

# **DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM**

## **Section 1**

### **Introduction**

This form is intended to help you to consider whether a new policy or legislation will require a full equality impact assessment (EQIA). It will also provide a record of the factors taken into consideration for audit purposes and for reference in the Department's Annual Review of Progress prepared for the Equality Commission.

### **Background**

#### **The Legal Background**

Under section 75 of the Northern Ireland Act 1998, the Department 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;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

### **Role of Equality Unit**

The Equality Unit, Room 413c, Clarence Court, Tel 41194 or 40855 is happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

In all cases the form should be signed off by a Senior Officer responsible for the policy and legislation with copies placed on file and a copy forwarded to the Equality Unit.

## **Section 2 – Policy to be Screened**

### **Definition of Policy**

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 changes to or any new initiatives, proposals, schemes or programmes as policies. The policies covered in the Equality Scheme EQIA programme are a reasonable guide both to the nature of departmental policies and the level at which they should be considered.

It is important to remember that even if a full EQIA has been carried out in respect of 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.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

### **Overview of Policy Proposals**

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.

**2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives**

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**The REACH Enforcement Regulations 2008.** These UK-wide Regulations will implement Regulation (EC)1907/2006.

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The aim of REACH is to ensure a high level of protection for human health and the environment from hazardous substances. REACH will help fill a significant knowledge gap about chemicals in the environment, and to which humans are exposed.

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This EC Regulation requires Member States to set a system of controls and penalties for breaches of the requirements of the Regulations. REACH will replace over 40 existing European Directives and Regulations and as a consequence, the UK will repeal and amend the domestic legislation that implemented these Directives and Regulations. It is intended to implement these UK-wide Regulations by the end of 2008.

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It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

**2.2 On whom will the policies/legislation impact? Please specify**

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The Health & Safety Executive for NI

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The Department of the Environment

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District Councils

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**2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?**

EC Regulation on REACH is direct acting in all Member States without the need for transposition into domestic law. Defra has had the policy lead for the UK and conducted all negotiation and consultation. Member States are required to provide for enforcement of the legislation and to set up a penalties regime by December 2008.

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**2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?**

As regards enforcement for registration and supply chain HSEGB and HSENI plus Environmental Health Officers of District Councils.

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**2.5 What data are available to facilitate the screening of this policy/legislation?**

N/A

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**2.6 Is additional data required to facilitate screening?**

No

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**See Appendix IV of Equality Commission Practical Guidance on EQIA or speak to Central Statistics Research Branch, (Dr Tracy Power ext 40878) or Equality Unit (Alex Boyle, ext 41194, or Janet Cooper ext 40855).**

### **Section 3 – Screening Analysis**

In cases where there is no available quantitative or qualitative evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with Equality Unit, Statistics Branch and organisations representing the Section 75 Groups will be important and helpful at this stage.

The following criteria must be considered when screening.

#### **3.1 Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?**

	<b>Yes</b>	<b>No</b>
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Sex		✓
Disability		✓
Dependency		✓

#### **Please elaborate**

The proposed UK-wide Regulations will set out enforcement powers and arrangements, fines and penalties in requirement of fulfilment of REACH Chemicals Regulation.

#### **3.2 Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?**

	<b>Yes</b>	<b>No</b>
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Sex		✓
Disability		✓
Dependency		✓

**Please elaborate**

The proposed UK-wide regulations will use existing structures which will minimise costs for both business and for Government. This approach takes advantage of existing expertise, and means that the majority of the work can be undertaken in conjunction with regulation of other regimes which relate to the safe use of chemicals. This approach should impose the least burden on businesses.

**3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?**

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Sex		✓
Disability		✓
Dependants		✓

**Please elaborate**

A Consultation Document was circulated under cover letter on 20 June 2008. There was no indication that the policy would create problems to those groups specified under Section 75.

**3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?**

**Please elaborate**

No.

**3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:**

There is no evidence that the regulations will have a differential impact on any Section 75 group.

- 3.6 If the answer to any of the questions is affirmative please indicate whether you consider if the policy/legislation could be changed, to promote better equality of opportunity and or if a full EQIA should be carried out.**

**Please elaborate**

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Full Equality Impact Assessment procedure is confined to those policies considered likely to have significant implications for equality of opportunity. As a result of the screening analysis, it is considered that there will be no significant implications for equality of opportunity arising from the introduction of the REACH Enforcement Regulations 2008. They do not, therefore, need to be submitted for a full Equality Impact Assessment.

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A record of the screening process undertaken must be held on file. A copy of the documentation must be forwarded to the Equality Unit for information.

It is important that the necessary documentation is available should either the Equality Commission or the Department challenge a decision.

Reference should also be made to the screening exercise in any submission on a policy that is to be sent to the Minister.

**Section 4**

**EQIA Recommendation**

4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. In light of the above 3 sections please fill in the following grid in relation to the policy/legislation.

	<b>Significant Impact</b>	<b>Moderate Impact</b>	<b>Low Impact</b>
Social Need.			✓
Effect on people's daily lives.			✓
Effect on economic, social and human rights.			✓

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4.2 **What is the scale of expenditure incurred by the policy/legislation?**

Key costs are to business and enforcers. The annual administrative burden once REACH is fully in place has been estimated at £11k to £14k for large businesses, £216k to £264k for SMEs and £321k to £376k for enforcers (UK-wide).

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4.3 **Do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. Yes/No**

No. The policy will have no differential impact on any of the Section 75 groups.

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4.4 **If an EQIA is considered necessary what data are required in the future to ensure effective monitoring?**

N/A

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**Signed:** Barry McAuley/Beth Hodgett

**Division:** Planning and Environmental Policy Group

**Date:** 01/07/08

**PLEASE FORWARD A COPY OF THIS COMPLETED FORM TO:**

**DOE EQUALITY UNIT  
ROOM 413C  
CLARENCE COURT  
10-18 ADELAIDE STREET  
BELFAST  
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**ANY QUERIES:** **ALEX BOYLE EXT 41194**  
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<b>Main Groups Relevant to the Section 75 Categories</b>	
<b><u>Category</u></b>	<b><u>Main Groups</u></b>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
“Men and women generally”	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians