



Northern  
Ireland  
Office

## **SECTION 75**

# **EQUALITY SCREENING FORM**

November 2016

## SECTION 75 – THE LEGAL BACKGROUND

Under Section 75 of the Northern Ireland Act 1998, the NIO is required 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
- men and women generally
- persons with a disability and persons without
- persons with dependants and persons without.

2. In addition, and without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The NIO is also required to meet our legislative obligations under the Disability Discrimination Order.

3. A list of the main groups identified as being relevant to each of the Section 75 categories is at **Annex A** of this document.

## INTRODUCTION

4. This form should be read in conjunction with the Equality Commission's Section 75 guidance "A Guide for Public Authorities" April 2010, available on the Equality Commission's website ([www.equalityni.org](http://www.equalityni.org)). **Staff should complete a form for each new or revised policy for which they are responsible (see page 4 for a definition of a policy in respect of Section 75).**

5. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations and so determine whether an Equality Impact Assessment (EQIA) is necessary. Screening should be introduced at an early stage when developing or reviewing a policy.

6. The lead role in the screening of a policy should be taken by the policy decision-maker who has the authority to make changes to that policy and should involve in the screening process:

- other relevant team members;
- those who implement the policy;
- staff members from other relevant areas of work; and
- key stakeholders.

7. A flowchart which outlines the screening process is attached at **Annex B**.

8. The first step in the screening exercise is to gather evidence to inform the screening decisions. Relevant data may be either quantitative or qualitative or both (this helps to indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy). Relevant information will help to

clearly demonstrate the reasons for a policy being either 'screened in' for an EQIA or 'screened out'.

9. The absence of evidence does not indicate that there is no likely impact but if none is available, it may be appropriate to consider subjecting the policy to an EQIA.

10. Screening provides an assessment of the likely impact, whether 'minor' or 'major', of its policy on equality of opportunity and/or good relations for the relevant categories. In some instances, screening may identify the likely impact is none.

11. The Equality Commission has developed a series of four questions, included in Part 2 of this screening form with supporting sub-questions, which should be applied to all policies as part of the screening process. They identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

## SCREENING DECISIONS

12. Completion of screening should lead to one of the following three outcomes. The policy has been:

- i. 'screened in' for equality impact assessment;
- ii. 'screened out' with mitigation or an alternative policy proposed to be adopted;  
or
- iii. 'screened out' without mitigation or an alternative policy proposed to be adopted.

## SCREENING AND GOOD RELATIONS DUTY

13. The Equality Commission recommends that a policy is 'screened in' for EQIA if the likely impact on **good relations** is 'major'. While there is no legislative requirement to engage in an equality impact assessment in respect of good relations, this does not necessarily mean that EQIAs are inappropriate in this context.

## FURTHER INFORMATION

14. Further information on equality, including a copy of the NIO Equality Scheme, yearly progress reports on equality to the Equality Commission for Northern Ireland, information on data sources and the Cabinet Office code of practice on consultation may be found on the NIO Intranet under About the NIO > Equality.

15. If you have any questions regarding the screening exercise or Section 75 in general please contact the Corporate Governance Team on 028 9076 5497; or [nio.equalityscheme@nio.gov.uk](mailto:nio.equalityscheme@nio.gov.uk).

16. When you have completed the form please retain on file in the branch for record purposes, and send a copy to the s75 equality advisor.

## **PART 1 – POLICY SCOPING**

### **DEFINITION OF POLICY**

1.1. There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side, it is recommended that you consider any new initiatives, proposals, schemes or programmes as policies or changes to those already in existence. It is important to remember that even if a full EQIA has been carried out in an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

### **OVERVIEW OF POLICY PROPOSALS**

1.2. The aims and objectives of the policy must be clear and terms of reference well defined. You must take into account any available data that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the s75 categories.

### **SCOPING THE POLICY**

1.3. The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

1.4. Remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the NIO), as well as external policies (relating to those who are, or could be, served by the NIO).

## INFORMATION ABOUT THE POLICY

<p>Name of the policy</p>	<p>Domestic implementation of the commitment, set out in Article 2(1) of the Northern Ireland/Ireland Protocol to the Withdrawal Agreement, that:</p> <p>“The United Kingdom shall ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from its withdrawal from the Union, including in the area of protection against discrimination, as enshrined in the provisions of Union law listed in Annex 1 to this Protocol, and shall implement this paragraph through dedicated mechanisms.”</p>
<p>Is this an existing, revised or new policy?</p>	<p>This is the further development of an existing policy, i.e. the UKG’s commitment, in Article 2(1) of the Protocol, that there will be no diminution of certain rights, safeguards and equality of opportunity protections, as set out in the chapter of the Belfast (‘Good Friday’) Agreement of the same name, as a result of the UK’s exit from the European Union.</p> <p>The UK has now given domestic effect to this international legal commitment through the EU (Withdrawal Agreement) Act 2020 (“the 2020 Act”). Section 23 and Schedule 3 confer new statutory functions, and associated powers, on the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI) as part of a ‘dedicated mechanism’ that will oversee compliance - by both the UK Government and the Northern Ireland Executive and Assembly - with the commitment.</p> <p>The Article 2(1) commitment was screened, in line with NIO’s duty under Section 75 of the Northern Ireland Act 1998, in October 2018. At that time, the policy was not developed beyond the</p>

	<p>commitment as set out in the previous iteration of the Protocol. In early 2020, the NIO undertook to rescreen the policy, since it has now been more fully developed.</p> <p>It is NIO's decision as to how to implement the Article 2(1) commitment in domestic legislation, and the functions and powers that the relevant legislation confers on the Commissions, that are the subject of this screening. The operationalisation of the 'dedicated mechanism' will be done by the two Commissions, which are independent bodies, and therefore compliance with any relevant Section 75 duty during that process will be their responsibility.</p>
<p>What is it trying to achieve (intended aims/outcomes)?</p>	<p>The policy intent of the domestic implementation of the Article 2(1) commitment is to ensure that the commitment is enforceable. Therefore, the implementing legislation is designed to (i) ensure that recourse to effective remedies for individuals will be available from the end of the Transition Period; (ii) amend the Northern Ireland Act 1998 so that the Northern Ireland Assembly would be acting outside of its legislative competence, or the Northern Ireland Executive acting outside its powers, if they act in breach of the Article 2(1) commitment, and; (iii) allow for the establishment of an independent 'dedicated mechanism' to oversee and enforce the commitment.</p> <p>The 'dedicated mechanism' is intended to be able to monitor, advise government, report on, and enforce the Article 2(1) commitment. Therefore, the relevant legislation (Part 23 and Schedule 3 of the 2020 Act) is intended to confer statutory powers and functions on the two Commissions to enable them to carry out their roles as part of the mechanism.</p>
<p>Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.</p>	<p>The 2020 Act gives domestic legal effect to the Article 2(1) commitment, and establishes the 'dedicated mechanism'</p>

	<p>designed to monitor compliance. The legislation applies equally to all people in Northern Ireland, regardless of whether or not they have certain protected characteristics captured under s75.</p> <p>Therefore, we expect that all s75 categories will benefit equally from this policy insofar as the rights, safeguards and equality of opportunity provisions that it is designed to protect, as set out in the relevant part of the Belfast ('Good Friday') Agreement, apply to all people in Northern Ireland equally. Where some of the rights, safeguards and equality of opportunity provisions in the relevant part of the Belfast ('Good Friday') Agreement are targeted to particular groups (e.g. women), it follows that this policy will favour those groups in the same way.</p>
Who initiated or wrote the policy?	<p>This policy originated as a result of international negotiations between the UK Government and the European Commission in the context of the UK's withdrawal from the EU. The decision to set up a dedicated mechanism involving NIHRC and ECNI and on how to legislate domestically to implement the policy was taken by NIO, in consultation with other relevant Government departments and with NIHRC and ECNI.</p>
Who owns and who implements the policy?	<p>UKG, and specifically NIO, owns the Article 2(1) commitment that there will be no diminution of relevant rights in Northern Ireland as a result of the UK's withdrawal from the EU insofar as the commitment is internationally binding on UKG. Therefore, it was UKG's responsibility to legislate to give effect to that commitment so as to ensure proper recourse to effective remedies for any individuals whose rights fall within scope of the commitment, should those rights be diminished as a result of the UK's withdrawal from the EU, and to ensure that the dedicated mechanism has the appropriate powers to function properly.</p> <p>The operationalisation of the 'dedicated</p>

	mechanism' itself, however, is the responsibility of the two Commissions, which are independent statutory bodies set up under the Northern Ireland Act 1998. The 2020 Act conferred broad statutory functions, and associated powers, on the two Commissions to enable them to operationalise the 'dedicated mechanism' as they see fit, independent from Government.
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## IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	Yes
If yes, are they: <ul style="list-style-type: none"> <li>- financial</li> <li>- legislative</li> <li>- other (please specify)</li> </ul>	Financial: The two Commissions agreed to undertake additional statutory functions as part of the 'dedicated mechanism' on condition that they received appropriate funding. UKG has undertaken to ensure that both Commissions are adequately resourced to undertake these new functions.

## MAIN STAKEHOLDERS AFFECTED

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? <ul style="list-style-type: none"> <li>- staff</li> <li>- service users</li> <li>- other public sector organisations</li> <li>- voluntary/community/trade unions</li> <li>- other (please specify)</li> </ul>	<p>The policy will impact primarily upon the NIHRC and ECNI insofar as they will be responsible for monitoring, reporting and advising on and enforcing the commitment, in line with their new statutory functions. There will also be an impact on the Joint Committee of NIHRC and the Irish Human Rights and Equality Commission (IHREC), which will be required to participate in the dedicated mechanism when matters with an island of Ireland dimension are involved.</p> <p>Other human rights and equality organisations, as well as trades unions, may be impacted if they also choose to monitor and comment on UKG's adherence to the Article 2(1) commitment; they may also decide to</p>
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	<p>seek relevant advice or guidance from NIHRC/ECNI and/or refer individuals for assistance. There may also be an impact on the court system in NI, and on legal aid providers, should a large number of legal challenges be brought forward.</p> <p>In the broadest possible sense, the policy will affect all people in NI insofar as they are covered by the relevant provisions of the Belfast ('Good Friday') Agreement, but we consider that it represents a continuation of the previous rights, safeguards and equality of opportunity protections available to them, rather than serving to confer new protections.</p>
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**OTHER POLICIES WITH A BEARING ON THIS POLICY**

<p>What are they?</p>	<p>The operationalisation of the 'dedicated mechanism' will have a bearing on this policy as it will be the mechanism by which UKG's adherence to the commitment is monitored, reported on and enforced.</p>
<p>Who owns them?</p>	<p>Operationalisation of the 'dedicated mechanism' is owned by NIHRC and ECNI working jointly or separately, as the Commissions deem appropriate.</p>

## AVAILABLE EVIDENCE

1.5. Evidence to help inform the screening process may take many forms. Please ensure that your screening decision is informed by relevant data.

**What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the s75 categories.**

Section 75 category	Details of evidence/information
Religious belief	The territorial scope of the policy, and of the implementing legislation, is the whole of Northern Ireland. Therefore, we consider it to be person-neutral, i.e. it applies equally to everyone who is subject to Northern Ireland law, irrespective of whether they fall within a protected s75 category or not. Extensive discussions with NIHRC and ECNI, as well as meetings/correspondence with other stakeholders, including human rights organisations, non-governmental organisations, trades unions and academics, did not reveal any concerns that this s75 category would be disproportionately affected, either directly or indirectly, by the policy.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.

Dependants	As above.

## NEEDS, EXPERIENCES AND PRIORITIES

1.6. Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the s75 categories.

Section 75 category	Details of needs/experiences/priorities
Religious belief	The domestic implementation of the Article 2(1) commitment applies equally to all people in Northern Ireland, irrespective of their religious belief. It does not alter the substantive rights, safeguards and equalities of opportunity available to them in Northern Ireland at the end of the Transition Period. Based on the available evidence, no unique needs, experiences or priorities of this s75 category need to be accounted for.
Political opinion	The domestic implementation of the Article 2(1) commitment applies equally to all people in Northern Ireland, irrespective of their political opinion. It does not alter the substantive rights, safeguards and equalities of opportunity available to them in Northern Ireland at the end of the Transition Period. Based on the available evidence, no unique needs, experiences or priorities of this s75 category need to be accounted for.
Racial group	The domestic implementation of the Article 2(1) commitment applies equally to all people in Northern Ireland, irrespective of their racial group. It does not alter the substantive rights, safeguards and equalities of opportunity available to them in Northern Ireland at the end of the Transition Period. Based on the available evidence, no unique needs, experiences or priorities of this s75 category need to be accounted for.
Age	The domestic implementation of the Article 2(1) commitment applies equally to all people in Northern Ireland, irrespective of their age. It does not alter the substantive rights, safeguards and equalities of opportunity available to them in Northern Ireland at the end of the Transition Period. Based on the available evidence, no unique needs, experiences or

	priorities of this s75 category need to be accounted for.
Marital status	The domestic implementation of the Article 2(1) commitment applies equally to all people in Northern Ireland, irrespective of their marital status. It does not alter the substantive rights, safeguards and equalities of opportunity available to them in Northern Ireland at the end of the Transition Period. Based on the available evidence, no unique needs, experiences or priorities of this s75 category need to be accounted for.
Sexual orientation	The domestic implementation of the Article 2(1) commitment applies equally to all people in Northern Ireland, irrespective of their sexual orientation. It does not alter the substantive rights, safeguards and equalities of opportunity available to them in Northern Ireland at the end of the Transition Period. Based on the available evidence, no unique needs, experiences or priorities of this s75 category need to be accounted for.
Men and women generally	The domestic implementation of the Article 2(1) commitment applies equally to all people in Northern Ireland, irrespective of whether they are a man or a woman. It does not alter the substantive rights, safeguards and equalities of opportunity available to them in Northern Ireland at the end of the Transition Period. Based on the available evidence, no unique needs, experiences or priorities of this s75 category need to be accounted for.
Disability	The domestic implementation of the Article 2(1) commitment applies equally to all people in Northern Ireland, irrespective of any disability. It does not alter the substantive rights, safeguards and equalities of opportunity available to them in Northern Ireland at the end of the Transition Period. Based on the available evidence, no unique needs, experiences or priorities of this s75 category need to be accounted for.
Dependants	The domestic implementation of the Article 2(1) commitment applies equally to all people in Northern Ireland, irrespective of whether they are or have dependants. It does not alter the substantive rights, safeguards and equalities of opportunity available to them in Northern Ireland at the end of the Transition Period. Based on the available evidence, no unique needs, experiences or priorities of this s75 category need to be accounted for.

## PART 2 – SCREENING QUESTIONS

### INTRODUCTION

2.1. In making a decision as to whether or not there is a need to carry out an EQIA, please give consideration to your answers to the questions 1-4 which are given on pages 66-68 of the Equality Commission’s “A Guide for Public Authorities”.

2.2. If your conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, you may decide to screen the policy out. If a policy is ‘screened out’ as having no relevance to equality of opportunity or good relations, you should give details of the reasons for the decision taken.

2.3. If your conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

2.4. If your conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- take measures to mitigate the adverse impact; or
- introduce an alternative policy to better promote equality of opportunity and/or good relations.

### IN FAVOUR OF A ‘MAJOR’ IMPACT

- a. The policy is significant in terms of its strategic importance;
- b. Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c. Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d. Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e. The policy is likely to be challenged by way of judicial review;
- f. The policy is significant in terms of expenditure.

## IN FAVOUR OF 'MINOR' IMPACT

- a. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b. The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c. Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d. By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

## IN FAVOUR OF NONE

- a. The policy has no relevance to equality of opportunity or good relations.
- b. The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

2.5. Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

## SCREENING QUESTIONS

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)

Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	<p>The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity protections that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of their religious belief.</p> <p>The right to freedom and expression of religion is explicitly protected and promoted under the relevant chapter of the Belfast ('Good Friday') Agreement and is therefore in scope of the Article 2(1) commitment and its implementation through domestic legislation, meaning that there can be no diminution of this right, insofar as it is protected by law in NI at the end of the Transition Period, as a result of the UK's withdrawal from the EU.</p> <p>In addition, Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, which is listed in Annex 1 to the Protocol, makes provision relating to religious belief. This means that protections for this group have a forward-facing element. This is because, if the EU decides to amend or replace the substantive rights in any of the directives listed in Annex 1, the corresponding substantive rights protections in Northern Ireland will have to develop to take account of this.</p>	None.
Political opinion	<p>The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity protections that were in place in Northern Ireland by the end of the Transition Period persist past that date.</p>	None.

	<p>The policy applies to all people in Northern Ireland equally, irrespective of their political opinion.</p> <p>A number of rights relevant to this s75 category are explicitly protected and promoted under the relevant chapter of the Belfast ('Good Friday') Agreement and are therefore in scope of the Article 2(1) commitment and its implementation through domestic legislation, meaning that there can be no diminution of these rights, insofar as they are protected by law in NI at the end of the Transition Period, as a result of the UK's withdrawal from the EU. These include: the right of free political thought, the right to pursue democratically national and political aspirations, the right to seek constitutional change by peaceful and legitimate means, the right to freedom from sectarian harassment, and the right of women to full and equal political participation.</p>	
Racial group	<p>The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity protections that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of their racial group.</p> <p>The right to equal opportunity in all social and economic activity, regardless of ethnicity, is protected and promoted under the relevant chapter of the Belfast ('Good Friday') Agreement and is therefore in scope of the Article 2(1) commitment and its implementation through domestic legislation, meaning that there can be no diminution of this right, insofar as it is protected by law in NI at the end of the Transition Period, as a result of the UK's withdrawal from the EU.</p> <p>In addition, Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin is listed</p>	None.



	<p>in Annex 1 to the Protocol, meaning that the protections for this group have a forward-facing element. This is because, if the EU decides to amend or replace the substantive rights in any of the directives listed in Annex 1, the corresponding substantive rights protections in Northern Ireland will have to develop to take account of this.</p>	
Age	<p>The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity protections that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of their age.</p> <p>In addition, Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, which is listed in Annex 1 to the Protocol, makes provision relating to age. This means that protections for this group have a forward-facing element. This is because, if the EU decides to amend or replace the substantive rights in any of the directives listed in Annex 1, the corresponding substantive rights protections in Northern Ireland will have to develop to take account of this.</p>	None.
Marital status	<p>The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity provisions that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of their marital status.</p>	None.
Sexual orientation	<p>The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity provisions that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of their sexual orientation.</p>	None.

	<p>In addition, Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, which is listed in Annex 1 to the Protocol, makes provision relating to sexual orientation. This means that protections for this group have a forward-facing element. This is because, if the EU decides to amend or replace the substantive rights in any of the directives listed in Annex 1, the corresponding substantive rights protections in Northern Ireland will have to develop to take account of this.</p>	
<p>Men and women generally</p>	<p>The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity provisions that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of whether they are a man or a woman.</p> <p>The right to equal opportunity in all social and economic activity, regardless of gender, and the right of women to full and equal political participation are protected and promoted under the relevant chapter of the Belfast ('Good Friday') Agreement and are therefore in scope of the Article 2(1) commitment and its implementation through domestic legislation, meaning that there can be no diminution of these rights, insofar as they are protected by law in NI at the end of the Transition Period, as a result of the UK's withdrawal from the EU.</p> <p>In addition, several of the directives listed in Annex 1 to the Protocol are relevant to this s75 category. These include: Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services; Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of</p>	<p>None.</p>

	<p>employment and occupation; Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC; and Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security. This means that the protections for this group have a forward-facing element. This is because, if the EU decides to amend or replace the substantive rights in any of the directives listed in Annex 1, the corresponding substantive rights protections in Northern Ireland will have to develop to take account of this.</p>	
Disability	<p>The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity provisions that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of any disability.</p> <p>The right to equal opportunity in all social and economic activity, regardless of disability, is protected and promoted under the relevant chapter of the Belfast ('Good Friday') Agreement and is therefore in scope of the Article 2(1) commitment and its implementation through domestic legislation, meaning that there can be no diminution of this right, insofar as it is protected by law in NI at the end of the Transition Period, as a result of the UK's withdrawal from the EU.</p> <p>In addition, Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, which is listed in Annex 1 to the Protocol, makes provision relating to disability. This means that protections for this group have a forward-</p>	None.

	<p>facing element. This is because, if the EU decides to amend or replace the substantive rights in any of the directives listed in Annex 1, the corresponding substantive rights protections in Northern Ireland will have to develop to take account of this.</p>	
<p>Dependants</p>	<p>The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity provisions that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of whether they are or have dependants.</p>	<p>None.</p>

**2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**

Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief	No.	The domestic implementation of the Article 2(1) commitment ensures that the existing rights, safeguards and equality of opportunity provisions set out in the relevant chapter of the Belfast ('Good Friday') Agreement are not diminished as a result of the UK leaving the EU. The policy intent is not to create substantive new rights protections or improve the existing ones.
Political opinion	No.	As above.
Racial group	No.	As above.
Age	No.	As above.
Marital status	No.	As above.
Sexual orientation	No.	As above.
Men and women generally	No.	As above.
Disability	No.	As above.
Dependants	No.	As above.

**3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)**

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity protections that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of their religious belief, and therefore will have no impact on good relations between people of different religious belief.	None.
Political opinion	The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity protections that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of their political opinion, and therefore will have no impact on good relations between people of different political opinion.	None.
Racial group	The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity protections that were in place in Northern Ireland by the end of the Transition Period persist past that date. The policy applies to all people in Northern Ireland equally, irrespective of their racial group, and therefore will have no impact on good relations between people of different racial groups.	None.

**4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief	No.	The domestic implementation of the Article 2(1) commitment ensures that the existing

		rights, safeguards and equality of opportunity provisions set out in the relevant chapter of the Belfast ('Good Friday') Agreement are not diminished as a result of the UK leaving the EU. The policy intent is not to create substantive new rights protections or improve the existing ones.
Political opinion		As above.
Racial group		As above.

## ADDITIONAL CONSIDERATIONS

### **Multiple identity**

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people*).

### **Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.**

The domestic implementation of the Article 2(1) commitment is intended to ensure that relevant rights, safeguards and equality of opportunity protections that were in place in Northern Ireland by the end of the Transition Period persist past that date. The commitment applies to all people in Northern Ireland equally, irrespective of whether they fall into any, one or multiple s75 categories.

## PART 3 – SCREENING DECISION

**If the decision is not to conduct an equality impact assessment, please provide details of the reasons.**

We do not consider an equality impact assessment necessary as (i) the policy is person-neutral, given that the Article 2(1) commitment, and the domestic legislation that implements it, applies equally to all people who are subject to Northern Ireland law; (ii) there is no evidence to suggest the policy would have a disproportionate impact on any particular s75 groups; and (iii) the policy intent is not to create substantive new protections or improve on existing ones but rather to ensure that the relevant existing rights, safeguards and equality of opportunity provisions available to people in Northern Ireland at the end of the Transition Period are not diminished as a result of the UK leaving the EU.

**If the decision is not to conduct an equality impact assessment, you should consider if the policy should be mitigated or an alternative policy be introduced.**

We consider that the policy has been implemented in an appropriately person-neutral manner.

**If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.**

N/A

3.1. All public authorities' equality schemes must state the arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Equality Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in the Equality Commission publication: "Practical Guidance on Equality Impact Assessment".



## MITIGATION

3.2. If you have concluded that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

**Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?**

**If so, give the reasons to support your decision, together with the proposed changes/amendments or alternative policy.**

N/A

## TIMETABLING AND PRIORITISING

3.3. If the policy has been 'screened in' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

**On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.**

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	N/A
Social need	N/A
Effect on people's daily lives	N/A
Relevance to the NIO's functions	N/A
<b>Total rating score (total of 12)</b>	<b>N/A</b>

*Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist you in timetabling. Details of the NIO's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.*

**Is the policy affected by timetables established by other relevant public authorities?**

Yes.

**If yes, please provide details.**

The Article 2(1) commitment has been incorporated in domestic legislation, and relevant statutory functions and powers conferred on NIHRC and ECNI. However, the operationalisation of the commitment is dependent on the Commissions' ability to recruit new staff and set up relevant functions by the end of the Transition Period.

## **PART 4 – MONITORING**

4.1. The NIO should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

4.2. The Equality Commission recommends that where the policy has been amended or an alternative policy introduced, you should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

4.3. Effective monitoring will help you identify any future adverse impact arising from the policy which may lead you to conduct an equality impact assessment, as well as help with future planning and policy development.

## PART 5 - APPROVAL AND AUTHORISATION

<b>Screened by:</b>	
<b>Grade/Branch/Group:</b>	<b>CRG</b>
<b>Date:</b>	<b>20 March 2020</b>
<b>Approved by Deputy Director:</b>	<b>Holly Clark</b>
<b>Date:</b>	<b>21 March 2020</b>

*Note: A copy of the Screening Template for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy and made available on request.*

*Any screening forms completed within the Department will be published on a six monthly basis in line with our Departmental Equality Policy monitoring arrangements. Such information will be collated and published by the Corporate Governance Team.*

## ANNEX A – MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES

Category	Example Groups
<b>Religious Belief</b>	<p>Buddhist; Catholic; Hindu; Jewish; Muslims; people of no religious belief; Protestants; Sikh; other faiths.</p> <p>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment &amp; Treatment (NI) Order</i>. Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “<i>similar philosophical belief</i>”.</p>
<b>Political Opinion</b>	Nationalists generally; Unionists generally; members/supporters of other political parties.
<b>Racial Group</b>	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
<b>Men and women generally</b>	Men (including boys); Trans-gendered people; Transsexual people; Women (including girls).
<b>Marital Status</b>	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
<b>Age</b>	Children and young people; older people.
<b>Persons with a disability</b>	Persons with disabilities as defined by the Disability Discrimination Act 1995.
<b>Persons with dependants</b>	Persons with personal responsibility for the care of a child; care of a person with disability; or the care of a dependant older person.
<b>Sexual orientation</b>	Bisexual people; heterosexual people; gay or lesbian people.

## ANNEX B – SCREENING FLOWCHART

