



Trinity College Dublin

Coláiste na Tríonóide, Baile Átha Cliath

The University of Dublin

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EQUALITY COMMITTEE

Minutes

Meeting 1 June 2017, 2pm – 4pm,

Faculty of Arts, Humanities and Social Sciences Conference Room

(Room 2026, Arts Building)

Present: Chair (Ms S Dunphy), Prof Inmaculada Arnedillo-Sánchez, Dr S Brennan, Prof M Cuypers, Ms S MacBride, Ms A Ní Lochlainn (SU), Ms K O’Toole-Brennan, Ms S O’Brien-Green (GSU), Secretary / Equality Officer (Ms A Crawford)

In attendance: Mr Dónal Rice and Mr Abed Aldakar, Irish Human Rights and Equality Commission (Eqal/16-17/056-7); Mr T McMahon, Director of Diversity and Inclusion (Eqal/16-17/065)

Apologies: Vice-Provost / Chief Academic Officer (Prof C Morash), Dean of Health Sciences (Prof M McCarron), Prof E Drew, Prof D Faas, Mr K O’Doherty, Mr C Rashleigh, Mr D Treanor

Eqal/16-17/056

Opening

Chair

The Chair opened the meeting and introduced the guest speakers from the Irish Human Rights and Equality Commission (IHREC): Mr Dónal Rice, Public Sector Duty Manager and Mr Abed Aldakar, Human Rights and Equality Officer.

Eqal/16-17/057

Public Sector Duty

Public Sector Duty Manger, IHREC

Mr Rice set out the key elements of the Public Sector Duty and provided guidance as to how a public body might implement the duty. Some key points were as follows:

- The duty requires public bodies, in the performance of their functions, to have regard to the need to eliminate discrimination, promote equality of opportunity, and protect human rights
- Public bodies must conduct an initial assessment of human rights and equality issues that are relevant to their functions; develop policies, plans or actions to address those issues; and report on progress. All of these must be accessible to the public
- The legislation is not prescriptive as to **how** public bodies must implement the duty. A proactive approach is required, and organisations must show due diligence
- Recommended first steps are to raise organisational awareness and commitment, and to set up a working group with broad representation from across organisational functions, to identify the body's human rights and equality values and structures
- Key questions include, "How does Trinity facilitate human rights?", "How does Trinity promote equality?" and "Are there any gaps / issues to address?"
- The IHREC will provide advice and guidance on the Public Sector Duty, and is developing university-specific guidance based on an ongoing pilot in University College Cork (UCC)

Mr Aldakar presented some key features of the University of St Andrews Equality Mainstreaming Report 2017 as an example of good practice in relation to the positive equality duty in Scotland. He highlighted that St Andrews have identified values to translate

into concrete actions, and that responsibility for reporting on the positive duty has been shared across the university.

In response to questions from Committee, Mr Rice further noted:

- The duty applies to public bodies in their exercise of public functions so it may not necessarily apply to commercial enterprises of the organisation. Public bodies are advised to reflect on where the duty applies in their own context
- The Irish Human Rights and Equality Commission Act 2014 provides that the human rights to be protected are those found in the Irish Constitution and in all human rights treaties to which Ireland is a party. However, the IHREC advise that each public body should focus on identifying the human rights which are most applicable to its own functions, and embedding the core values of human rights treaties in its culture
- The Public Sector Duty working group in UCC includes the Registrar, representatives of administrative functions (human resources, student services), and academic staff
- Any costs associated with the implementation of the duty are to be funded by the public body itself
- The IHREC may require a public body to conduct a human rights and equality review. The ultimate sanction for non-compliance with the duty is yet to be defined
- Bodies are not required to send their initial assessment, action plan or report to the IHREC, but they are required to make them publically available. The report must be annual but no timeline is prescribed for renewal of the action plan

The Committee thanked Mr Rice and Mr Aldakar who left the meeting at this point.

Members noted that the Public Sector Duty confirms the work ongoing in Trinity to promote equality and it was agreed to found a working group to begin the initial assessment.

Action: Equality Officer to invite expressions of interest from members wishing to take part in a Public Sector Duty working group

Eqal/16-17/058

Minutes of the Last Meeting

Chair

The minutes of the meeting of 6th February 2017 were approved without amendment.

Eqal/16-17/059

Action Call-over

Equality Officer

The action call-over was taken as read.

Eqal/16-17/060

Matters Arising

Chair

There were no matters arising.

Eqal/16-17/061

Report from Board

Chair

There were no items of direct relevance to the Committee to report.

Eqal/16-17/062

Subgroup Minutes / Updates

Various

Minutes of the Gender Equality Implementation Subcommittee were taken as read, and the Committee approved the Subcommittee's Terms of Reference, which have been amended to reflect the Subcommittee's new role in co-ordinating gender equality actions across the university on a long-term basis.

In relation to the Equality Fund Subcommittee, the Equality Officer noted that the Subcommittee will refine its procedures at its next meeting, around matters such as the granting of extensions and monitoring changes to projects' financial plans.

Minutes of the Equality Monitoring Advisory Group were taken as read, and the Equality Officer highlighted that data on student diversity must now be sought directly from the Academic Registry, as it is no longer published in the Senior Lecturer's Annual Report.

Minutes of the Age-Friendly Trinity Working Group were taken as read, and the Chair (Dr Sabina Brennan) highlighted further key developments:

- Trinity has joined the Age-Friendly Universities Network; this will be announced at an event in Positive Ageing Week 2017, for which a brochure will be produced, highlighting key achievements such as the MOOC in Successful Ageing
- The Chair and Secretary of the group are engaging with DCU to build on their learning, and have also spoken at a meeting of the HR Committee who are supportive in principle and have asked that they return to a further meeting with concrete proposals for action
- The group is building an age-friendly asset map through consultation with various stakeholders across the university. A next step for the group will be to develop a set of short- and long-term actions, based on any gaps identified in the final asset map

Eqal/16-17/063

Legal and Policy Update

Equality Officer

1. Islamic Headscarf Cases

Trinity may wish to consider introducing a written dress code for staff, as a recent ruling by the Court of Justice of the European Union (CJEU) indicates that an employer who requires an employee not to wear an Islamic headscarf in work may not be discriminating, where the requirement is based on a written dress code applied consistently. Members noted that the present lack of written dress code has benefits, such as allowing a flexible approach to gender expression and religious expression; and that consideration should also be given to rules on dress for students on placement. Members also raised the need for clarity on other matters relating to religious diversity, such as prayer (appropriate times / spaces), catering, alcohol at social events, and challenges for **some** women of Muslim background in participating fully in all educational activities. It was noted that Prof Robbie Gilligan will shortly bring a proposal to Board to found a Cultural Diversity Working Group.

2. Disclosure of Disability

The Irish Supreme Court has recently ruled that the disclosure of a second-level student's disability on her Leaving Certificate was discrimination: this highlights the importance of strict confidentiality around the disability status of Trinity students. Members commented that Trinity's practice of providing LENS reports only to those staff who "need to know" is effective in respecting students' privacy. It was suggested that academic staff would find it useful to be reminded of students' disability status in the submission of any continuous assessment work, to ensure that relevant factors such as spelling exemptions are taken into account in marking.

3. Anonymised Decisions at the Workplace Relations Commission (WRC)

The IHREC have recommended that the WRC discontinue their practice of anonymising parties by default in discrimination cases. While this will not change Trinity practice in terms of promoting equality, the university should be aware it may be named if it is a defendant in any future discrimination case at the WRC.

4. Work-life Balance Proposals

As an employer, Trinity should be aware of European Commission proposals to set joint minimum standards across EU states in areas such as paternity leave, parental leave, carers' leave and flexible working arrangements.

5. Gender Pay Gap Information Bill

The Irish Human Rights and Equality Commission (Gender Pay Gap Information) Bill 2017 proposes to require employers with 50 employees or more to publish information on the difference in pay between men and women in their organisation. Trinity is fortunately already undertaking a gender pay audit (see Eqal/16-17/065)

Action: Human Resources to consider the advantages and disadvantages of introducing a dress code for staff in light of the recent CJEU rulings

Action: Equality Officer to let Prof Robbie Gilligan know the issues raised by the Committee in relation to religious diversity, to inform the work of the Cultural Diversity Working Group

Action: Disability Service to consider possible system for academic staff to be reminded of relevant accommodations for students with disabilities when receiving continuous assessment, while maintaining students' privacy

The Chair presented draft revised Terms of Reference and a memo outlining options for updating Equality Committee membership, which notes that the membership and Terms of Reference have not changed since 2012 while Trinity's equality landscape has evolved.

The Committee approved the inclusion of the Director of the Trinity Centre for Gender Equality and Leadership (TCGEL) and the Director of Diversity and Inclusion in the Committee. In accordance with the advice of the Provost and Registrar that the Committee must be kept to a manageable size, the Committee also agreed to remove the role of Faculty Dean from its membership and not to replace the next self-nominated staff member to finish their term on the Committee. This means that the Committee will continue to have two self-nominated staff members in its Terms of Reference.

Further, the Committee proposed that the role of "Academic Secretary (or nominee)", which in practice is fulfilled by a nominee from the Trinity Access Programmes (TAP), be redefined as "Director of Trinity Access Programmes (or nominee)", as the connection specifically with TAP is essential to the Equality Committee's remit, particularly in the context of proposals to establish a Widening Participation subcommittee of the Undergraduate Studies Committee.

The Committee approved the revised Terms of Reference, subject to the integration of these membership changes. Other key changes to the Terms of Reference are the strengthening of the gender target to "no more than 60% of any one gender", and the inclusion of the Public Sector Duty among the legislative requirements on which the Committee is responsible for advising Board and Council.

The Committee also discussed a member's suggestion to change the title of the Committee to "Human Rights and Equality Committee" given its responsibility regarding the Public Sector Duty, and agreed that the Public Sector Duty working group will consider this proposal in further detail. It was noted that all changes to committee Terms of Reference are subject to approval by the Provost, Registrar and Board.

Action: Chair to inform the Registrar of the Committee's decisions regarding membership and Terms of Reference, for review and approval

**Eqal/16-17/065 Appointment and Training of Dignity and Respect Contact Persons
Equality Officer**

The Equality Officer presented a memo proposing that new Dignity and Respect Contact Persons should be appointed, and that the Equality Committee should ensure that all Contact Persons receive appropriate training on an ongoing basis.

The representative of the Dignity and Respect Contact Persons proposed that feedback be sought from the existing Contact Persons. The Committee accepted the offer of Ms Sinead MacBride, College Solicitor to speak in confidence with the Contact Persons and report back to the Committee on their training and other needs.

In the course of discussion, members also noted the following:

- The Contact Persons have been busy, and a larger panel would be desirable
- Contact Persons follow the procedures laid out in the Dignity and Respect Policy
- The current term of a Contact Person (3 years) may be too short
- There should always be a mix of new and experienced Contact Persons on the panel
- Contact Persons should have mental health supports such as group supervision, as they may deal with very challenging situations
- A staff mental health policy is needed - to support both those suffering mental health difficulties and those to whom such difficulties are disclosed
- Appointing a student Contact Person or Persons should be considered, as students may be more comfortable speaking with another student about bullying / harassment; however it is acknowledged that this role may not be appropriate for students when all considerations are taken into account

Action: Ms Sinead MacBride to conduct a review of the Dignity and Respect Contact Persons' role under the policy and consult with HR on their training and other needs. A report and recommendations will then be brought to Equality Committee in autumn 2017.

[Equal/16-17/066](#)

[Update on Gender Pay Audit](#)

[Director of Diversity & Inclusion](#)

The Chair welcomed the Director of Diversity and Inclusion, Mr Tony McMahon, who presented an update to the Committee on progress with, and the preliminary findings of, the gender pay audit he is undertaking with academic staff from the School of Social Sciences and Philosophy. The Director noted the following:

- A full analysis and report will be presented to the Committee in the autumn
- Difficulty has arisen in comparing differing data sets collected in different years
- No significant gap has been identified among the overall academic staff, research staff or support staff in the preliminary analysis; this is likely due to Trinity's use of incremental salary scales, rather than personal salaries based on bargaining
- Progression may be an issue – while male and female academic staff start at equal pay, within 2-3 years a pay gap emerges that doesn't narrow appreciably over time
- Male administrative staff are over-represented among the three highest of the four pay quartiles, i.e. male administrative staff are paid more on average

The Committee welcomed this update, and recommended that the findings of the final gender pay audit should inform the new job evaluation model for administrative staff.

Members suggested that the pay gap arising within 2-3 years among academic staff may relate to workload allocation decisions at School / departmental level, with female academic staff taking on a disproportionate amount of pastoral, administrative and teaching work, thereby slowing their career progression. It was noted that the gender of staff promoted by retention is monitored and that no gender imbalance is currently apparent. Members commented that it would be desirable for the university to monitor the progression of its postdoctoral researchers into academic positions, which is a key consideration in Athena

SWAN applications. Finally, it was noted that the system for collecting data for this gender pay audit should be future-proofed to facilitate annual reporting.

The Chair thanked the Director of Diversity and Inclusion, who left the meeting at this time.

[Eqal/16-17/067](#)

[Any Other Business](#)

[Chair](#)

The Equality Officer raised the following items of further business:

- The Gay and Lesbian Equality Network (GLEN) has closed, meaning that the Diversity Champions Programme and Workplace Equality Index are cancelled. Trinity has valued its collaboration with GLEN and will continue to work for LGBT equality in conjunction with its LGBT Staff Network and colleagues in other organisations
- The Gender Identity and Gender Expression Policy will be reviewed over summer 2017 to reflect relevant changes to national legislation and internal procedure
- The Disability Service have reported that use of the Arts Block Respite Space for lactation purposes is beyond capacity and can only be continued until the start of the 2017/18 academic year; it is therefore urgent that a dedicated space for breastfeeding / expression be provided elsewhere on the main campus to ensure that Trinity meets its obligations under equality / maternity protection legislation, the National Breastfeeding Strategy and various internal policies

Action: Equality Officer to invite expressions of interest from members wishing to take part in a Gender Identity and Gender Expression Policy review working group

Action: Equality Officer to liaise with Space Allocation Subcommittee on behalf of the Equality Committee to identify a space for breastfeeding / expression on the main campus

[Eqal/16-17/068](#)

[Close](#)

[Chair](#)

The Chair thanked all members for their contributions to the Committee throughout the year, particularly the student representatives who will hand over to their successors during the

summer. The Committee also thanked the Chair and Secretary for their hard work during a busy year.