Set up a specific committee or working group to focus on implementing the Public Sector Duty... it could use an existing structure already in place. Specific roles that include a specific responsibility for the promotion of equality and human rights may need to be assigned or designated'.
- ii. 'Consult broadly with employees, managers, trade unions, individuals and communities accessing and using the services, and other key stakeholders, which may be affected by inequalities and human rights issues'.
- iii. 'Provide training or information to key staff and managers on human rights and equality and allocate training budgets accordingly'.
- iv. 'Undertake an assessment of human rights and equality issues that are relevant to its functions, to the services it provides, or regulates or oversees, and to its employees'.
- v. 'Collection of data, clearly defined targets, indicators and responsibilities will ensure effective monitoring and reporting on human rights and equality'.

Three steps to implement the duty are set out in the guidance:

- i. integrate the equality and human rights issues identified as being relevant to its functions into its strategic planning;
- ii. screen and analyse policies and programmes from an equality and human rights perspective;
- iii. develop action plans on equality and human rights.

The Values Lab has developed three tools to apply a values-based approach within this framework: an equality and human rights statement; an equality and human rights impact assessment; and an equality and human rights policy (see www.values-lab.ie). These tools are not generic; they are developed in a manner that allows the public body to tailor the approach to reflect its own human rights and equality values.

The first tool is a foundation stone for this approach – an *equality and human rights statement*. This tool establishes the direction the organisation wants to go in relation to equality and human rights. It is the first step in any planning process, a means of managing the work of an organisation to ensure it remains aligned with its equality and human rights values, and a template against which work done by the organisation is evaluated.

The preparation by a public body of its equality and human rights statement is based on data relevant to its functions that it has gathered and analysed on:

- groups across the nine grounds;
- the grounds of socio-economic status;
- human rights recommendations that have been made by international human rights bodies to Ireland.

The preparation of the statement should be participative in involving senior management and staff as well as key equality and human rights stakeholders for the public body.

The statement sets out the equality and human rights values held by the public body. The identification of these values could usefully start from those established by the Equality and Rights Alliance: autonomy, dignity, inclusion, democracy and social justice. Once agreed, the values must then be defined by the organisation and, on foot of this, the organisation establishes the objective it seeks to pursue in relation to each value. It then uses the data gathered to identify the human rights and equality issues that are to be addressed under each value and that are relevant to its functions.

This statement provides the framework for and fulfils the first requirement of the public sector equality and human rights duty: to assess the equality and human rights issues relevant to the functions of the public body. This tool, once developed by the public body, can be used in planning its work to fulfil the second requirement of the public sector equality and human rights duty: to establish the policies, plans and actions in place or proposed to be put in place by the organisation to address these equality and human rights issues.

These policies, plans and actions are best established within the general plan being prepared by the organisation for its work. In this way, they are not an add-on but are integral to the work of the public body. However, if they are set out in this way it is important that they are specifically identified as driving the equality and human rights agenda of the organisations and putting its equality and human rights values into play. An accompanying commitment to coherence should be made such that all policies, plans and actions of the public body would reflect their equality and human rights values and the objectives established for each of them, through a process of mainstreaming in their design and implementation.

These policies, plans and actions can also be established, as suggested by the Irish Human Rights and Equality Commission, in a distinct equality and human rights action plan for the public body. In this way, they could secure a visibility, resources could be ring-fenced for their implementation, and particular momentum on equality and human rights could be generated. However, if set out separately in this way, there is a danger that they will hold less status than the mainstream measures of the public body and that the mainstream measures, where most resources are inevitably allocated, will lack coherence with the equality and human rights values of the public body.

The second tool is key for ensuring coherence in the work of a public body with its equality and human rights values, and for mainstreaming a concern for equality and human rights across all its work. An *equality and human rights impact assessment* puts the equality and human rights values of the public body into play in finalising policies, plans, programmes and service design. It involves checking at design stage that policies, plans, programmes and services:

- contribute to achieving the objectives set for each value and to addressing the issues identified in the equality and human rights statement; and
- take into account the practical implications of difference across the nine grounds of the equality legislation and socio-economic status grounds, and any relevant recommendations from international human rights bodies.

There are four key steps in implementing an equality and human rights impact assessment:

- i. gather quantitative and qualitative data on the equality and human rights issues identified for each value in the equality and human rights statement;
- ii. analyse these data to make an assessment, at design stage, of the policy, plan, programme or service for its potential impact on advancing the objectives identified for each value in the equality and human rights statement and addressing the equality and human rights issues identified for each;
- iii. engage relevant civil society stakeholders on equality and human rights issues in a dialogue to assure the quality of the impact assessment carried out;

- iv. track the policy, plan, programme or service over time to make sure that its actual impact reflects the potential impact assessed as part of this exercise, and to make changes as required if a gap is found between the potential and actual impact.

The third tool is an *equality and human rights policy*. This governs the internal operations of the organisation. It has a particular contribution to make in ensuring the public body meets the specific requirements in the public sector equality and human rights duty in relation to employees. However, it goes beyond this as a tool to guide the operations of the organisation as an employer, a service provider and a purchaser of goods and services. An equality and human rights policy:

- puts the equality and human rights values of the organisation, set out in the equality and human rights statement, into practice in the way the organisation goes about implementing its functions as employer, service provider and purchaser of goods and services;
- establishes the equality and human rights standards to which the organisation aspires in the way that it operates;
- identifies the steps that are taken by the organisation to ensure these standards are realised.

Equality and human rights budgeting

It is worth noting that these tools can be used in implementing equality and human rights budgeting, a commitment in the *Programme for a Partnership Government*, as well as the public sector duty (Department of the Taoiseach, 2016). Equality and human rights budgeting, like the public sector duty, has the potential to advance equality, reduce poverty, and strengthen economic and social rights.

Equality and human rights budgeting could make use of the equality and human rights issues identified in the equality and human rights statements of public bodies. It should involve a check to ensure the adequacy and appropriateness of expenditure by the public body – in this instance, a government department – in addressing these issues. The national policy plans for equality and human rights that form part of the Irish equality and human rights infrastructure could also assist. Equality and human rights budgeting should involve an assessment of the adequacy and appropriateness of proposed expenditure by the public body in implementing these national policy plans.

Making progress

Progress in implementing the public sector equality and human rights duty has been tentative and slow to date. This underpins the importance of a broad range of supports for implementation from within the public sector, from the Irish Human Rights and Equality Commission, and from civil society. The Department of Justice and Equality has conducted an introductory workshop on the duty for senior officials from across government departments. The Irish Human Rights and Equality Commission has published initial guidance, has conducted a course for civil servants and others with the IPA on equality and human rights that included a focus on the duty, and has supported some pilot projects in implementing the duty.

Civil society work has been driven by the Equality and Rights Alliance, which has published guidance on the duty and conducted training workshops for local civil society organisations on engaging with the duty. The Values Lab has devised tools for implementing the duty, provided training for public sector and publicly funded organisations on their use, and supported these organisations to develop their own equality and human rights statements.

The tentative nature of progress in implementing the public sector equality and human rights duty has been most evident in the recent round of strategy statements produced by all government departments. These are in effect the strategic plans of government departments, and should have been a key moment for implementing the duty. A small number of these strategy statements make significant commitments in relation to implementation of the duty, though none could be said to have implemented the full guidance of the Irish Human Rights and Equality Commission.

The Department of Justice and Equality identifies the public sector duty as part of its objective to be a values-driven department, notes that it already screens draft legislation from an equality and human rights perspective, and commits to prepare an assessment of the equality and human rights issues relevant to its functions and to provide training for staff on equality and human rights. The Department of Housing, Planning, Community and Local Government identified four aspects of its work as pertinent to equality and human rights considerations, and set out the policies in place to deal with these. However, most departments confined themselves to recognising that they were subject to the duty and committing themselves to taking future action to meet its requirements.

Nonetheless, this still provides fertile ground to build on and secure an effective implementation of the duty over the coming period.

There is more significant leadership on implementing the public sector equality and human rights duty coming from public bodies at local level. An equality and human rights statement was prepared by the Wexford Children and Young People's Services Committee and applied in its service planning for the area (Wexford Children and Young People's Services Committee, 2016), and by Meath County Council's local community development committee and applied in the development of the local economic and community plan for the county (Meath County Council, 2016). The local community development committees of Galway City Council and Longford County Council have prepared, and are working to apply, an equality and human rights statement. This work offers valuable learning for a wider implementation of the duty and has been facilitated by the Values Lab. The work with Longford County Council is funded by the Irish Human Rights and Equality Commission grant scheme and is to gradually expand into key bodies that are members of the local community and development committee. The Irish Human Rights and Equality Commission is also working with two local authorities – Cork and Monaghan – as public sector duty pilot projects.

Conclusion

The public sector equality and human rights duty holds significant potential to advance equality and human rights and to enhance the operations of public bodies. A values-based approach offers simplicity to implementation of the duty, while avoiding tokenism, that is in tune with the ethos of public bodies. The tools for such an approach have been developed and tested: an equality and human rights statement; equality and human rights impact assessment; and an equality and human rights policy. Public bodies are moving tentatively and slowly towards implementation of the duty, and supports for further progress on this are in place. The future could be bright for equality and human rights and for the public sector if this progress can be sustained and deepened.

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