

EQUALITY IMPACT ASSESSMENT (EQIA):

Introduction to the EQIA process

A successful EQIA will look at 5 key areas:

1. **Identify the Policy, Project, Service Reform or Budget Option to be assessed**

A clear definition of what is being screened and its aims

2. **Gathering Evidence & Stakeholder Engagement**

Collect data to evidence the type of barriers people face to accessing services (research, consultations, complaints and/or consult with equality groups)

3. **Assessment & Differential Impacts**

Reaching an informed decision on whether or not there is a differential impact on equality groups, and at what level

4. **Outcomes, Action & Public Reporting**

Develop an action plan to make changes where a negative impact has been assessed. Ensure that both the assessment outcomes and the actions taken to address negative impacts are publically reported

5. **Monitoring, Evaluation & Review**

Stating how you will monitor and evaluate the **Policy, Project, Service Reform or Budget Option** to ensure that you are continuing to achieve the expected outcomes for all groups.

1. IDENTIFY THE POLICY, PROJECT, SERVICE REFORM OR BUDGET OPTION:

a) Name of the Policy, Project, Service Reform or Budget Option to be assessed

Glasgow Life Equalities, Diversity and Inclusion (EDI) Policy, Strategy and Action Plan 2023 to 2028.

b) Reason for Change in Policy or Policy Development

Glasgow Life's (GL) most recent 5 year Equalities Action Plan concluded in 2020 and the review and refresh coincided with the onset of Covid-19 pandemic. This delayed the development. The new draft EDI Policy, Strategy and Action Plan has been developed by a staff group comprising representatives from across the organisation's functional areas and chaired by the Director of Finance and Corporate Services (GL EDI Strategic Lead).

c) List main outcome focus and supporting activities of the Policy, Project, Service Reform or Budget Option

The EDI Policy, Strategy and Action Plan are based on a mainstreaming approach around 4 priorities which have been identified by a staff group drawn from across the organisation. They have been developed with reference to existing data, desk research and policy and legislative contexts and are designed to integrate with GL's mission, vision and values and the range of organisational strategies. The 4 priorities underpinning the EDI Policy, Strategy and Action Plan are:

- Compliance, Systems and Structures – namely driving improvements around data collection and analysis and embedding EDI commitments within organisational governance, planning and management systems and processes
- Organisational Culture and Belonging – namely embedding EDI within workforce recruitment, selection, development and retention and improving cultural awareness
- Meaningfully Engaging with Communities – namely designing services and programmes with people from minoritised, historically excluded and under-represented groups to ensure we meet the needs of everyone in Glasgow
- Workforce Development – namely building a workforce which aligns more closely with Glasgow's demographics and ensuring all of our spaces are places of care, belonging and support

GL's EDI approach is based on the following definitions which were developed by the staff group:

For GL Equality means "we're ambitious in keeping our organisation and services open to everyone. We will understand and take steps to take away barriers that anyone may face here"

For GL Diversity means “we’re committed to having this organisation serve and hire the diverse communities we live in and work for. The power of diversity is important to us and we will work to bring together those who are not heard enough or are left out/behind”

For GL Inclusion means “we want to make sure our services and those in our teams feel welcome, safe and celebrated in their identity. We’ll work hard to make Glasgow Life a place of care, belonging and support for everyone”.

GL’s EDI approach is also framed by the Equality Act and the Scottish Public Sector Equality Duties. This means GL also has various duties including:

- Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct
- Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not
- Fostering good relations between people who share a protected characteristic and those who do not

The EDI strategy specifically identifies the following communities of lived experience to work with to develop and implement their access to mainstream services:

- Disabled people and physical accessibility of our venues and programmes
- Neuro-diversity and audience attraction and access
- Trans and gender identity
- Ethnic diversity and audience development
- Minoritised faith and religious groups

The EDI Action Plan identifies developing positive action approaches to addressing under-representation within GL workforce with regard to race and disability protected characteristics.

d) Name of officer completing assessment (signed and date)

e) Assessment Verified by (signed and date)

2. GATHERING EVIDENCE & STAKEHOLDER ENGAGEMENT

The best approach to find out if a policy, etc is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those groups. You should list below any data, consultations (previous relevant or future planned), or any relevant research or analysis that supports the Policy, Project, Service Reform or Budget Option being undertaken.

Please name any research, data, consultation or studies referred to for this assessment:	Please state if this reference refers to one or more of the protected characteristics: ➤ age ➤ disability, ➤ race and/or ethnicity, ➤ religion or belief (including lack of belief), ➤ gender, ➤ gender reassignment, ➤ sexual orientation ➤ marriage and civil partnership, ➤ pregnancy and maternity,	Do you intend to set up your own consultation? If so, please list the main issues that you wish to address if the consultation is planned; or if consultation has been completed, please note the outcome(s) of consultation.
<u>Glasgow – Demographics</u> Glasgow's population is 620, 700. Glasgow City Council, 2022 Census Factsheet The city is Scotland's most diverse across a number of protected characteristics. 11.5% of the city's population identify as BME. 88.5% of the city's population identify as White. (Scotland's overall population is 96.0% White and 4.0% BME); There are also differences in the ethnic	Race, disability, religion or belief, gender, gender reassignment, sexual orientation	

profile of the population within Glasgow with a BME population in North East of 7.0%, North West 12.5% and South 14.2%. More than a quarter of Glasgow pupils (25.5%) have a Minority Ethnic background which is almost three times the percentage of Minority Ethnic pupils of Scotland overall (9.2%). The percentage of Minority Ethnic pupils in Glasgow (25.5%) is also more than double the percentage of the Minority Ethnic population of Glasgow (11.5%) indicating higher levels of diversity in the child population than the adult population of Glasgow.

Glasgow North

White	75.8%
Asian	13.8%
Black/African or Caribbean	4.4%
Other	3.6%
Mixed or Multiple Ethnic Groups	2.4%

Glasgow North East

White	83.3%
Asian	6.8%
Black/African or Caribbean	6.0%
Other	2.7%
Mixed or Multiple Ethnic Groups	1.2%

Glasgow East

White	80.2%
Asian	11.5%
Black/African or Caribbean	4.4%
Other	2.5%
Mixed or Multiple Ethnic Groups	1.4%

Glasgow South

White	84.7%
Asian	9.7%

Black/African or Caribbean2.3% Other1.6% Mixed or Multiple Ethnic Groups1.7% Glasgow South West White75.8% Asian17.5% Black/African or Caribbean2.7% Other2.5% Mixed or Multiple Ethnic Groups1.5% Glasgow West White83.7% Asian8.1% Black/African or Caribbean2.9% Other3.2% Mixed or Multiple Ethnic Groups2.1% House of Commons Library Constituency Data Dashboard, 2024 Ethnicity by 2021 Census Category and Constituency		
97.3% of all Scotland’s asylum seekers live in Glasgow. 22.5% of Glasgow people were born outside of the UK – more than twice the percentage of 11.1% of Scots born outside the UK. Glasgow has almost twice the percentage of LGBTi people (5.7%) as Scotland (2.9%) Half of the Glasgow population report of belonging to a religion (52.3%)		

40% of Glasgow school pupils have a physical illness or disability. 31.0% of all Glasgow people have one or more health condition compared to 29.9% nationally. Within Glasgow, the North East locality has the highest rate of all people with one or more condition (33.7%) followed by South (30.8%) and North West (29.0%). Mental ill health, learning disabilities and physical disabilities are all significantly higher in Glasgow than in Scotland.

**Glasgow City Health and Social Care Partnership
Demographics and Needs Profile June 2022**

The ethnic minority population in Glasgow is likely to double by 2030; one in four children in will be from a minority ethnic background by 2030; child poverty rate for children from minority ethnic communities is double that of the Scotland average.

Racism at work is endemic including microaggressions and overt acts of discrimination; racial stereotyping, mispronunciation of names, dismissive behaviour, and verbal abuse; there is a need for employers to be held accountable for their equality and anti-racism efforts, as statements of acknowledgement without meaningful action are seen as mere public relations exercises...[a] lack of accountability perpetuates discriminatory cultures and hampers meaningful change; [a] lack of representation of people of colour in higher positions and the disproportionate recruitment of people of colour into lower-paid roles; it is important to take.. an intersectional approach that addresses compounding inequalities faced by communities of colour, disabled

individuals and women” Glasgow communities of colour failed by employability services and workplace racism Joseph Rowntree Foundation, 2023		
<u>Under-representation within GL Workforce</u> GL profiling (March 2023) indicates 76.6% of workforce identify as White; 3.2% identify as BME. 20.3% have chosen not to disclose with regard to this protected characteristic. There are no confirmed employees from a BME background beyond grade 8. This compares with 11.5% of the city's population. (Current data from 2022 census regarding race is not yet available – a number of projections indicate the non-white % is likely to be considerably higher) <u>Labour Market Discrimination</u> Around three-quarters of BME women reported that they had experienced racism, discrimination, racial prejudice and/or bias in the workplace, with those working in the public sector more likely to report this; 52%who had experienced racism, discrimination and/or harassment in the workplace said that they did not report it; 49%felt that they had been overlooked for a development opportunity because of racism, discrimination, racial prejudice and/or bias, with this rising to 61% for those working in the public sector. Still Not Visible Research on Black and minority ethnic women's experiences of employment in Scotland, Close the Gap, 2023	Race, Ethnicity	

Ethnic minority people are less likely than white Britons to work in the creative industries and are more likely to experience unemployment from precarious labour in the creative industries; ethnic minority people are under-represented across public sector institutions compared to the White British population, and with respect to their share of the broader population; Ethnicity, Race and Inequality in the UK, The State of the Nation, Policy Press, 2020 Unfair treatment: 45% of BME women say they have been singled out for harder or unpopular tasks at work compared to their white counterparts; Discrimination: 31% of BME women report being unfairly passed over for or denied a promotion at work, 45% of disabled BME women Racism: 34% of BME women have experienced racist jokes and so-called banter at work and 30% have experienced verbal abuse BME Women and Work, TUC Equality Briefing, 2020		
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<u>Under-representation within GL Workforce</u> GL profiling (March 2023) indicates 4.7% of workforce identify as disabled; 35% non-disabled; 60.4% have chosen not to disclose with regard to this protected characteristic. The highest level of disabled employees are employed within grades 1-4, representing 3.29% of the workforce. <u>Discrimination</u> Women are more likely to be disabled than men; disabled women are more likely to live in poverty and have insecure or low paid employment; disabled women are at greater risk of violence and abuse compared with both non-disabled people and disabled men; disabled women fare less well in education than non-disabled people or disabled men Triple Whammy, Glasgow Disability Alliance 2022 <u>Labour Market Discrimination</u> UK research indicates that disabled people face a higher unemployment rate and a lower employment rate than non-disabled people. Disabled workers also make up 16% of all workers, but only 12% cent of managers, directors and senior officials. TUC, Jobs and Pay Monitor, 2022	Disability, gender	
<u>Under-representation within GL Workforce</u> GL profiling (March 2023) indicates Non-Disclosure rate of 63.8% of workforce for this protected characteristic	Gender, sexual orientation	

GL Workforce Data 2023		
<u>Under-representation within GL Workforce</u> GL profiling (March 2023) indicates non-disclosure rate of 66.0% of workforce for this protected characteristic GL Workforce Data 2023	Religion, belief (lack of belief)	
Adults with a long-term limiting physical/mental health condition were more likely to have experienced discrimination in the previous 12 months compared to adults without any health conditions, Scottish Household Survey, 2019 <u>Cultural Participation – Key Factors</u> Participation in cultural activity is higher among women, those with degrees or professional qualifications, those with no physical or mental health conditions, those living in less deprived areas, and those with a higher household income. Scottish Household Survey, Scottish Government 2019 Cultural attendance and participation is lower amongst disabled people compared to non-disabled people., Scotland's Wellbeing: national outcomes for disabled people National Performance Framework, Scottish Government, 2019 Barriers to cultural participation are more commonly experienced by young people (29% higher incidence than average), those on lower incomes (17% higher), ethnic minorities (23.5% higher), those	Race, belief, religion, disability, sexual orientation, gender reassignment	

identifying as Lesbian, Gay, Bisexual or Transgender (38.6% higher), and people with disabilities (40% higher).

Scotland's Culture Strategy: overcoming barriers and unlocking benefits, National Trust for Scotland, 2023

Sport and Physical Activity Participation – Key Factors

Participation rates in physical activity and sport were higher among men than women Participation in physical activity and sport (including recreational walking) declined with age.

Participation in physical activity and sport (including recreational walking) was lower for those living in the most deprived areas compared to the least deprived areas. Participation in walking (for at least 30 minutes) was also lower for those living in the most deprived areas compared to those living in the least deprived areas. Those with a long term limiting condition were less likely to be physically active compared to those with no condition. **Scottish Household Survey, Scottish Government 2019**

Disabled people have lower average mental wellbeing scores than non-disabled people
A smaller proportion of disabled people meet physical activity recommendations than non-disabled people. Almost two thirds of both disabled and non-disabled people are clinically overweight.
Scotland's Wellbeing: national outcomes for disabled people National Performance

Framework, Scottish Government, 2019 Women and girls continue to experience a range of barriers to sport and physical activity participation. These include personal safety concerns, especially with regard to outdoor exercise. Body image and confidence; stereotyping and discriminatory, attitudes and behaviours can also impact women and girls’ participation. Women typically carry out the majority of domestic and caring responsibilities and have less leisure time than men. As a result childcare, dependent care or other caring roles can also limit their ability to participate in sport and physical activity. Many of these barriers to participation increase for women and girls with disabilities, LGBT+ women and girls, women and girls from black and minority ethnic backgrounds, or from communities experiencing social and economic deprivation and disadvantage. Scottish Parliament, Health, Sport and Social Care Committee, Inquiry Inquiry into female participation in sport and physical activity, 2022 LGBTQ+adolescents experience lower wellbeing than their peers, and this is evident across a range of wellbeing domains. Gender and sexual identity-based inequalities in adolescent wellbeing: findings from the #BeeWell Study, BMC Public Health, Nov 2023 LGBT+ people experience a wide range of poorer health outcomes, particularly in relation to mental health and wellbeing, physical activity, and also experience barriers to accessing mainstream		
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services particularly around sport and physical activity Health needs assessment of lesbian, gay, bisexual, transgender and nonbinary people, NHS Greater Glasgow and Clyde, NHS Lothian, 2020 “racism and racial inequalities still exist within sport in the UK and that there are longstanding issues, which have resulted in ethnically diverse communities being consistently disadvantaged” – UK Sport Tackling Racism and Racial Inequality in Sport Review, 2021 <u>Societal Attitudes to Transgender People</u> Attitudes towards people who are transgender have become markedly less liberal over the past three years. For examples 64% describe themselves as not prejudiced at all against people who are transgender, a decline of 18 percentage points since 2019 (82%). National Centre for Social Research, A Liberalisation in Attitudes? British Social Attitudes 40, September 2023		
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3. ASSESSMENT & DIFFERENTIAL IMPACTS

Use the table below to provide some **narrative** where you think the **Policy, Project, Service Reform or Budget Option** has either a positive impact (contributes to promoting equality or improving relations within an equality group) or a negative impact (could disadvantage them) and note the reason for the change in policy or the reason for policy development, based on the evidence you have collated.

Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
SEX/ GENDER	Women			n/a
	Men			n/a
	Transgender	Development and implementation of trans-inclusion policy and supporting frontline staff with training is likely to improve the experience of trans people mainstream culture and sport provision accessing services		The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions are universal human rights under various United Nations charters
RACE*	White			n/a
<i>Further information on the breakdown below each of these headings, as per census, is available here. For example Asian includes Chinese, Pakistani and Indian etc</i>	Mixed or Multiple Ethnic Groups	Developing a programme to address under-representation of people from non-white groups with protected characteristics within the GL workforce is likely to improve labour market access to variety of roles		The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions are universal human rights under various United Nations charters
	Asian	Developing a programme to address under-representation of people from non-white groups with protected		The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions

Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
		characteristics within the GL workforce is likely to improve labour market access to variety of roles		are universal human rights under various United Nations charters
	African	Developing a programme to address under-representation of people from non-white groups with protected characteristics within the GL workforce is likely to improve labour market access to variety of roles		The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions, sport and physical activity are universal human rights under various United Nations charters
	Caribbean or Black	Developing a programme to address under-representation of people from non-white groups with protected characteristics within the GL workforce is likely to improve labour market access to variety of roles		The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions, sport and physical activity are universal human rights under various United Nations charters
	Other Ethnic Group	Developing a programme to address under-representation of people from non-white groups with protected characteristics within the GL workforce is likely to improve labour market access to variety of roles		The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions, sport and physical activity are universal human rights under various United Nations charters
DISABILITY	Physical disability	Developing a programme to address under-representation of disabled people within the GL workforce is likely to		The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions, sport and physical activity are universal

Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
		improve labour market access to variety of roles		human rights under various United Nations charters
A definition of disability under the Equality Act 2010 is available here .	Sensory Impairment (sight, hearing,)			The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions, sport and physical activity are universal human rights under various United Nations charters
	Mental Health			The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions, sport and physical activity are universal human rights under various United Nations charters
	Learning Disability			The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions, sport and physical activity are universal human rights under various United Nations charters
LGBT	Lesbians			The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions, sport and physical activity are universal human rights under various United Nations charters
	Gay Men			The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions, sport and physical activity are universal

Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
				human rights under various United Nations charters
	Bisexual			The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions, sport and physical activity are universal human rights under various United Nations charters
AGE	Older People (60 +)			n/a
	Younger People (16-25)			n/a
	Children (0-16)			n/a
MARRIAGE & CIVIL PARTNERSHIP	Women			n/a
	Men			n/a
	Lesbians			n/a
	Gay Men			n/a
PREGNANCY & MATERNITY	Women			n/a
RELIGION & BELIEF**	See note			n/a

EQIA

Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit an equality group)	Negative Impact – (it could disadvantage an equality group)	Socio Economic / Human Rights Impacts
A list of religions used in the census is available here .				

* For reasons of brevity race is not an exhaustive list, and therefore please feel free to augment the list above where appropriate; to reflect the complexity of other racial identities.

** There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions used in the census is available [here](#).

Summary of Protected Characteristics Most Impacted

Race, faith/belief, disability, sexual orientation, gender

Summary of Socio Economic Impacts

The groups with protected characteristics identified by the GL EDI Strategy, Action, Plan and Policy experience poorer health, social and labour market outcomes. There is a strong inter-sectional relationship between protected characteristics which increases disadvantage and discrimination and can result in poorer outcomes. GL's approach to EDI is designed to improve access to labour market opportunities within GL for under-represented protected characteristic groups.

Summary of Human Rights Impacts

The right to take part in cultural life guarantees the right of everyone to access, participate in and enjoy culture, cultural heritage and cultural expressions are universal human rights under various United Nations frameworks charters. Improving access to culture, cultural heritage, cultural expression for groups which experience additional access barriers to mainstream local cultural provision is likely to have positive impact on human rights outcomes in Glasgow.

The right to participate in sport and physical activity is also identified under various United Nations Human Rights frameworks and charters. Improving access to mainstream local sport and physical activity participation for groups which experience additional access barriers is likely to have a positive impact on human rights outcomes in Glasgow.

4. OUTCOMES, ACTION & PUBLIC REPORTING

Outcome	Yes /No Or / Not At This Stage
Was a significant level of negative impact arising from the project, policy or strategy identified?	No
Does the project, policy or strategy require to be amended to have a positive impact?	No

Actions: Next Steps

(i.e. is there a strategic group that can monitor any future actions)

Further Action Required/ Action To Be Undertaken	Lead Officer and/or Lead Strategic Group	Timescale for Resolution of Negative Impact (s) / Delivery of Positive Impact (s)
Ongoing review of implementation of GL EDI strategy and action	Director of Finance and Corporate Services GL Leadership Team GL EDI Steering Group GL Board GL EDI Board Sub-Group	GL EDI Strategy and Action Plan has 5 year delivery. Delivery will be reviewed monthly by EDI Steering Group. GL Leadership Team, GL Board and GL EDI Board Sub-Group

Public Reporting

All completed EQIA are required to be publically available on the [Council EQIA Webpage](#) once they have been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. (See [EQIA Guidance](#): Pgs. 11-12)

5. MONITORING OUTCOMES, EVALUATION & REVIEW

The Equalities Impact Assessment (EQIA) is not an end in itself but the start of a continuous monitoring and review process. The relevant Strategic, Policy, or Operational Group responsible for the delivery of the Policy, Project, Service Reform or Budget Option, is also responsible for monitoring and reviewing the EQIA and any actions that may have been taken to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from **Corporate Strategic Policy and Planning** will be available to provide support and guidance.

Legislation

Equality Act (2010) - the Equality Act 2010 (Specific Duties) Scotland Regulations 2012

The 2010 Act consolidated previous equalities legislation to protect people from discrimination on grounds of:

- race
- sex
- being a transsexual person (transsexuality is where someone has changed, is changing or has proposed changing their sex – called ‘gender reassignment’ in law)
- sexual orientation (whether being lesbian, gay, bisexual or heterosexual)
- disability (or because of something connected with their disability)
- religion or belief
- having just had a baby or being pregnant
- being married or in a civil partnership, and
- age.

Further information: [Equality Act Guidance](#)

As noted the Equality Act 2010 simplifies the current laws and puts them all together in one piece of legislation. In addition the **Specific Duties (Scotland Regulations 2012)** require local authorities to do the following to enable better performance of the general equality duty:

- report progress on mainstreaming the general equality duty
- publish equality outcomes and report progress in meeting those
- impact assess new or revised policies and practices as well as making arrangements to review existing policies and practices
- gather, use and publish employee information
- publish gender pay gap information and an equal pay statement
- consider adding equality award criteria and contract conditions in public procurement exercises.

Further information: [Understanding Scottish Specific Public Sector Equality Duties](#)

Fairer Scotland Duty

Authorities should also consider Socio-Economic Impacts where appropriate. Further information: [Fairer Scotland Duty Interim Guidance](#)

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.