

April 24, 2017

Testimony of Health Justice Director Laura Redman

On Behalf of New York Lawyers for the Public Interest

Before the New York City Council's Committee on Women's Issues

Good afternoon, my name is Laura Redman and I am the Director of the Health Justice Program at New York Lawyers for the Public Interest; however, I come to speak to you today about my experiences as a Senior Legal Officer in the Enforcement and Public Duty Department at the Commission for Racial Equality (CRE) in London, England. Thank you to Chairperson Cumbo and the Committee members for giving me the opportunity to present testimony today. I applaud Speaker Mark-Viverito, Councilmember Dromm, and Councilmember Ladner for proposing legislation related to race and gender impact assessments, cultural competency and implicit bias training, and adding race and gender to the current assessment legislation. I, along with my colleague Ruth Lowenkron, who will speak shortly, encourage the inclusion of disability into these bills.

I. New York Lawyers for the Public Interest

For the past 40 years, New York Lawyers for the Public Interest (NYLPI) has been a leading civil rights and legal services advocate for New Yorkers marginalized by race, poverty, disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual legal services, impact litigation, and comprehensive organizing and policy campaigns. Guided by the priorities of our communities, we strive to create equal access to health care, achieve equality of opportunity and self-determination for people with disabilities, ensure immigrant opportunity, strengthen local nonprofits, and secure environmental justice for low-income communities of color.

Our full-time staff of 32 includes lawyers, community organizers, social workers, legal advocates, development professionals, and administrators.

In the past five years alone, NYLPI advocates have represented thousands of individuals and won campaigns improving the lives of millions of New Yorkers. Our work with community partners has led to landmark victories including integration into the community for people with mental illness; access to medical care and government services for those with limited English proficiency; increased physical accessibility of New York City public hospitals for people with disabilities; cleanup of toxins in public schools; and equitable distribution of environmental burdens.

In addition, NYLPI's Pro Bono Clearinghouse provides critical services to strengthen non-profits throughout every community in New York City. Drawing on volunteer lawyers from New York's most prestigious law firms, we help nonprofits and community groups thrive by providing free legal services that help organizations overcome legal obstacles, build capacity, and develop more effective programs. Through educational workshops, trainings for nonprofit leaders, individual counseling and a series of publications, the Clearinghouse is at the forefront of helping nonprofits maximize their impact on communities in each of your Districts.

NYLPI's Health Justice Program brings a racial justice and immigrant rights focus to health care advocacy in New York City and State. As the Council considers the City's budget with regard to legal services and support for New York's communities, NYLPI hopes that the Council and Administration will prioritize immigrant communities and particularly immigrant health.

I. Experience with Race Equality Impact Assessments

As a Senior Legal Officer at the CRE, my position was to enforce the "Race Equality Duty", a proactive "duty" (mandate) placed on all public authorities to promote good race relations, eliminate racial discrimination, and advance equality of opportunity. The duty came into force in 2001 in response to an investigation, which revealed deep institutional racism in the Metropolitan Policeforce. Shortly after I left my position and returned to the US in 2006, the equality duty was expanded to cover disability and gender. In 2010, the duty was expanded to all "equality strands" included in the Equality Act 2010 such as sexual orientation, gender identity, age, religion, and so on.

During my time, the duty required all public authorities, from Parliament to local police forces and schools, to perform race equality impact assessments of all policies. The impact was demonstrable. The process was positive, but not always

straightforward. For example, one of the first national policies to be revised after a race equality impact assessment was “Anti-Smacking” legislation, which declared a “smack” unlawful if it left a red mark on the skin. This was easily seen as violating the duty because a “smack,” of course, does not cause a red mark on persons of color, and the language was altered. More complicated were national policies regarding moving large government agencies outside of London in an effort to cut costs, but also to reinvigorate struggling communities with new jobs and bring a more diverse workforce to those cities and towns.

Further, under the duty, every public authority was required to develop a race equality scheme that would be used to carry out these assessments and also review all of the entity’s procedures. I reviewed Race Equality Schemes from local schools, fire departments, police authorities, planning bodies and so on. Each scheme had to show that the entity had thought about their own structures and situation, and not solely use the same model. Again, some schemes were well thought-out and highlighted easy solutions, such as schools considering language access for parent and community meetings, or deconstructing the promotion policy of a local fire department. Others were more complicated and required nuance in understanding local communities.

As an entity, we had the power to enforce the duty, first through what I called “finger wagging” letters and second through litigation. Fortunately, litigation was rarely used, as people were on board with the practice. What made all of this most possible and not a hollow exercise, and advice I give to you today, was two-fold: 1) detailed and expressed guidance on how to perform such assessments, in a substantive and useful manner; and 2) enforcement and monitoring.

First, without detailed guidance and assistance, the exercise easily becomes hollow and just a paper exercise. It has so much more potential, but users need help in how to navigate and incorporate these questions into their work. Additionally, the training proposed in Intro 1512 is vital to making the purpose behind this legislation a reality. I am also the co-chair of the HRA LGBTQ Working Group and have been very impressed with HRA’s training commitment and think the City should mandate something similar for all City agencies. Second, however, without monitoring or required reporting, the exercise of the assessments and the training also becomes hollow. Reviews and enforcement that have actual power to push for change are essential to substantively revising how entities operate. Therefore, I applaud including Section (d) in Intro. 1500, and encourage the ability to take action where city agencies do not comply appropriately. I also welcome Section (c) requiring goals

to reduce barriers and a concrete action plan. In my position at the CRE, where schemes and assessments turned up inequality or disparate impact, the authority had to develop an action plan. Again, I encourage you to make sure such plans are substantive, thoughtful, and crafted for the specific issue and entity, and to provide guidance to agencies.

Finally, I would set forth one more caution from my experience. Although I applaud the inclusion of both race and sex, and support my colleagues' request for inclusion of disability – I caution against the concept of a general equality assessment, which eventually became the law in the UK. Early on, Northern Ireland shifted to a full-scope equality mandate, which resulted in watered-down generalized assessments and schemes that did not address the full purpose of the law. Each “strand” as they call them, requires different questions and perspectives in order to be effective. For example, when the disability duty was separate, it included distinct duties in terms of inclusivity and representation that were meant to address the nearly complete lack of representation of people with disabilities in any decision-making position, or even rank and file, within many public authorities across the country. This requirement then was watered down when the duty shifted, because it did not apply in the same manner to the other equality strands. Similarly, language access fell away, as without needing to think specifically about race and ethnicity, the public authorities no longer had to ask themselves the questions that led to the more inclusive parent meetings mentioned earlier.

These are my experiences, which I happily offer to you in support of your efforts and I would be happy to discuss further.

II. Conclusion

Thank you for your time and we look forward to continuing to work with the Council to improve the lives of all New Yorkers.

We hope the issues we have identified above will inform the Committee's advocacy in the coming months. Please contact Laura Redman at (212) 244-4664 or lredman@nylpi.org for further information or discussion.