



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council



Dublin City Council
Public Sector Equality and Human Rights Duty
Assessment of Equality and Human Rights Issues

Document History

Assessment of Equality and Human Rights Issues			
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1 Introduction

The Public Sector Equality and Human Rights Duty ('the Duty') is set out in Section 42 of the Irish Human Rights and Equality Commission Act 2014. It involves two separate but interconnected Duties¹.

The first of these Duties, known as the **overarching Duty**, is an ongoing Duty on public bodies. Established under **Section 42(1)** of the Act, this Duty requires that public bodies have regard to the need to eliminate discrimination, promote equality of opportunity and protect human rights, for employees, service users, members and policy beneficiaries, across all their function areas.

The second of these Duties, known as the **strategic Duty**, is a targeted Duty to be undertaken by public bodies as part of their strategic, planning and reporting cycle. Established under **Section 42(2)** of the Act, this Duty requires that public bodies undertake three steps in giving effect to the Duty:

1. **Assess Step:** Undertake an assessment of the equality and human rights issues facing the identified groups for the Duty, with a focus on those issues that have relevance to the specific functions and purpose of the public body, and make that assessment publicly available through the public body's Corporate Plan.
2. **Address Step:** Identify and communicate, through the public body's Corporate Plan, the plans, policies and actions being taken or proposed to be taken, to address the equality and human rights issues identified in the assessment.
3. **Report Step:** Report annually on developments and achievements in implementing the Duty, through the public body's Annual Report.

As they are interconnected, the implementation of each Duty can assist compliance with the other Duty.

The **groups identified for the Duty** are those:

- covered by the grounds of gender (including transgender persons and those transitioning); civil status; family status (including lone parents and carers); age; disability; sexual orientation; race; religion; membership of the Traveller community; and socio-economic status (specifically those at risk of or experiencing poverty and exclusion);
- at the intersections of these grounds; and
- rights holders under relevant human rights instruments.

¹ [Section 42](#), Irish Human Rights and Equality Commission Act 2014.

2 Background

This assessment has been compiled from an evidence base of current equality and human rights research and reports, both local and national. It is not an evaluation of Dublin City Council or its current actions to eliminate discrimination, promote equality and protect human rights.

The **five values** identified by Dublin City Council that motivate our ambitions for equality and human rights in implementing the Duty are used as a framework to set out this assessment of the equality and human rights issues. These values are:

- Dignity and Respect
- Diversity and Accessibility
- Inclusion and Social Justice
- Participation and Engagement
- Choice and Autonomy

This assessment of equality and human rights issues has been developed in amalgamating work done across the Departments of Dublin City Council to assess the equality and human rights issues facing the identified groups for the Duty of relevance to their particular functions and purpose.

These equality and human rights issues relate to the:

- **Situation** of the group in terms of their access to resources and any particular disadvantage they experience.
- **Experience** of the group in terms of the quality of their interaction with employers and service providers and the wider society.
- **Identity** of the group in terms of how they choose to give expression to their identity/identities and the specific needs that arise from this.

The issues identified in this assessment are relevant across all the identified groups for the Duty and for groups at the intersections of the grounds identified, unless otherwise stated.

In addressing these issues, cognisance is taken of the specific oppressions experienced by the identified groups of racism, classism, ableism, homophobia, transphobia, sectarianism, sexism, and ageism.

3 Assessment of Equality and Human Rights Issues

This assessment of equality and human rights issues is structured around the five values identified by Dublin City Council, which drive our commitment to equality and human rights in implementing the Duty.

3.1 Dignity and Respect:

People are treated in a manner that is fair and respectful, recognising each person's intrinsic human worth.

Priority equality and human rights issues facing the identified groups and of relevance for the work of Dublin City Council:

- Stereotypes, prejudice and false assumptions in relation to the identified groups, including:
 - negative attitudes;
 - stereotypical representations;
 - conscious and unconscious bias; and
 - exclusion resulting from implicit biases, when the person designing a solution indulges in confirmation bias ('the rest of the world is similar to me') or the end user is ill defined.
- Discrimination experienced by identified groups that is both at the individual and the systemic level, including:
 - in-work and in accessing work;
 - in accessing services;
 - in accessing housing;
 - at an intersectional level for people who are members of more than one of the identified groups;
 - algorithms to speed up decision making can become infected with discrimination, either through machine learning based on inappropriate data sets, or because they reflect the prejudice of the coder who designed the algorithm which has been used on a data set.
 - risk analysis, based on AI systems.
- Harassment and sexual harassment experienced by the identified groups, including:
 - at work;
 - in accessing services; and
 - in the public realm.
 - Segregation in various occupations, and in the various levels within occupations, of the identified groups in particular of women and men.

- Political and public discourse that is hostile to minority groups.
- Online threats, including:
 - cyber-crime;
 - online sexual exploitation;
 - data breaches and privacy invasion issues;
 - psychological dangers such as online bullying, trolling, addiction to social media, living online as opposed to the 'real' world;
 - disinformation and fake news; and
 - hate speech.
- Domestic and other forms of gender-based violence.
- Isolation and loneliness experienced by some of the identified groups.
- Feeling one has to hide one's identity at work and in accessing services and failure to create work and service provision environments that are welcoming to and safe for the diversity of the identified groups.
- Lack of training for employers, service providers and their employees on issues of equality, discrimination, and stereotyping.
- Lack of knowledge about, and of information made available to the identified groups, on rights and how to exercise rights.
- High levels of under-reporting of discrimination due to lack of confidence, lack of information, fear of victimisation, and belief that nothing will change.
- Inadequate systems to receive and respond appropriately and effectively to complaints of discrimination, harassment, and sexual harassment, and failure to highlight those systems in place.
- Expectation among the identified groups of being treated without dignity and respect and of not being understood, and, as a result, people not approaching institutions.

3.2 Diversity and Accessibility:

Difference is welcomed and valued and diversity is accommodated in access to services and in employment.

Priority equality and human rights issues facing the identified groups and of relevance for the work of Dublin City Council:

- Inaccessible employment and work environments, with a lack of processes to adapt or be flexible in response to the practical implications of diversity of the identified groups, including:
 - workspace arrangement and facilities;
 - job and task design;
 - flexible working arrangements;

- family-friendly working and leave arrangements, including reproductive leave and carers leave, and opportunities to avail of these at all levels of the organisation;
 - inflexibility of retirement options made available and availed of, including issues of mandatory retirement and early retirement;
 - lack of provision of and access to assistive technology; and
 - issues of disconnect and marginalisation as a result of availing of flexible workplace arrangements, in particular remote and hybrid working.
- Inaccessible communications content, formats and channels, that do not reach the identified groups, including:
 - failure to take account of language diversity, including Irish Sign Language;
 - failure to take account of literacy barriers; and
 - failure to reflect and connect with diversity in imagery used.
- Inaccessible services, with a lack of processes to adapt or be flexible in response to the practical implications of diversity of the identified groups, including:
 - service design and service delivery systems;
 - inaccessible IT systems; and
 - failure to provide additional supports, including assistive technology, to enable access and participation.
- Inaccessible housing and homeless services for the identified groups, including:
 - lack of support for necessary adaptations;
 - lack of age appropriate housing;
 - lack of accessible housing for disabled people;
 - lack of culturally appropriate accommodation for Travellers;
 - lack of accessibility of social housing application systems such as Choice Based Letting;
 - failure to take account of the practical implications of diversity across the identified groups in the design and delivery of homeless services; and
 - fears of entering emergency accommodation.
- Lack of systems and processes in place to inform about one's diversity and specific needs, to encourage people to inform about this, and to respond adequately to and adapt for specific needs that arise from diversity adapt.
- Lack of universal design leading to access barriers, including:
 - infrastructure;
 - outdoor and indoor facilities;
 - public realm;
 - workplaces; and
 - service provision premises.
- Lack of supports for the identified groups to live out their identity in the manner that they would choose.
- Failure to gather and analyse equality data in relation to the identified groups, including a failure to break down general population data collected.
- Lack of training on diversity and the practical implications of diversity, and on inclusive processes, services and workplaces, for management, staff and interview boards, limiting awareness and understanding of diversity and how to respond to diversity, including legal requirements in relation to this.

- Lack of acknowledgement of intersectionality and the diversity within the identified groups and inadequate response to this intersectionality, in particular in targeted measures.

3.3 Inclusion and Social Justice:

People, across the diversity of groups, have the resources and opportunities to participate fully in the social, economic, cultural and political life in the city.

Priority equality and human rights issues facing the identified groups and of relevance for the work of Dublin City Council:

- Homelessness and housing insecurity experienced by the identified groups, including:
 - overcrowding;
 - hidden homelessness
 - people being stuck in direct provision centres and being asked to leave despite lack of accommodation;
 - difficulties in exiting homelessness; and
 - lack of social housing
- Housing deprivation and poor standard of housing and living conditions experienced by the identified groups.
- Labour market barriers for the identified groups, including:
 - unemployment and under-representation in employment;
 - likelihood of leaving employment;
 - underemployment;
 - over-representation in low-paid work, and lack of access to decent work; and
 - over-representation in part-time employment.
- Barriers to career progression, lack of promotion in employment, and lack of opportunities and of access to supports and training in work experienced by the identified groups.
- Barriers to entrepreneurship for the identified groups.
- Inadequate recruitment or promotion systems in relation to the identified groups, including:
 - lack of outreach;
 - inadequate design of job advertisements;
 - lack of diversity on panels;
 - inappropriate job descriptions;
 - inaccessible processes; and
 - lack of transparency in recruitment and promotion systems.
- Educational disadvantage of the identified groups, low levels of education, early school leaving due to negative experiences of the education system, and lack of recognition of qualifications gained abroad.
- Lack of opportunities for the identified groups to upskill, including at work, in a context of skills gaps.

- Health inequalities of the identified groups in prevalence of and response to mental health issues, particularly as exacerbated in context of the pandemic.
- Poverty, risk-of-poverty, and consistent poverty experienced by the identified groups, including:
 - concentrated in specific areas;
 - dispersed within areas of affluence;
 - experienced by specific groups;
 - lack of supports for additional cost of disability;
 - barriers for Roma to access necessary services due to application of the Habitual Residence Condition and lack of documentation available to them; and
 - in-work poverty.
- Lack of facilities and inaccessible facilities for the identified groups.
- Limited participation in and barriers to participation for the identified groups in cultural activities, including:
 - lack of presence from the identified groups as producers and as consumers of arts and culture; and
 - barriers to progressing careers as artists and in the arts.
- Limited participation in and barriers to participation for the identified groups in physical activities.
- Digital inequality experienced by the identified groups, including:
 - digital exclusion due barriers to access the internet regularly either at home, work or place of study because the requisite technology is not available, in terms of below average broadband connection rates and speeds, or not affordable, in terms of ownership of devices and use of computer software;
 - digital constraints due to lack of skills, literacy or digital literacy, and confidence to engage with ICT, and lack of access to services and resources to improve digital literacy; and
 - barriers resulting from over-reliance of online systems for information provision and service provision;
 - lack of choice in relation to digital services, in a digital-by-default approach, resulting in lack of access to services, in the absence of 'channels' to access services other than online; and
 - lack of choice in relation to remote and hybrid working arrangements.
- Lack of interagency coordination to address the needs of people from the identified groups.
- Unequal sharing of caring responsibilities between women and men and lack of adequate and affordable childcare services and lack of access to a wider care infrastructure.
- Lack of information on services and opportunities available provided to the identified groups.

3.4 Participation and Engagement:

People, across the diversity of groups, have opportunities to have a say on matters and in decisions that affect them.

Priority equality and human rights issues facing the identified groups and of relevance for the work of Dublin City Council:

- Exclusion from and under-representation of the identified groups in local democracy, including:
 - fear of engagement;
 - barriers of childcare, cash, culture, confidence, and candidate selection;
 - barriers to voter registration and electoral participation;
 - loss of faith in democratic systems; and
 - lack of role models.
- Lack of consultation or meaningful engagement with the identified groups, and failure to design consultation and engagement processes that are inclusive and accessible.
- Under-representation of the identified groups on structures established to contribute to decision-making, or lack of such structures.
- Lack of recognition of and support for civil society organisations representative of the identified groups, to act in an advocacy role, and inadequate dialogue and engagement with civil these organisations.
- Lack of feedback to the identified groups on foot of participation and consultation.
- Lack of capacity, know-how and resources among the identified groups, and lack of supports, to engage effectively in consultations and in structures established to contribute to decision-making.
- Lack of accountability and transparency where public bodies employ predictive algorithms and data-processing software that they did not produce and may not fully understand, and where the decision-making processes of 'black-box predictive' algorithms are often un-interpretable to even the developers themselves.

3.5 Choice and Autonomy:

The preferences of people across diverse groups are established and acknowledged, with appropriate options made available in service delivery and the workplace to enable them to have real choices.

Priority equality and human rights issues facing the identified groups and of relevance for the work of Dublin City Council:

- Lack of choice available to the identified groups in a one-size fits all context.
- Lack of options available to the identified groups that enable choice.
- Lack of information and support to enable informed choices by the identified groups.

- Failure to accurately identify or respond to preferences of people from the identified groups.
- Barriers to autonomy for the identified groups, including:
 - lack of knowledge on how to access support and to navigate the supports available.
 - being confined to institutionalised care settings and direct provision centres;
 - lack of information on supported decision making for disabled people.
 - lack of confidence and lack of time given to people in their engagement with service providers.
 - financial dependence, and lack of financial understanding.



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**Please contact the Equality, Diversity and
Inclusion Office if you require a copy of this
policy in large print, high-contrast print, Braille or
audio format.**