

# Charting the Equality Agenda

A Coherent Framework  
for Equality Strategies  
in Ireland North and South

by Katherine E. Zappone



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This research has been commissioned by the Equality Authority and the Equality Commission for Northern Ireland. The views expressed herein are those of the author and do not necessarily represent those of the commissioning organisations.

## FOREWORD

We are currently going through a period of significant change in our approach to equality north and south. Part of this change is reflected in the emergence of multi-ground equality agendas. This involves a move away from fragmented approaches tied to specific grounds and any hierarchies of rights enshrined in such approaches. It requires a search for effective ways of managing such broad based agendas.

The Republic of Ireland and Northern Ireland have led this change with new equality legislation and new equality institutions based on multi-ground agendas. It is becoming a pan-European phenomenon with the development of European Union equality directives based on the multi-ground non-discrimination clause in the Amsterdam Treaty.

The purpose of commissioning this work by Katherine Zappone is to stimulate and inform debate on developing and implementing a coherent multi-ground framework for equality. We do not seek to take up any definitive positions at this early stage in our approach to this challenge. It is a challenge that is common to both the Equality Commission for Northern Ireland and the Equality Authority. It is for this reason that we have developed this important project as a joint venture. We are breaking new ground and we enhance necessary creativity and innovation by doing so together. This project is part of our wider commitment to co-operation. It is a co-operation that seeks to go beyond learning from exchange of expertise and experience, to realise the potential in facing new challenges and establishing practical responses together.

More immediately our co-operation will focus on generating debate on the ideas and strategies set out in this publication, both internally within our organisations and externally across society north and south. It will focus on testing the tools designed in this publication. This will include work on exploring the content and practical implications of difference across the equality grounds within our mandates. It will involve particular initiative in opening up the integrated equality agenda by working with the experience and aspirations of those with multiple identities which span more than one ground.

This publication opens up a new potential for both our organisations. It will be a time of invention and debate as we test out the potential in Katherine Zappone's work. We are grateful to Katherine Zappone for giving us this opportunity and for the creativity and intellectual vigour that she has applied in researching and writing this publication. She has been a valued partner as we seek to meet the complex but exciting challenges that we face.

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## Executive Summary

The overall purpose of this study is to develop a conceptual framework for equality strategies in Ireland, North and South. In Northern Ireland, the Good Friday Agreement contains commitments to partnership, equality and mutual respect while in the Republic the chief goal of the Programme for Prosperity and Fairness is greater prosperity through a fairer, more inclusive society with better quality of life for all. Thus, equality now has a high political priority in both jurisdictions.

In Part I, the Conceptual Framework, Chapter 1 opens with the background to the study and why it was prepared. The Equality Authority in the Republic and the Equality Commission for Northern Ireland have jointly commissioned this research to develop their equality and anti-discrimination work programmes. The Equality Authority promotes and defends equality rights based on legislation which outlaws discrimination on nine distinct grounds: gender, marital status, family status, age, disability, race, sexual orientation, membership of the Traveller community and religious belief. The Equality Commission's agenda also embraces nine grounds within anti-discrimination legislation covering employment, education and training, and goods, facilities and services.

The study aims to provide both agencies with a framework for equality strategies, reflecting an integrated equality agenda clarifying key principles, the rationale and value of such an agenda, the potential barriers and the application of such strategies to employment, services and policymaking.

Chapter 2 outlines an inclusive theory of equality, rooted in the practice of equality work as the basis for an effective integrated agenda. This theory examines the intersection of differences, going beyond mere support for formal equality of opportunity to affirm the need for respecting the cultural diversity of society, and acknowledging how characteristics such as gender, ethnicity, religion or marital status impact on one's identity. It calls for a fairer distribution of social and economic benefits through greater political, social, economic and cultural participation.

Chapter 3 examines the legislative foundation to the equality agenda for diverse social groups North and South, the legal definitions of equality and the significance of key policy documents, particularly relating to equality and anti-poverty policies. The latter include the SACHR reports, the New TSN and the Good Friday Agreement in the North and the NAPS, Partnership 2000 and Programme for Prosperity and Fairness in the South.

Building on the preceding theoretical analysis, Part II, Equality Strategies, proposes strategies consisting of three components: 1. An inclusive model of equality; 2. A diversity approach to equality strategies; 3. An integrated approach to equality strategies. Each is

considered in some detail, leading on to a series of 10 proposed Implementation Steps towards greater equality in crucial areas such as employment, education, service provision, poverty elimination and economic development.

The chapter considers the principles for integrating the equality agenda such as shared understanding, subjectivity, new senses of identity and solidarity, openness to change, creation of a homeplace and economic independence. Counterposed to this, it outlines five faces of oppression: exploitation, marginalisation, powerlessness, cultural imperialism and violence. It also confronts and challenges the basis of four potential barriers to an integrated equality agenda: philosophical, practical, political/economic and ideological. The chapter contains a number of useful tools for those seeking to develop the equality agenda such as an equality lens and guidelines for a common source analysis of oppression and discrimination.

The study concludes that the benefits arising from the structural changes which encourage full participation by all groups and sectors will be extremely significant and lead to a fairer, more inclusive society in both the Republic and Northern Ireland.



# 1 Conceptual Framework





## Chapter 1

### 1.1 Prologue

Within the recent past there have been two documents of great import published in Northern Ireland and the Republic of Ireland. The Good Friday Agreement (from the North) and The Programme for Prosperity and Fairness (from the South) encompass the social, economic and political discourse of agreement and consensus reached between people with exceedingly different backgrounds, identities and cultural norms. The Good Friday Agreement, of course, is known worldwide, and outlines in an extraordinary way a political architecture that could lay the foundations for structural change towards a culture of equality. In order to reach consensus, the authors of the agreement had to commit themselves to 'partnership, equality and mutual respect' and to 'acknowledge the substantial differences between [their] continuing, and equally legitimate, political aspirations'.<sup>1</sup>

The Programme for Prosperity and Fairness is the fifth in a series of national programme agreements for Ireland representing the now well-known social partnership model of governance. The aims of this programme are to further economic prosperity by maintaining Ireland's global competitive position, and to 'bring about a fairer and more inclusive Ireland' by improving the 'quality of life and living standards for all'.<sup>2</sup> This consensus document outlines social and economic frameworks that intend greater social inclusion and equality alongside the competitive development of Irish goods and services for the national and global marketplace.

While the documents differ significantly in their political functions, they do sketch the contemporary political landscapes within which equality and social inclusion discourse is voiced in Northern Ireland and the Republic today. They demonstrate the dynamism and groundedness of concepts such as human rights, equality, participatory democracy and social inclusion. Both documents refer to the statutory authorities that are now established for both jurisdictions to oversee anti-discrimination and proactive equality work across a wide range of equality agendas. On the face of the written word, one could safely assume that equality is a political priority for both contexts.

What does it mean, however, to say that equality is a political priority? First of all, what kind of equality is being talked about? Political, economic, social, cultural? Secondly, why ought it to be a political priority? What is it about equality that would persuade those who govern (or influence governance) to view it as primary for social well-being? And thirdly, if equality is a priority, what kind of change is required to bring it about? Is it a case of attitudinal change? Do we need to allocate resources differently so that all have an equal chance? Will any form of systemic, structural change be required?

These three fundamental questions – (1) What is equality? (2) Why should it matter? And (3) What kinds of change will bring it about? – surface with renewed vigor at this time in the history of the island. From a Southern perspective, the political priority for equality is fashioned within the context of a common concern held by diverse movements for social change, namely, ‘how can Ireland be as successful socially, as it has been economically?’ From the Northern perspective, creating political space to acknowledge the full diversity of political, religious and cultural traditions requires the prioritisation of equality and an end to the many different kinds of discrimination.

For both jurisdictions there exists an opportunity to re-think the meaning of equality as new ways of practicing politics are explored. For both jurisdictions new ways of practicing politics are influencing the meaning of equality, and the design of strategies that can bring it about. The growth and diversity of social groups that are bringing their equality interests into the political and decision-making arenas spur this interactive dynamic.

## 1.2 Introduction

The Equality Commission for Northern Ireland and the Equality Authority in the Republic of Ireland have jointly commissioned this research on an integrated equality agenda in order to support their strategic capacities to carry out anti-discrimination and equality work. This chapter introduces the research by outlining the proximate background to the present study and by describing its purpose, objectives and method. It concludes by sketching the new terrain in strategizing for equality.

### 1.2.1 Background to the Study

The Equality Authority in Ireland and the Equality Commission for Northern Ireland are statutory institutions both recently established that manifest the broadening of interests to promote and ensure societal equality.

#### Box 1.1 The Equality Authority (RoI)

The Equality Authority's function in the Republic is to promote equality and to work towards the elimination of discrimination in employment, in the provision of goods, services and facilities, education, property and other opportunities to which the public generally have access. The Employment Equality Act, 1998 and the Equal Status Act, 2000 outlaw discrimination on nine distinct grounds. The Authority has defined its mission as 'promoting and defending the rights established in equality legislation; building a commitment to addressing equality issues in practice, creating a wider awareness of equality issues, celebrating the diversity in Irish society and mainstreaming equality considerations across all sectors.'

The Equality Commission for Northern Ireland was formally established under the Northern Ireland Act 1998. It has all the functions which were previously the responsibility of: the Commission for Racial Equality for Northern Ireland, the Equal Opportunities Commission for Northern Ireland, The Fair Employment Commission for Northern Ireland and the Northern Ireland Disability Council.

#### Box 1.2 The Equality Commission for Northern Ireland

With the addition of responsibility for the new statutory duty contained in section 75 of the Act, the Commission's agenda also embraces nine grounds. The Commission's duties include working towards the elimination of unlawful discrimination, promoting equality of opportunity and affirmative action and promoting good relations between persons of different racial groups. Its legislation covers employment, education and training, and access to goods, facilities and services. The Commission is also responsible for enforcing the statutory duty, which requires public authorities to have due regard for the need to promote equality of opportunity between certain different individuals and groups. It uses a range of mechanisms to fulfill its duties, including complainant support, investigation and enforcement, education and promotion, advice, information and research.

The establishment of institutions that both hold responsibilities for the breadth of contemporary equality interests provides a unique opportunity for collaborative work. This jointly commissioned research, 'Charting the Equality Agenda - A Coherent Framework for

Equality Strategies in Ireland North and South', roots itself in a pragmatic concern to realise the full potential – and avoid any potential pitfalls – of an integrated/comprehensive approach to the equality agenda. This practical concern, however, demonstrates a visionary approach to the future of equality theory and strategies. It offers an opportunity to analyse theory, policies and legislation for the purpose of charting a more coherent path towards equality, and developing the meaning of and strategies for an integrated approach.

### 1.2.2 Purpose and Objectives of the Study

The overall purpose of the present study, therefore, is to assemble a conceptual framework for equality strategies that reflect a comprehensive/integrated equality agenda. The challenge to design a framework that surrounds the breadth and depth of a comprehensive equality agenda should not be underestimated. Such a framework must ensure the development of and respect for the distinctiveness of the varied equality agendas emerging from social groupings around the categories of age, race, gender, Traveller, political opinion and religious belief, disability, sexual orientation, and marital and family status.

It must also outline strategies to bring all of these agendas in an effective manner to the arenas of policy-making, employment practices and the provision of services. The Equality Commission and the Equality Authority have begun to develop strategies to bring these differences together. There is need, however, to explore more fully the meaning of and potential for an 'integrated approach' to bringing the differences of a comprehensive equality agenda together.

#### Box 1.3 Research objectives

The research objectives centre on developing a coherent framework for equality strategies in order to answer the following questions:

1. What are the key principles and themes that underpin an integrated and comprehensive equality agenda?
2. What is the rationale for and value of approaches based on an integrated/comprehensive equality agenda?
3. What are the barriers to such approaches and what potential pitfalls do they present?
4. What is required of strategies to apply the integrated/comprehensive equality agenda in employment practices, provision of services and policymaking?

As we will see, the design of an integrated approach appropriately takes place within an overall framework of strategising for equality. This is, perhaps, one of the most effective

ways of holding the diverse and multiple parts of the equality agenda together. It holds the potential for coherence across the agendas, while maintaining respect for the distinctiveness of each one.

### 1.2.3 Approach and Method

The overall approach to this research is a dialectical one. A dialectical approach is required in a research project of this nature, in order to guide the design of a methodology that will provide reliable and representative results. Such an approach is based on the assumption that meaningful and useful knowledge is constructed through a dialogue between theory and practice. Because the origins and aims of the research are practical ones, it is vital that it does not become simply an academic exercise. At the same time, the research requires systematic and rigorous analyses of theoretical concepts, in order to achieve a 'breakthrough' of sorts to guide strategies for an approach of integration that is not currently present.

The assembly of the framework begins in the second chapter with an analysis of equality theory from the perspective of salient features in the current practice of equality work within Ireland and Northern Ireland. In light of these practices, it is necessary to re-think a definition of equality that will provide appropriate foundations for a coherent framework and an integrated approach to strategies. The analysis concludes by outlining principles for an inclusive definition of equality, the first component of the framework. The third chapter examines in more detail the practice of equality work in both jurisdictions through an analysis of current government policy and legislative documents related to the equality objectives and commitments of the varied equality agendas. It focuses on outlining the legislative basis for the comprehensive agenda and how the diversity of that agenda is being progressed currently in both jurisdictions. It pays particular attention to the overall approach to strategies for action on equality and identifies any indications of an 'integrated approach' within current practice. The final chapter builds on this analysis in order to propose a framework for equality strategies that 'brings the differences together' in a coherent fashion and defines an integrated approach for equality strategies.

The method, then, maintains a dialogue between theory and practice throughout the design of a coherent framework. This was complemented by individual conversations with equality experts, North and South, on their experiences of progressing a broad agenda with respect to equality. Focus groups comprised of equality experts from the North and the South, were held to present and debate the interim findings of the research in order to guide the final analysis. The policies and practices of human rights/equality agencies in two other jurisdictions (Canada and Australia) were also examined in order to identify any practices of an 'integrated approach' that may assist the design here.

The result of this research method outlines ways to conceptualise and to practice equality strategies that reflect a comprehensive/integrated equality agenda.

### 1.2.4 The New Terrain in Strategising for Equality

A number of shifts have been taking place, especially over the last decade, in understandings and practices of social change and the role of equality strategies within such change. These shifts have been influenced by: (a) new ways of conceptualising justice, equality and human rights within political theory; (b) new ways of theorising about difference and identity within post-modern philosophical thought and multi-cultural studies; (c) new meanings of the socially constructed categories of race, class, gender, sexual orientation, disability, developed out of group struggles over socially valued resources; and (d) ongoing debates regarding the nature of economic development and the place of distribution, redistribution or material equality within development. Indeed, this is the stuff of the range of discussions that are going on within equality theory today.

It is important to point out, however, that these discussions are impacted equally by the changes going on within group-based political activism on behalf of those who experience inequality, social discrimination and/or economic marginalisation. While it is critical that these groups develop and pursue individual agendas, many are also beginning to acknowledge the necessity of working collaboratively against the complex systems of oppression and privilege that are part of political democracies today. The pursuit of gender equality, for example, often cannot take place in isolation from anti-poverty or multi-racial work. Indeed, activists are beginning to ask, what are the multiple angles of vision that could be brought to bear in any social situation? How is the construction of self-identity impacted by one's location along several dimensions of class, race, gender and sexuality? Can we articulate a vision of equal citizenship that is premised on continuing differences in cultures, beliefs and practices?

These changes in theory and practice are extending the horizon on the meaning of 'equality' and the strategies that are necessary to bring it about. The equality agenda has been widened considerably, and policy makers and legislators are asking how can the multiple dimensions of inequality be addressed simultaneously and with coherence? More specifically, how can policies, employment practices and provision of services promote an equality that encompasses the identities and differences of all its citizens?

1. *The Agreement (commonly known as 'The Good Friday Agreement' or 'The Belfast Agreement', Declaration of Support, 3,5 (p. 1) 10 April 10 1998.*
2. *The Programme for Prosperity and Fairness, February 2000, Overview, p. 3.*

## Chapter 2

### What Kind of Equality Do We Want?

#### 2.1 Introduction

The widening of the equality agenda in Northern Ireland and the Republic prompts a re-consideration of the meaning of equality today. The diversity of social groupings seeking change creates a new context for the conceptualisation of equality and the design of strategies to make it happen. If we wish to develop an integrated approach to the wide-ranging and diverse agendas of equality groupings, it is necessary to initially outline an understanding of equality that could be shared across the diversity. This chapter builds such an understanding by examining themes in equality theory from the perspective of the practice of equality work within Ireland, North and South. The analysis begins by situating the quest for a shared understanding of equality and moves on to a theoretical examination, that concludes by proposing an inclusive definition of equality as an appropriate foundation for designing strategies for a comprehensive and integrated agenda.

#### 2.2 Situating the Quest(ion)

When activists or policymakers or politicians think about equality, they do so in a pragmatic and outcome-oriented manner.

‘How can we get what we want?’ usually follows the two questions:

- a) What is wrong? and
- b) ‘What do we need instead’?

Critique – rooted in some form of ethical assessment – initiates the practical quest of answering The question ‘what is equality?’ from the particular viewpoint and interests of the practitioner. This is followed by an assessment of need and/or desire, with reference to the situation and opportunities of others (a comparative act) as well as the particularity of the social group experiencing discrimination or oppression. Strategies for effecting change are then designed according to an appraisal of the depth of change required to get the projected results.



### 2.2.1 Equality and Politics

As the preceding description indicates, answering the question ‘What is equality?’ involves numerous considerations and judgements. This has always been so. In situating the quest for its meaning today – and particularly in light of this research – it is helpful to remember that one of the earliest discussions on equality took place within the context of a reflection on the meaning of politics. Aristotle had this to say:

*All men (sic) think justice to be a sort of equality ... [T]hey admit that justice is a thing and has a relation to persons, and that equals ought to have equality ... but there still remains a question: equality or inequality of what? Here is a difficulty which calls for political speculation....<sup>1</sup>*

As noted in the prologue of this study, new ways of practicing politics in Ireland and Northern Ireland contribute to shaping the context within which the meaning of equality needs to be reconsidered. The practices of new forms of governance are creating the political space to reshape the theory and practice of equality. In both the North and the South of Ireland, equality and human rights activists and experts are more integral (in a formal sense) now to the political process than has been the case in even the recent past. In the North, there now exists the statutory duty of public authorities to take full account of consultations with equality organisations and groups in the development of their equality schemes. Public authorities must consult with equality experts and activists as they design strategic priorities and policies. Further, the consultative Civic Forum has been established recently. As stated in the Good Friday Agreement: ‘It will comprise representatives of the business, trade union and voluntary sectors.... It will act as a consultative mechanism on social, economic and cultural issues.’ (1998: Strand One, #34, 9)

In Ireland, the social partnership model of formulating and monitoring the implementation of government policy (inclusive of consensus agreements on many expenditure decisions) has created space for a more participatory form of politics since 1996.<sup>2</sup> the process has formally included the participation of social groups experiencing inequality and discrimination (such as people with disabilities and Travellers). Social partnership could hold the potential to rebalance the power of influence on public policy between the economically and culturally dominant groups and the oppressed social groupings. While in theory this may be so, it is too soon to tell.<sup>3</sup> At the same time, the current Irish national agreement does contain a major step forward in this regard. Social inclusion and equality strategies comprise one of the five frameworks for Ireland’s future development. Strategies for effecting change (How can we get what we want?) are therefore influenced considerably, then, by the kinds of formal political and policy processes operative in Ireland today.

### 2.2.2 Equality and Economic Concerns

Returning to the first question of the practitioner, 'What is wrong?' it would be correct to say that for a substantial portion of the twentieth century, equality debates centred on 'socio-economic' inequality and class. One of the most popular defenses of equality defined in this manner was the book, *Equality*, written by R.H. Tawney in 1931. In the period of his writing, 1 per cent of the adult population owned 60 per cent of the personal wealth of Great Britain and 10 per cent owned more than 90 percent.<sup>4</sup> Tawney's argument against massive wealth and income differentials was an important contribution to shaping the meaning of equality within economic terms.

The centrality of an economic or material understanding of equality/inequality has been upheld also by the moral philosophy of utilitarianism, the liberal political theory of John Rawls and the Marxist, socialist and feminist traditions shaping a more radical understanding of an egalitarian society.<sup>5</sup> Proponents of utilitarianism argued, for example, that rich people should transfer some of their income to poor people because this could increase the utility or happiness of the poor person, without substantially decreasing the happiness of the rich person (Mill, 1861; republished 1957). In John Rawls' formulation of the normative egalitarian theory of justice as fairness, he maintains a critical role for the distribution of the primary goods, income and wealth, in a society that is considered just. He argues:

*All social values – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage. Injustice, then, is simply inequalities that are not to the benefit of all. (Rawls, 1971:62)*

So we can see that economic equality matters for Rawls, though he qualifies the notion of strict equal distribution with the allowance of some inequality of wealth and income if it results in compensating benefits for everyone, and in particular for the least advantaged members of society.

This way of defining the role of economic equality (and inequality) within a society considered to be just has been challenged by a more radical conception of egalitarianism. While Rawls' position allows for material inequalities as virtually inevitable, a radical political philosophy of equality does not. John Baker describes some of the central components of economic equality in this tradition of egalitarianism:

*Egalitarians oppose the huge differences in income and wealth found both within countries and between them. It's not that everyone should have exactly the same income, since people have different needs and aspirations. But much more equality of income is certainly in order. Egalitarians also seek equality of production, involving democratic control of the economy and of the workplace, and the right of everyone not just to some kind of work, but to the work which is safe, dignified, useful, and engaging. (Baker, 1987:5)*

Feminism – even in its liberal tradition but especially in its radical or socialist interpretation – has provided a central role for economics in its varied analyses of equality. Liberal feminists argue for women's economic equivalence with men, for example, as manifested in their pursuit of equal pay and dismantling the gendered nature of ownership and management. Key radical/socialist objectives for feminists include eradicating the gendered division of labour and critiquing the capitalist split between a domestic and market economy, in order to create the material conditions for women's economic independence.

#### Box 2.1 Economic aspects of inequality

Strategies for structural change towards a culture of equality in Northern Ireland and the Republic today encompass a critical focus on the economic dimensions of inequality. They do so at two levels:

1. There is an acknowledgment that economic marginalisation often intersects with experiences of cultural inequality. In Northern Ireland, for example, a central part of the equality agenda has been and continues to be 'the fact that Catholics are disproportionately represented among the unemployed, particularly the long-term unemployed' (Northern Ireland, Partnership for Equality, 1998: 2.19). Or, in the Republic, critical issues for gender equality have been and continue to be the ongoing male/female wage differentials and gender segregation in the labour market (Ireland, PPF, 2000: Framework III, 13, 14).

2. There is an acknowledgment that national anti-poverty, social inclusion and targeting social need strategies are allied to equality strategies. In the Republic of Ireland, the social inclusion macro-policy objective incorporates the reduction of poverty and unemployment and the implementation of a strategic framework for action on equality (Ireland, PPF, 2000: Framework III). The primary objective of social inclusion is that 'the benefits of economic growth and related social improvements, are shared by all sections of the Irish population' (Ireland, P2000, 1996:4.4).

In Northern Ireland, the New Targeting Social Need initiative, announced in the Partnership for Equality White Paper aims to tackle social exclusion by focusing on unemployment and increasing employability. In the White Paper it is acknowledged that the government's role to promote equality of opportunity must be allied with measures to tackle social need. These would be not only in the areas of unemployment and poverty, but also in policy areas "associated with other types of need, such as poor health, low educational achievement and poor housing conditions" (Northern Ireland, Vision into Practice, 1998:2.3.1).

Economic issues, then, are conceptualised today as central concerns to the practice of equality in both jurisdictions.

### 2.2.3 Equality and Issues of Identity and Culture

While distributional concerns regarding material resources, income and wealth are critical in defining equality, social movements or groupings of people who experience discrimination, disrespect, marginalisation and/or violence have found that the route to equal citizenship cannot be achieved by the sole requirement of sharing in society's economic resources on the basis of rough equality. People with disabilities (and there are so many different kinds of disabilities), for example, are finding that the concept of quality of life is significant for their analysis of what is wrong and what they need/desire. Underpinning the quality of life model is the 'importance of the development of one's "identity" as an authentic person' (Parmenter and Donnelly, 1997:97). Issues of identity and positive self-valuation also surface as central elements in movements for racial equality. The demand for legal protection around equality of respect is paramount for those whose sexual orientation differs from the dominant heterosexual grouping. Post-modernist feminist theorists and activists have moved beyond an earlier understanding of gender equality as having access to the same opportunities as men. Instead, they argue that equality between women and men requires a deconstruction of the patriarchal feminine way of being female. Each woman needs to be free to develop her own female subjectivity as a precondition for equality.

This offers a sampling of how cultural and identity issues are central to contemporary debates about the meaning of equality. Cultural equality requires, at the outset, a fundamental acknowledgment of the diverse ways of being human. There must exist, however, a certain amount of political, social and economic freedom for the positive experience of one's difference (this has much to do with the politics of identity)<sup>6</sup>, and the creation of mediums to signify and communicate the meaning of difference (for example, gay pride). Interpretation and communication of the positive identities of culturally subordinated groups is a fundamental requirement for breaking the normative hold by culturally and socially dominant groups on the meaning of being human.

These issues of cultural equality and the diversity of human identity are an integral part of the widening of the equality agenda in Ireland and Northern Ireland. Practice towards equality in both jurisdictions has resulted in the recent extension of statutory protection on anti-discrimination and equality matters to social groupings that were not previously protected. With the Northern Ireland Act (1998), social groupings related to age, sexual orientation and family status are added to the groupings of political opinion, religious belief, gender, race, ethnic origins or nationality, and disability (Section 75, 1-2).<sup>7</sup> With the Employment Equality Act, 1998 (and the subsequent Equal Status Act, 2000) in the Republic,

equality statutory protection has been extended beyond gender and marital status, to include age, religion, membership of the Traveller community, disability, race, sexual orientation and family status (Section II, 6, 1-3).<sup>8</sup>

The meaning of equality today in Ireland and Northern Ireland is being re-shaped by the present context. While a full analysis of this context is outside the scope of the present study, we have outlined three salient characteristics that directly impact our search for an integrated approach to the equality agendas in both jurisdictions (see Box 2.2).

#### Box 2.2 Three key aspects of the present context

- (a) New ways of practicing politics are being explored, influenced by a desire for equality amidst acknowledged substantial differences and influenced by the formal participation of diverse equality representatives in social policy and governance systems;
- (b) Acknowledged links between economic issues and cultural inequalities; this includes the intersection of economic marginalisation with cultural inequalities, and allying national anti-poverty and targeting social need strategies with equality concerns. This is the policy territory of economic and social distributional issues; and
- (c) Extension of statutory protection to numerous social groupings experiencing discrimination. This extension can be viewed as an implicit acknowledgement that differences in social backgrounds or cultural characteristics impact one's identity, needs and human rights.

So we can see that meanings associated with equality are being extended beyond the more popular (and traditional) understandings of Protestants vs. Catholics in the North or men vs. women in the South.<sup>9</sup> While a significant portion of the debates still revolve around these axes, new ways of practicing politics and changes in legislation wrought by the political emergence of diverse social groupings are impacting the meaning and role of equality anew. It moves us beyond the perception of a zero sum game, whereby gains for women necessarily happen at the expense of men; or jobs for Catholics necessarily increase unemployment numbers for Protestants. Indeed, the social change being brought about by equality practices in the current context calls for a fresh understanding of equality that can be shared across the diversity so that progress is made on all fronts.

Having situated the analysis, we turn now to examine themes in contemporary equality theory from this practical perspective and situation.

## 2.3 Equality and social justice

Theoretical reflection on equality has been traditionally focused on the sphere of political philosophy, usually within the context of defining justice and supported by moral understandings of the intrinsic worth of human beings. Liberal political philosophy, outlining the 'powerful ideal of equality' (Kymlicka:1989), provides equality theory today with the foundational notion of each person's equal moral worth. One of the great proponents of this tradition, Immanuel Kant, argues that equal moral worth is rooted in the fact that there are various capacities or attributes that are unique and basic to being human, consequently each person deserves equal concern and respect. Effectively, because we share fundamental capacities in common – especially the capacity to be rational – we ought to treat each other with equal respect. The ethical argument for equal treatment of respect and concern is rooted, therefore, in our fundamental human sameness. We are essentially the same, so we should be treated equally.

### 2.3.1 Distributing the Goods

It is the normative claim of equal moral worth that underlies John Rawls' conception of equality and its intrinsic connection to a society organised according to the principles of justice. Rawls provides one of the most powerful arguments in political theory today for a distributive understanding of justice and equality - so it is an appropriate starting point.

#### **Equal Moral Worth and Sameness**

Considerably late in his treatise, *A Theory of Justice*, Rawls argues that for people to be entitled to equal justice they must be moral persons. To have the capacity for moral personality is to have a notion of the good and a sense of justice. He goes on to qualify this criterion, however, by saying that if 'someone lacks this requisite potentiality either from birth or accident, this is regarded as a defect or deprivation. There is no race or recognized group of human beings that lacks this attribute' (Rawls, 1971:7). It is important to highlight this feature of Rawls' theory because it demonstrates a fundamental aspect of his concept of equality, namely, that though descriptive differences may exist between people, our essential sameness, grounds the argument that no one person is inferior to another and thus deserving of unequal treatment.

#### **Equality and Social Justice**

The ethical assumption of equal moral worth clearly impacts on Rawls' formulation of a theory of social justice. How can society be organised in such a way that all people will be treated equally? As he notes himself:

*The primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation. By major institutions I understand the political constitution and the principal economic and social arrangements. (Rawls, 1971:7)*

The organisation of society, from the perspective of social justice, requires a central focus on how to distribute the primary social goods such as wealth, income, rights, power, and self-respect so that burdens and benefits of society will be shared. Distribution of education, jobs, wealth or income must somehow be ordered so that an equal concern for people is maintained. Rawls is especially interested in demonstrating a way to order the distribution of goods so that inequalities due to social fortune (class position) or natural fortune (the level of one's natural capacities) are mitigated as much as possible. What normative principles could be formulated that would guide distributing the goods in this manner?

### **Equality and the Principles of Just Distribution**

Rawls comes up with an innovative method to determine such principles of justice. He invites us to imagine a group of people who engage in a fair process to construct principles that they all would freely accept. For the process to be fair, he argues that none of these people should know their own identity (such as social background or competencies or talents), but to deliberate under a veil of ignorance about any advantages, disadvantages or interests that they may hold. In this original position (as he names it), Rawls argues that people will choose principles to protect the position of the least disadvantaged members of society, since they could be among them when the veil is lifted.

#### **Box 2.3 Rawls' concept of equality: two principles**

The deliberators in the original position produce two principles which formulate the heart of Rawls' concept of equality.

1. The first principle secures everyone's right to equal liberty, guaranteeing each person traditional basic liberties such as freedom of conscience and freedom of expression, with no trade-offs. These basic liberties must be distributed equally and cannot be sacrificed for the sake of economic gain.
2. The second principle, called the difference principle, effectively allows for some differences in income, wealth, social status and authority because they may be necessary to improve the situation of the least advantaged members of society (Rawls, 1971:302). These differences may be justified only if they increase the overall quantity of social goods to be distributed and if the goods held by the worst off are maximised.



Furthermore, the differences can be justified only if social positions are open equally to all, not simply in a formal sense, 'but that all should have a fair chance to attain them' (Rawls, 1971:73). Rawls is arguing that those with similar talent and ability, and with similar willingness to use them, should not be hampered or affected by their social class. Fair equality of opportunity, as he calls it, may require changes to social conditions so that class barriers are evened out and all have an equal opportunity to achieve for example, similar jobs or positions of authority.

In sum, social and economic institutions should be organised such that:

- (a) All people possess an absolute equal distribution of the basic freedoms;
- (b) Everyone has fair equality of opportunity; and
- (c) Inequalities in the distribution of social goods (income, social status, power and privilege) renders the least advantaged better off than they would otherwise be.

### 2.3.2 A Situated Critical Assessment

There have been numerous critiques of a distributive theory of justice and equality. For the purposes of the present study, it is most useful to focus the assessment in ways that clarify the meaning of equality in Ireland and Northern Ireland in light of salient features of current practice. As outlined above these features include: new ways of practicing politics; acknowledging links between economic issues and cultural inequalities; and extending statutory protection of anti-discrimination to numerous social groupings.

It is preferable, then, to focus an assessment on concepts that will shed light on the meaning of equality in this practical, situated context. In this regard, there are three primary issues that require evaluation.

1. The first one has to do with the assumption that our sameness to one another is the deciding element in justifying equal treatment and respect;
2. The second that equality and justice concerns centre only on how the goods are distributed throughout society.
3. Thirdly, we need to examine more closely how differences in economic resources impact capacities and opportunities for equality.

### 2.3.3 Recognising the Differences

A distributive paradigm of equality and justice focuses on the allocation of material goods such as resources, income and wealth, or on the distribution of social positions, especially jobs. It conceives of equality as primarily pertaining to individuals. Is this a sufficient way to conceptualise equality today, especially in light of current practice? Many theorists and social



activists think not. Contemporary social movements for equality and liberation are often the seed-bed for the emergence of social groups which situate primary concerns of justice and equality within positive self-definitions of group difference. Activists and theorists tackling ageism, racism, ableism, sexism and homophobia often have argued for self-organisation and positive group cultural identity as strategies to challenge their oppression and social exclusion.

### Identity, Group Differences and Social Justice

#### Box 2.4 The Combahee River Collective

A good example of the flowering of identity politics is represented in the writings of the US Combahee River Collective, especially in their publication, *This Bridge Called My Back: Writings by Radical Women of Color* (Moraga, Cherrie, and Anzaldúa, 1983). The women declare their own group identity as Black lesbian feminists; it is a positive interpretation, forthrightly communicated and born through resistance to the culturally dominant definition of their inferior position/identity. They declare that their difference does not mean essential inferiority (and consequent unequal, denigrating and disrespectful treatment). Making the difference visible is a critical strategy for dismantling the oppression.

Activists redefining and revaluating social group differences challenge radically the notion that race, ethnicity, disability, sexual orientation and/or gender are simply descriptive attributes that are worn on the surface of being human. Instead they insist that these characteristics, histories and social experiences shape the very essence of their identities, needs and consequent rights. They make a difference to their rights and opportunities.

In light of her analysis of a number of emancipatory movements asserting a positive sense of group difference, Iris Young argues that these movements offer an ideal of equality and liberation through practicing a politics of difference. The ordering and governing of a just society must not design institutions and laws that eliminate group difference, but instead promote equality 'among socially and culturally differentiated groups, who mutually respect one another and affirm one another in their differences' (Young, 1990:163). It would require a radical democratic pluralism with an acknowledgment of the public and political significance of social group differences 'as a means of ensuring the participation and inclusion of everyone in social and political institutions' (Young, 1990:168). This is the opposite of an assimilationist ideal, whereby systems are designed – for example, educational systems, workplace systems, family systems – that assume the norm or dominance of one race, one gender, one ideal age group or persons without disabilities.

A distributive paradigm of social justice cannot accommodate the contemporary dynamic of diversity because of its primary concentration on how social goods, benefits and opportunities ought to be distributed. As Young points out, this focus virtually ignores the institutional context that determines the distributive patterns in the first place. The context of class inequality, for example, is obscured, and there is an uncritical acceptance of the relations of economic production. It is within the institutional contexts of the economy, state, family, workplace and civil society (all which underlie the patterns of distribution) that rules, values, norms and social practices can be negotiated between social groups with differing needs and social experiences. How decisions are made and who makes the decisions to determine patterns of distribution (for jobs, positions of authority, educational places) are primary issues of social justice. So, Young argues that:

*Equality refers not primarily to the distribution of social goods, though distributions are certainly entailed by social equality. It refers primarily to the full participation and inclusion of everyone in a society's major institutions, and the socially supported substantive opportunity for all to develop and exercise their capacities and realise their choices (Young: 1971, 7).*

The focus of equality and social justice shifts from human beings as 'primarily consumers, desirers and possessors of goods' to people as 'doers and actors'. Although fair distribution of the goods is an important feature of a just society, the practice of equality requires significantly more to create institutional conditions that will support self-development and self-determination for all the different members of society.

We can conclude certain things from this part of the assessment:

1. The practice of equality requires attention to social group differences.
2. Decisions regarding the (re)design of systems, laws and policies should be the product of political practices that acknowledge group differences and the diverse needs of individuals.
3. The societal practice of equality must incorporate a focus on the dynamic between underlying institutional contexts and people's capacities and freedoms to develop, as well as the distributive patterns that result as a consequence of this dynamic.

These assertions negate the notion of equal moral worth based on the assumption of sameness. Also, they provide a base to challenge the sufficiency of fair equality of opportunity, if fairness simply means an equal chance to possess the goods of unequal patterns of distribution through upward mobility in socially stratified systems.

### **The Intersection of Differences**

As emancipatory social movements continued to develop, they provided the culturally creative contexts for a multiplicity of differences to surface. Nancy Fraser offers a sharp theoretical analysis of how this happened within the women's movement as she traces three phases of the struggle from: a) gender difference; to b) differences among women; to c) the current phase of multiple intersecting differences (Fraser, 1997:175-88). Women are not the same as men, all women are not the same as each other and all women comprise a mixture of differences. There are several social dimensions of any one person's identity, e.g. gender, class, age, race, or sexual orientation. There are multiple dimensions of who we are; multiple social/physical differences that form the uniqueness of self. In effect, every person holds multiple identities. This acknowledgement of multiple differences raises questions such as: How should I identify myself? Which form of oppression is worse? and: What are the remedies for the inequalities experienced through multiple identities? For example, what kinds of changes are required so that older men with disabilities experience quality of life and equality of respect?

The exceeding complexity of these questions points to the complexity of interlocking systems of oppression and domination as Young points out below. This leads to the practical problem of how to answer the question: What kind of equality do we want? amidst a diversity of difference. Are some inequalities more fundamental than others, therefore whatever else, they must be tackled? Or, is it necessary to resist all forms of domination simultaneously in social action, or legislative change or policy design? If this is desirable, is it possible? These are some of the complexities that underlie the quest of a definition of equality that is shared across the diversity.

Assembling answers to these questions can be assisted by certain theoretical insights. At the level of identity, theorists such as Diane Fowlkes and Seyla Benhabib develop the concept of intersubjectivity (Benhabib, 1992). This is the dawning awareness at the personal level of how one's identity is formed through the intersection of specific differences. This concept helps people to 'recognize themselves and others as differently and complexly identified' (Fowlkes, 1997:107). Our social location along the different axes of gender, race, sexual orientation, disability or class impact the fashioning of our particular needs and values, but also the access or non-access to social resources.

This takes place, of course, within the context of social hierarchies and social systems that promote patterns of domination and oppression. As Young points out,

*Justice should refer not only to distribution, but also to the institutional conditions necessary for the development and exercise of individual capacities and collective communication and cooperation. Under this conception of justice, injustice refers to two forms of disabling constraints, oppression and domination. (Young: 1990, 39)*

Consequently, many activists argue for a coalition politics because the 'fight against complex domination becomes a more complex fight, requiring struggles of recognition and against oppression not only with the larger society, but also with others still defining their respective struggles unidimensionally'. (Fowlkes, 1997:107)

### 2.3.4 Linking Recognition and Redistribution

Nancy Fraser warns against a form of multi-culturalism that she describes as the rallying cry for a potential alliance of social movements all of whom want recognition of their differences. This is the pluralist form of multi-culturalism and it is:

*premised on a one-sided understanding of difference: difference is viewed as intrinsically positive and inherently cultural. This perspective accordingly celebrates difference uncritically while failing to interrogate its relation to inequality...The result is to divorce questions of difference from material inequality, power differentials among groups, and systemic relations of dominance and subordination. (Fraser, 1997:187)*

Fraser argues that it is not enough to positively interpret and communicate cultural differences and demand social and political acknowledgment and/or accommodation. Are there not some differences, for example the stunting of skills and capacities, that result from oppressive social relations and thus must be abolished? Is it possible to overturn oppressive relations between different groups, if the central issues of material inequality, and the need to redistribute economic resources are not addressed? Fraser contends that it is critical to develop a practice and theory of recognition that maintains an equivalent concern for the redistribution of material resources. In fact she argues that cultural differences can be freely elaborated and democratically mediated only on the basis of social equality (Fraser, 1997:185). What this means is that as we seek to remedy inequalities and injustices, we must pay attention to material inequality and its intersection with cultural differences. We must ask, how is it that our proposed remedies can tackle both simultaneously? For example, what needs to change in educational and employment policies so that lone parents are capable of economic independence? Or, what needs to change in human resource policies and employment practices so that Catholics have a comparable choice of jobs as Protestants?

Furthermore, are there not some cultural identities, for example a white supremacist identity, that are grounded in the domination of other ethnic or racial identities? Some group identities are incompatible with others. A patriarchal construction of the male gender cannot be affirmed simultaneously with a feminist deconstruction of the female gender. As Fraser points out, 'affirming some identities – or some strands of some identities – requires transforming others. Thus there is no avoiding political judgments about better and worse identities and differences' (Fraser, 1997:184). There must be some form of examination of how cultural identities may intersect with social relations of domination and oppression.

### **The Political Inclusion of Difference**

Linking recognition of differences and redistribution of material resources in the design of a more equal and just society necessitates the inclusion of the differing perspectives, norms, social practices and values of social groups within decision-making settings. Those members of society experiencing marginalisation, exploitation or powerlessness (some of the conditions of oppression leading to substantial inequalities) need to be part of political and policy decision-making contexts. Otherwise there will be little substantial change to the systems that support unequal social relations and create the social conditions of oppression (Young, 1990).

Anne Phillips argues for deliberative democracy as a model of political decision-making that takes account of differences for the sake of justice. The deliberations of political/policy debates lead to truthful and just conclusions, as a result of free and fair interchange between diverse perspectives. This notion rejects an 'interest-aggregation model of democracy that turns politics into an inglorious market' (Phillips, 1999: 115). Justice and social systems that create conditions for equality require democratic deliberations – amidst perspectives of difference – that produce more than a simple division or distribution of social and economic resources (a divvying up of the goods). The deliberations ought to outline methods of redistribution that will change systems and institutional contexts so that they will eradicate oppression and support the development of people's individual capacities in and through their differences.

### **The Economics of Equality**

Building a society that promotes justice and equality will not require that everyone has equal material resources, since some will need more than others in order to experience an equivalence of well-being (Sen, 1999). For example, a person with a disability may need more material resources (eg, a full-time personal assistant), than an able-bodied person in order to have an equivalent opportunity to participate in the labour market. Establishing conditions for equality also requires more than everyone having a sufficiency of material resources since this means only political insurance that people have the bare minimum to survive (Phillips, 1999). Instead, systemic change towards an equal society necessitates

conditions that provide people with the economic and social freedoms to develop their individual capacities ‘to lead the kind of lives we have reason to value’ (Sen, 1999:285). Opportunities for education and training, availability and access to finance, facilities for healthcare and accommodation are just some of the freedoms required for people to develop their capacities in and through their differences.

This moves us beyond, then, a strict anti-poverty focus on economic redistribution (Baker, 1998). Just resolutions of material inequality – within the context of the recognition of difference – requires more than a safety net or floor below which no one should be allowed to fall. While poverty-reduction is a significant distributional objective, it is insufficient for the change required to accommodate diversity and to reduce substantially the vast array of inequalities experienced. It is insufficient particularly if it is focused strictly on income poverty and is not allied to a reassessment of social conditions so that members of society have similar opportunities of well-being and self-determination. But it is also insufficient because it does not tackle inequalities relative to income and wealth (Kirby, 2001).<sup>10</sup> The presence of substantial income differentials within a society will not only contribute to undermining its cohesion, it will also contribute to undermining the critical principle of equal worth that lies under democratic political equality. As Phillips argues:

*A society that condones excesses of poverty in the midst of wealth, or arbitrarily rewards one skill with one hundred times the wages of another, is not recognizing its citizens as of equal human worth ...*

*Strict equality may not be necessary to sustain equality of worth, but ideals of equal citizenship cannot survive unscathed by great differentials in income and wealth. (1999, 132)*

Increasing inequalities with regard to the economic or material conditions of people's lives erodes equality of respect between human beings and the practice of democracy upon which it is built.<sup>11</sup>

## 2.4 An inclusive definition of equality

In re-considering the meaning of equality from the perspective of the breadth of its agenda today in the Republic and in Northern Ireland, this chapter has examined some of the central themes in equality theory. The assessment focused on concepts that would shed light on the meaning of equality in this practical, situated context in order to formulate an understanding of equality that would be an appropriate foundation for designing strategies for a comprehensive and integrated agenda.

The analysis of the chapter indicates that equality is not a simple concept and so it cannot be defined with a couple of sentences. Rather, it is more appropriate to identify a series of principles that, taken together, provide a sufficient picture of the meaning of equality. Principles are, effectively, fundamental propositions or assumptions that exercise a directing influence on action, in this case, it will be the action of strategising. The following principles, however, do not drop in from out of the sky. They are grounded in the preceding dialectical analysis; consequently they originate from reflection on the action or practice of equality on behalf of diverse individuals and social groupings experiencing inequality.

Taken together, they attempt to offer an inclusive definition of equality. An inclusive definition breaks open space for trying to identify the kinds of socioeconomic conditions required, so that all people in a society will have the capacities to choose the lives they want to lead. It breaks open space for analysing inequalities as similar forms of oppression (such as marginalisation or powerlessness) that are experienced differently by different groups. It attempts to clear the ground for designing equality strategies that are coherent so as to ensure full visibility of all inequalities and so as to tackle the comprehensiveness of the inequalities in an integrated fashion. To do this, an inclusive definition of equality must guide the creation of policies and initiatives, whereby the dismantling of the oppression of some does not contribute to the increasing exclusion of others.

#### **2.4.1 The Principles of An Inclusive Definition of Equality**

##### **a) Equal Worth as Different Human Beings**

The most fundamental justification for equality between human beings has been described often as our equal moral worth to one another. In an inclusive understanding of equality, we are of equal intrinsic worth by virtue of being the human we are. Our equal worth is not dependent exclusively on capacities or characteristics that we may hold in common; it is dependent also on the reality of diverse ways of being human. So, we are inherently equal to one another in and through our differences, as well as in and through the common essence we share in our humanity.

##### **b) The Recognition of Social Group Differences**

Diverse ways of being human emerge through our relations with social groupings. Our identity is constituted relationally not only at an interpersonal level, but also through our belonging to specific social groups such as men, non-disabled persons, Catholics, Protestants, whites and heterosexuals. Many of the social movements for justice and equality have emphasized an acknowledgment of group differences so that oppressed social groupings (such as women, racial minorities or lesbians, bisexuals and gay men) can analyse, interpret and communicate their cultural identity in a positive context. Social groups have 'distinct cultures, experiences, and perspectives on social life with humanly positive meaning'



(Young: 1990, p.196) and these must be acknowledged for social and economic policies and practices to promote an inclusive equality.

At the same time, there may be some perspectives on social life – emerging within certain social groupings – which negate or deter practices towards material equality or fair distribution of social and economic resources. An inclusive conceptualisation of equality resists any practices that increase the exclusion or economic marginalisation of social groups or individuals. Consequently, struggling against non-recognition of differences must go hand in hand with combating social inequality.

### **c) Mutual Respect as Radical Action**

The practice of inclusive equality requires also the habit of mutual respect. To hold mutual respect for one another is a counter-cultural activity of perception, attitude and behaviour in a society of unequal and hierarchical relations. The practice of mutual respect requires first of all a strong sense of one's own value regardless of one's social status and secondly an equal valuing of the other regardless of her or his social status. The firm sense of our own value is dependent to a large extent on conditions that support our freedom to choose the life we want. The equal valuing of the other regardless of her or his social status is dependent to a large extent on our willingness to come to know the difference of the other on her or his own terms. While this may entail conflict, it requires the resolution of conflict in a way that no one is denigrated. Therefore it becomes apparent, that the practice of mutual respect is interdependent with action towards creating societal conditions that support it.

### **d) Diverse Political Participation and Representation**

The power to build a society of inclusive equality depends also on its organisation of politics. Decisions regarding the (re) design of systems, laws and policies should be the product of political practices that acknowledge group differences as well as the diverse needs of individuals. This requires ways of understanding and practicing democracy so that those diverse social groupings can be equals in political participation. A 'group differentiated participatory public' (Young, 1990) calls for a practice of democracy that ensures equality of access to decision-making arenas, especially by under-represented groups. The politics of presence supports a deliberative democracy that moves beyond interest-driven groups lobbying for resources or competing for advantages, towards practices of fair exchange between diverse perspectives in order to arrive at right and just conclusions (Phillips: 1995, 1999, p.115). The justice of the decisions, however, depends on mechanisms which open up decision-making assemblies (including legislative ones) so that all voices are heard, so that 'those possibly affected by the decisions really do get their chance to agree' (Phillips: 1999, p.123).



The inclusion of various groups and perspectives in the decision-making arenas, however, is a necessary but insufficient condition for political equality. An inclusive notion of equality means a practice of democratic politics that is guided by the principle of equal power (Baker: 1987, p. 113). Inclusion and fair exchange do not necessarily guarantee just outcomes from policy and legislative deliberations. Inequalities of power and social status experienced by the various groupings taking part in the exchange often tip the outcome balance towards unjust and oppressive outcomes. This is why the following principle for inclusive equality is so crucial.

#### **e) Economic Equality Matters**

Issues of income and wealth distribution, equal pay, economic independence, more democratic control of the economy and of the workplace, and equality of material conditions comprise many of the central economic concerns in debates about equality. In an inclusive definition of equality, there are at least three ways in which economic equality matters. Firstly, the societal intent for more fairness in the distribution of incomes is paramount to the practice of political equality in a democracy. Participatory and representative processes of democracy can and often are influenced in an unequal way by the will of economically stronger groups and individuals. Those groups and individuals with more power and money behind them often have unequal and less restricted access to the arenas of decision-making and more supports to draw on in the process of deliberations than those who are economically marginalised. The democratic process is not only threatened by inequality of access due to higher levels of economic resources, it is also dampened by those 'economic conditions that undermine equality of respect' (Phillips: 1999, p.79). As the gap between the rich and the poor continues to grow, there is less of a possibility of recognising the intrinsic equal worth of the partners in democratic deliberations. This lack of acknowledgment impacts considerably the kinds of background and foreground negotiations and lobbying that take place in political exchange.

The second way in which economic equality matters has to do with establishing social conditions for people's freedom to develop their capacities. This requires more than a targeted approach to the poor to increase their income. It demands restructuring systems such as education, healthcare and economic entitlements, which accommodate the differences of individuals and social groups, so that all have the capacity to develop rather than simply a more equivalent capacity to compete for advantaged positions. This necessarily redefines the meaning of social inclusion from social changes to incorporate the economically excluded into the mainstream, to social changes to mainstream systems, so that all have greater capacity for economic and other forms of independence.

An inclusive concept of equality also carries significant implications for the workplace, for the social division of labour, and for the meaning and value attached to different kinds of work. The process of equalising social conditions (as above) necessarily supports the process of reconsidering and restructuring the occupations, kinds of work and levels of pay for members of a society. Practices towards equality in an inclusive sense require strategies to reform the division of labor, so that certain categories of people (for example, by gender, racial or religious difference) will not be associated necessarily with certain kinds of work. It will require re-valuation of jobs and appropriate remuneration in ways that are detached from traditional cultural, gender and class differences. Equality in an inclusive sense will obligate the design of workplace environments to accommodate ability and age differences. It will mean that more and more jobs are designed, so that all people enter career paths to satisfy and fulfill their different talents and aspirations. Stronger forms of democratic participation by all employees in the workplace could strengthen the development of these practices. However, equality within political practices outside of the workplace will be necessary, to complement work towards this kind of change.

#### 2.4.2 Conclusion

These principles, taken together, attempt to form an inclusive picture of equality that is rooted in an acknowledgment of the intrinsic worth, needs, rights and perspectives of all the different members of a society. Taken together they affirm the cultural diversity of a society and the fair redistribution of its social and economic benefits. An inclusive conceptualisation attempts to outline the interdependent dynamic between cultural and economic forms of equality. A respect for multiple forms of difference and anti-discrimination work related to multiple inequalities, points to the need for deep systemic change if there is going to be room for everyone. Otherwise the social composition of the mainstream workforce and of decision-making assemblies/arenas may change, while new forms of cultural and economic marginalisation and powerlessness emerge and many members of the old forms lose the competition.

Consequently an inclusive definition of equality pushes beyond the minimalist concept of formal equality of opportunity, namely, that no one should be prevented from access to opportunities for economic or social benefits on the grounds of irrelevant characteristics (such as gender, religious belief or ethnicity). It also challenges the adequacy of equality of outcome if it is conceived simply as redistributing the benefits between excluded and non-excluded social groupings. Inclusive equality points to a way of thinking about and strategising for social and economic outcomes that result from systemic changes in the conditions of people's lives.

We turn now to a more detailed examination of the practice of equality work in Ireland and Northern Ireland through an analysis of current government policy and equality legislation. This, coupled with the proposed definition of equality, will provide important foundations for designing an integrated approach to the comprehensive equality agenda.

1. *Aristotle, Politics*, trans. Benjamin Jowett, *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Random House, 1941), 1282b18-24.
2. *We will consider this in more detail in the next chapter.*
3. *See a critical assessment of 'social partnership model' from the perspective of an oppressed social grouping in K Zappone and S McNaughton, "Should We Stay at the Table (if there is One)? Evaluating Social Partnership in Ireland," in S Healy and B Reynolds, Social Partnership in a New Century (Dublin: CORI, 1999), pp.135-153.*
4. *Noted in Meghnad Desai's edited collection, LSE on Equality, "Introduction," (London: LSE Books), p. 2.*
5. *See for example, John Baker, Arguing for Equality (London: Verso, 1987); Kai Nielsen, Equality & Liberty: A Defense of Radical Egalitarianism (Totowa, NJ: Rowman & Allenheld, 1985); Susan Moller Okin, Justice, Gender & the Family (New York: Basic Books, 1989); and G.A. Cohen Self-Ownership, Freedom & Equality (Cambridge: Cambridge University Press, 1995).*
6. *See for example Susan Bickford's article on "Anti-Anti-Identity Politics: Feminism, Democracy, and the Complexities of Citizenship," in Hypatia vol.12, no. 4 (Fall 1997), pp. 111-131.*
7. *These groupings are specifically in relation to the statutory duty of public authorities to have due regard for equality of opportunity relative to them in the design and implementation of their equality schemes. Groupings with respect to age, sexual orientation and family status do not have anti-discrimination protection.*
8. *The equal status of these social groupings are enhanced also by human rights legislation and the ongoing development of a human rights culture within both jurisdictions. One of the key objectives of the Good Friday agreement is the protection of the basic human rights of everyone in Northern Ireland. The European Convention on Human Rights was incorporated into UK law in October of 2000. The ECHR, protecting civil and political rights, requires that these rights are to be secured*

*"without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status" (Article 14). A Bill to incorporate the ECHR into Irish law has been drafted and it is anticipated that an Act will be passed before the end of 2001.*

9. *See Robin Wilson's analysis of how the meaning of 'equality' in a Northern context as being predominated by the religious/political issues, has been insulated from a wider debate about the meaning of the term. (Wilson, 2000).*
10. *In this same article, Peadar Kirby argues that within findings emerging from the United Nations Development Programme, there is empirical evidence to suggest that poverty is reduced more quickly in a country where income equality is greater. Kirby notes that in countries such as Indonesia, South Korea and Malaysia, the UNDP identifies the following reasons for poverty-reduction: 'Their growth strategies expanded economic opportunities for poor people, with relatively equitable distribution of financial and physical capital, including land. And the resources generated by economic growth were heavily channeled into human development, especially into improving health, education and skills'. In "Inequality and Poverty in Ireland: Clarifying Social Objectives" to be published in Corrigan, Cantillon, Kirby and O'Flynn, Rich and Poor: Perspectives on Tackling Inequality in Ireland, Dublin, Oak Tree Press with the Combat Poverty Agency, 2001.*
11. *The recent analysis of income distribution in Ireland shows that income inequality increased between 1994 and 1998, and that Ireland is one of the most unequal countries in the EU. See Nolan, Maitre, O'Neill and Sweetman (Oak Tree Press, 2000).*

## Chapter 3

### Laws and Policies for a Comprehensive Equality Agenda

#### 3.1 Introduction

There are laws and policies in Ireland and Northern Ireland that protect the rights and promote the equality of diverse social groupings. These attest to the growth and increasing complexity of equality work in both jurisdictions. In this chapter we will examine first the legislative base for a comprehensive equality agenda. This will include a consideration of the legal meaning of equality in both jurisdictions and the issue of harmonised or unified legislation across the breadth of the agenda. Secondly, we will look at how the comprehensive equality agenda is being progressed through reference to key policy documents on equality in Northern Ireland and Ireland. In this regard we will pay particular attention to the overall approach to progressing the equality agenda, the relationship between strategies for equality and anti-poverty/social need strategies, and any indications of an integrated approach to equality strategies within the policy documents. This analysis will provide the background for the task of the final chapter which will be to lay out a coherent framework for the comprehensive equality agenda and to define the principles and strategies of an integrated approach within that framework.

#### 3.2 Equality legislation

For the purposes of this study, the following pieces of legislation are being examined. It is helpful first to note the legislation, the covered grounds for protection against discrimination and the general type of protection with respect to anti-discriminatory and equal opportunity practices.

Table 3.1: Equality Legislation in Northern Ireland

Law	Grounds	Protection <sup>1</sup>
Equal Pay Act (NI) 1984	Sex	Pay
Sex Discrimination (NI) Order 1988	Sex, Marital status	Employment, goods, services, facilities, education, premises
Disability Discrimination Act 1995	Disability	Employment, goods, services, facilities and education
Race Relations (NI) Order 1997 and Race Relations Act 1976	Race, Ethnic Origins or Nationality	Employment, goods, services, facilities, education, housing
Fair Employment Act 1986 and Fair Treatment (NI) Order 1998	Religious belief and political opinion	Employment, goods, services, facilities, education, premises
Northern Ireland Act 1998	Religious belief, Political opinion, Racial group Age Marital status Sexual orientation Gender Disability Family status	Statutory duty on public bodies to have due regard to promote equality of opportunity for people in these categories. <sup>2</sup>
	Religious belief Political Opinion Racial groups	Public bodies to have regard to promote good relations between people with differences within grounds.

Table 3.2: Equality Legislation in the Republic of Ireland

Law	Grounds	Protection
Employment Equality Act, 1998	Gender Marital Status Family Status Sexual Orientation Religious belief Age  Race Disability Membership of Traveller community	Employment and employment related areas  Equal Pay  Harassment Sexual Harassment
Equal Status Act, 2000	Gender Marital Status Family Status Sexual Orientation Religious belief Age Race Disability Membership of Traveller community	Disposal of goods, provision of facilities and services, provision of accommodation, disposal of premises and education.

As Tables 3.1 and 3.2 indicate, there has been significant change recently in equality legislation in Northern Ireland and Ireland with respect to a legislative base for the breadth of the equality agenda. In Northern Ireland, the most significant change has been Section 75 of the Northern Ireland Act (1998) which has extended some statutory protection to include inequalities experienced on the grounds of age, sexual orientation and family status. It also imposes a statutory duty on public bodies 'to have due regard to promote equality of opportunity' between a number of social groupings. In Ireland, the momentous change has been the harmonisation of equality legislation (incorporated into two equality statutes) and

the extension of statutory protection (beyond gender and marital status) to include age, religion, membership of the Traveller community, disability, race, sexual orientation and family status.

### 3.2.1 Northern Ireland Equality Legislation

The legislation in Northern Ireland contains a number of components that hold particular relevance to a comprehensive/integrated equality agenda. The following analysis of these components has been assisted by a research report published recently entitled, *Equality: A New Framework, Report of the Independent Review of the Enforcement of UK Anti-Discrimination Legislation*. (Hepple, Coussey, Choudhury: 2000). The general aim of this project was to review and evaluate proposals for the reform of UK anti-discrimination legislation, based on an assessment of the experience of those affected by the legislation. It calls for a new framework for equality legislation particularly in light of the breadth of the equality agenda and the fact that the UK is a 'multi-ethnic, multi-cultural society, in which there is a plurality of groups and communities some enjoying more power and influence than others' (1:21)<sup>3</sup>.

#### **The widening of grounds for statutory protection**

As noted already, Section 75 of the Northern Ireland Act (1998) has extended the grounds of protection beyond gender, marital status, disability, race, religious belief and political opinion. The statutory duty of public authorities requires them to promote equality of opportunity between social groupings not covered in other anti-discrimination legislation. The incorporation of this duty into law, then, indicates a legal acknowledgement of a more comprehensive and inclusive equality agenda. The differential impact of public policies on social groupings with respect to age, sexual orientation and family status in regard to their equality of opportunity must now be taken into account. There is no hierarchy of inequalities operative in this duty; all grounds should receive equivalent attention. The kind of protection for the added groupings, however, is not as extensive as that which is operative for groups and individuals with respect to gender, race, disability, marital status, and religious belief and political opinion, given the additional legislation for these groups. There is no strict legislative anti-discrimination protection for the additional groupings in employment and the provision of goods and services.

#### **The legal definition of equality**

Generally speaking, there are two meanings of equality operative in anti-discrimination law. Equality as consistency, or that likes should be treated alike, encompasses the basic legal notion of equality and the dominant approach of anti-discrimination legislation (Fredman: 2000). This definition of equality 'is essentially an individualistic approach, concentrating on



securing fairness for individuals, by removing specific arbitrary obstacles which lead to less favourable treatment of one individual compared to another' (Collins and Meehan: 1994, 366). This is complemented by a more substantive approach for the proactive promotion of equality and a focus on the impact of anti-discriminatory practices on social groupings. It is geared more towards results or outcomes. As Collins and Meehan note, 'its aim . . . is to ensure an improvement in the social and economic position of disadvantaged groups or to ensure a redistribution of benefits and opportunities from advantaged groups to disadvantaged ones' (1994: 366).

Equality as consistency is operationalised primarily within the protection against direct discrimination, or that likes should not be treated less favourably. It is found within the Equal Pay Act (NI), the Sex Discrimination (NI) Order, the Disability Discrimination Act, the Race Relations Act, the Fair Employment Act and Fair Employment Treatment (NI) Order. The promotion of substantive equality, however, is not uniformly present throughout Northern Ireland anti-discrimination legislation. Fredman's analysis outlines three dimensions of substantive equality: (1) indirect discrimination; (2) equality of opportunity; and (3) fair participation and access (Hepple, Coussey and Choudhury: 2000, 27-35). Indirect discrimination is defined as having a 'disparate impact on an individual because of his or her membership of the disadvantaged group' (Fredman, para 3.10),<sup>17</sup> The protection against indirect discrimination is geared towards eradicating barriers to access and participation for various social groupings. In Northern Ireland, indirect discrimination is contained within the Sex Discrimination Act, Race Relations Act,<sup>5</sup> Fair Employment Act and Fair Employment Treatment Order, but is not contained in the Disability Discrimination Act.<sup>6</sup>

A positive duty to promote equality of opportunity goes beyond direct and indirect discrimination in that it is more focused on achieving equality of outcomes. Within the understanding of direct and indirect discrimination no action is required unless it can be found that an individual respondent is responsible for the discrimination, and that the complainant is a direct victim of discrimination.<sup>7</sup> A positive duty, however, is more proactive and is triggered usually by visible patterns of under-representation. (Hepple et al, p. 32). This is contained within the Fair Employment Act and Fair Employment Treatment Order and Section 75 of the Northern Ireland Act. It is not contained in the other anti-discrimination legislation.<sup>8</sup>

This is a more results-oriented approach to equality and it defines equality in terms of fair participation in the workforce and fair access of groups to goods, facilities and services. Defined such, its aim is to tackle structural inequalities.<sup>9</sup> The Fair Employment Act is its best example, in terms of fair participation in the workforce. Its focus on outcomes is legally supported by the statutory obligation on employers to:

- (a) monitor the composition of their workforce with respect to Catholics and Protestants;
- (b) undertake periodic reviews of their employment practices; and
- (c) where fair participation is not evident, the employer is legally obliged to engage in affirmative action (Arts 47-54).

As noted above, Section 75 of the Northern Ireland Act also requires action to have due regard to promote equality of opportunity, but it is action of a different order than the promotion of fair participation in the workforce. It is indeed about 'Mainstreaming Fairness'<sup>10</sup> primarily through a legal understanding of equality that encourages a fairer distribution of society's benefits. Public bodies have a positive duty to take account of fairness in access to facilities, education, training and services. In effect, they are encouraged to create policies of fair access to any of the benefits or services provided by them – especially for the designated groups. Public bodies, inclusive of government departments, have a statutory duty to place equality concerns at the heart of their policymaking. They must do this through attentiveness to potentially different impacts of their policies on designated groups and through plans to promote equality of opportunity or better community relations, by altering their policies if required. As Christopher McCrudden notes, 'Mainstreaming concentrates on government pro-actively taking equality into account. It does not concentrate primarily on discrimination as the problem to be resolved' (McCrudden: 1999, 1769).

In this regard, then, public bodies have a substantive legal obligation to equality-proof all policies with respect to the nine grounds of discrimination (see Table 3.1). They meet this obligation through the development of equality schemes, designed and implemented according to the legal requirements of Schedule 9 of the Northern Ireland Act (1998) and through conformity to the guidelines on this obligation issued by the Equality Commission in Northern Ireland (ECNI: 2000).

There have been concerns and criticisms expressed that the statutory duty to promote equality of opportunity with the instrument of equality schemes, will result simply in a mechanistic approach to equality, whereby policymakers follow a process that does not change anything.<sup>11</sup> There are, however, legal safeguards that attempt to reduce the possibility of a mechanistic approach. Some of these safeguards are:

- That public bodies must conform to guidelines issued by the Equality Commission, and specify a timetable for measures proposed in the scheme (Section 75, Northern Ireland Act, Schedule 9, para 3 (3, a, b));
- That policies submitted to an equality impact assessment will be changed if need be to promote equality of opportunity in the delivery of the policy outcome. This will be the result of legal requirements to consider measures which would mitigate any adverse impact and the guideline that 'the realistic consideration of the impacts of reasonable alternatives must be evident in any final recommendation to policymakers. Justifications must be given if these alternatives have not been accepted' (Guide to the Statutory Duties, p. 44);
- That 'a system must be established to monitor the impact of the policy in order to find out its effect on the relevant group. This must be reviewed on an annual basis and published. If the monitoring and evaluation show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the public authority must ensure that the policy is revised' (Guide to the Statutory Duties, p. 46).

To follow these procedures, for the purpose of achieving equality of opportunity, or outcomes of fair access and the redistribution of benefits, will require a gradual internalisation of an equality consciousness on behalf of policymakers.<sup>12</sup> Central to such a cultural change will be the learning phase regarding how the diverse concerns and needs of all designated groups together can be accounted for in the appraisal, assessment, design and re-design of policies.

### **Diverse Political Participation**

Another significant legal innovation contained within Section 75 of the Northern Ireland Act, is the obligation imposed on public bodies to consult with groups whose equality may be affected by existing or proposed policies. 'Before submitting a scheme a public authority shall consult, in accordance with any directions given by the Commission – (a) representatives of persons likely to be affected by the scheme; and (b) such other persons as may be specified in the directions' (NIA, Sec 75, Sch 9, para 5). The Guide to the Statutory Duties includes detailed guidelines regarding the public bodies' consultation process on its policies and that 'in making decisions about such policies, it must take the consultation into account' (Guide, p. 13, emphasis added). Further, 'the Scheme must specify ... the substance of the comments received [from the consultation] and the response of the public authority to those comments' (Guide, p. 34, emphasis added).

These requirements provide substantial legal building blocks for a practice of democracy that ensures equality of access to decision-making arenas, especially by under-represented groups. While it does not guarantee that diverse social groupings participate as equals and

with equal power in the decision-making process, the legal obligation begins to build a path in this direction. In commenting on this consultative process with regard to the equality schemes, Inez McCormack asserts: 'This work is at the cutting and very detailed edge of how to make practical the concept of participation as crucial to the practice of right' (McCormack, 2000:71). Or, as McCrudden argues, 'This development [mainstreaming through statutory duties] encourages greater participation in decision-making by marginal groups, thus lessening the democratic deficit' (McCrudden, 1999: 1771).

As pointed out in our previous discussion on 'inclusive equality' and participatory politics, inclusion and fair exchange do not necessarily guarantee just outcomes from policy and legislative deliberations. Inequalities of social status and power experienced by the 'affected groups' are manifested in many ways, especially in an insufficiency of resources and time to participate in the consultative process. Do the groups experiencing oppression possess genuine power in the decision-making arena of policymaking in light of the mainstreaming requirements? Are their 'perspectives . . . on the structures of power treated as sources of knowledge for understanding inequalities and addressing injustices'? (Koggel: 1999, p. 20) Not unless, as was argued in Chapter 2 of this study, the economic inequalities experienced by groups are also tackled.

### **Harmonised Equality Legislation**

It is apparent from the discussion above that equality legislation in Northern Ireland has not been harmonised. While there is a legislative base for a comprehensive equality agenda, it is not a unified or harmonised one. The kinds and levels of protection for the varied social groupings are not consistent or equivalent across the agendas. The Equal Opportunities Commission (prior to its incorporation into the Equality Commission) recommended the harmonisation of the Equal Pay Act (NI) and Sex Discrimination (NI) Order into one Equal Treatment Act. They also argued that weaker legislation for gender – as compared with legislation for religious/political discrimination – 'cannot be justified by Government, given the extent of disadvantage which continues to be suffered by women, particularly in relation to employment opportunities' (EOCNI: 1997, p. 4). Consequently it recommended that employers should be under a legal requirement to monitor the composition of their overall workforce and the results of recruitment and promotion exercises by gender, marital and family status (3.2, p.23). In a similar move, the Commission for Racial Equality (prior to its incorporation into the Equality Commission) recommended that positive provisions within racial legislation should be clarified and up-dated, and that ethnic monitoring could be introduced on a phased basis, as religious monitoring was under the Fair Employment Acts (CRENI: 199, pp. 6-7).

Harmonisation effectively means consolidating the different pieces of equality legislation into one (or two)<sup>13</sup> equality statutes, in order to provide a level of consistent protection across the grounds of discrimination. While there is need to consider specific issues relative to certain grounds, unified legislation could provide the legal framework within which this is possible.<sup>14</sup> From the perspective of this study, it must be said that in the absence of harmonised anti-discrimination legislation, it will be more difficult for the Equality Commission to develop a coherent and integrated approach to the breadth of equality interests. While some of the Northern Ireland legislation promotes substantive equality – which is a significant impetus towards an inclusive equality as we have seen – its impact on the pursuit of a comprehensive equality agenda is lessened in light of the inconsistencies and anomalies currently present in the legislation.

In its Draft Programme for Government, the Northern Ireland Executive has announced its intention to consult on a Single Equality Act by 2001, to be introduced in 2002.<sup>15</sup> The Equality Commission has identified as one of its key tasks to ‘prepare, by way of public consultation, proposals for the Government/Assembly on harmonisation of the Northern Ireland anti-discrimination legislation, aiming to ensure that the standards applicable across the various grounds of discrimination are raised to the highest level practicable’ (ECNI 2000: p. 19).<sup>16</sup>

### 3.2.2 Equality Legislation in the Republic of Ireland

Comparable to Northern Ireland, Irish legislation also establishes a legal basis for a broad equality agenda. There are several differences however, with regard to the content of this base.

#### **The widening of grounds for statutory protection**

As we have seen, prior to the enactment of the Employment Equality and Equal Status Acts, the grounds for discrimination were limited to and marital status. The Employment Equality Act and the Equal Status Act expand the equality agenda from these two grounds to the nine grounds of gender, marital status, family status, disability, age, sexual orientation, race, religion and membership of the Traveller community. This legislation expands the right to equal treatment from the workplace into the wider field of the provision of goods, education and accommodation. It also seeks to address sexual harassment and harassment across all nine grounds covered under the legislation.

#### **The legal definition of equality**

Legislation in the Republic incorporates both an equality as consistency understanding of equality and a more substantive understanding of equality. It outlaws direct discrimination in employment and provision of goods, services and facilities with respect to all of the

grounds. In effect, discrimination shall be taken to occur where one person is 'treated less favourably than another is, has been or would be treated' (EEA: 6.1; ESA, 3.1).

A more substantive understanding of equality can be found in Irish legislation with respect to three areas. First, indirect discrimination between women and men is unlawful and between any two persons who differ with respect to the other eight grounds. Second, there is an enhanced focus in the law on positive action, especially though not limited to the gender ground. The law states that positive 'measures to promote equal opportunity for men and women, in particular by removing existing inequalities which affect women's opportunities in the areas of access to employment, vocational training and promotion, and working conditions' are allowed (EEA, 24.1). While this is permissive – it is not a positive duty or obligation – it does point to the kinds of activities that would reach the substance of structural forms of inequality for women as a group, rather than simply prohibit discrimination directed against an individual. Positive action is also permitted for persons who have attained the age of 50 years, persons with a disability, members of the Traveller community and members of a disadvantaged group with respect to training or work experience (EEA: 33,1-3). Third, the Equality Authority has been given powers to invite or conduct an equality review and to prepare and implement an equality action plan within an employment context. The review and plan cover all of the grounds. Once again, though this does not place a statutory obligation on employers to promote equality of opportunity, it does provide a legal mechanism to be more pro-active in the promotion of an inclusive equality.

Legislation in the South differs from its Northern counterpart, therefore, in the ways that it operationalises a more substantive understanding of equality. While there are a broad set of grounds within each jurisdiction, the Irish legislation stops short of obliging employers or public bodies with a positive duty to promote equality of opportunity across the grounds. We have noted already the ways in which NI legislation does not place this obligation on employers for all grounds and that the statutory duty with respect to mainstreaming equality concerns in policymaking, is to have due regard to the need to promote equality of opportunity, which is less straightforward than an obligation to rectify inequalities. Nevertheless, Northern Ireland offers some progressive models of making the base for the comprehensive equality agenda more substantive.

### **Harmonised equality legislation**

Whereas there are examples of Northern Irish legislation that extend the boundaries of a legal definition of substantive equality, a primary strength of Irish equality legislation is that it offers a model of harmonised or unified legislation. The harmonisation of equality law in two statutes – one within the context of employment and the other within the context of



providing goods, services and facilities, accommodation and education – provides the legal framework for a more cohesive and integrated approach to equality strategies. This is so for a number of reasons.

- Unified legislation projects an indivisible view of equality. It supports the notion that every person – in and through their differences – should be protected against a similar understanding of discrimination and promoted towards the same substance of equality. In some cases, this will mean that people should be treated equally or in a similar fashion if equality is to be achieved. For example, the laws regarding membership of clubs outlines that discrimination is operative if anyone, regardless of their social or cultural grouping, is barred from membership (Equal Status, Part II, Sec. 8). Equality is operative through equal treatment of all individuals. In other cases, it will mean that people should be treated differently (or, that their differences are accommodated) in order that equality is to be achieved. For example, there is an obligation on employers to ‘do all that is reasonable to accommodate the needs of a person who has a disability’ in order that they be regarded as fully competent and that they are able to perform the job [Equal Employment, Part II, Sec 16, (3)].<sup>17</sup> Equality is achieved in these cases through different treatment of individuals. In effect, unified or harmonised legislation supports a common conceptualisation of equality across the nine grounds.
- Harmonised legislation also offers the potential to apply the principles of an inclusive equality to every individual and social grouping. This could guide a regulatory framework and codes of practice that accommodate differences, integrate common agendas and propose similar solutions for different experiences of discrimination that tackle the structural inequalities operative (such as workforce monitoring for gender, ethnic minorities and people with disabilities, complemented by positive measures if necessary). This potential, however, has not been realised in the current legislation. This is due, especially to the predominance of the equality as consistency view of equality which is operative in Irish legislation, as compared with the notion of substantive equality as discussed in the preceding analysis of Northern Irish legislation.
- Harmonised legislation implies that every individual holds the same rights – in and through their differences – and that similar remedies can be applied to protect those rights. For example, legislation in the Republic provides entitlement for equal remuneration for like work across all the grounds (Part III. Sec 19,20; Part IV, Sec 29).
- Unified legislation could lay the legal basis for promoting equality for those with hybrid or multiple identities, who may experience multiple forms of discrimination. Firstly, what this means is that with harmonised legislation, there exists more potential to ensure protection against discrimination in cases where a person is unfairly treated (for example a woman who is a lesbian) and it is not apparent under which ground she may be



experiencing discriminatory or unequal treatment. With harmonised legislation, there exists greater possibility that there will be an appropriate remedy for the discrimination, even if it is difficult to determine whether the source of the discrimination is due to the person's membership of one, two or multiple social groupings. Also, there exists the potential that the remedy can address the multiple discrimination in an integrated way.

Secondly, because equality legislation in the Republic has been harmonised, there is the potential to develop initiatives to promote the equality of people experiencing multiple forms of discrimination.

### Box 3.1 An equality review and action plan

The Equality Authority holds the legal powers to invite 'a particular business, group of businesses or the businesses making up a particular industry or sector' to conduct an equality review and to prepare and implement an equality action plan [Equal Employment, Part VI. Secs 68,69]. It also holds the powers to carry out the review and to prepare an action plan itself, if it deems it necessary. The review consists of 'an audit of the level of equality of opportunity which exists in employment' and 'an examination of the practices, procedures and other relevant factors (including the working environment) of, in and material to that employment to determine whether [they] are conducive to the promotion of equality of opportunity in that employment' [Equal Employment, VI Secs 68(1)].

Within the context of the audit and the examination there lies the potential to identify barriers for people with multiple identities to participate in the workforce (for example, a woman who is disabled and a single parent). Moreover, within the context of the equality action plan, there is room to design proactive measures that support the participation of this person or social grouping of multiple identities (for example, permitting the use of an assistive device and providing vouchers for childcare).

Effectively, due to unified legislation, there exists a framework to support integrative strategies for people with multiple identities, in this case, in equality reviews and action plans.

So as has been outlined, both jurisdictions provide a legal framework for a broad equality agenda, though in substantially different ways. Harmonised legislation offers an appropriate framework for integrating the equality agenda, for the various reasons discussed above. While the North does not have this yet, its imposition of a statutory duty on public bodies to mainstream equality does provide a legislative base for a site to integrate the equality agenda, namely, the equality scheme. This will be explored further later.

### 3.3 Policies for a Comprehensive Equality Agenda

Progress towards a culture of equality and less structural inequalities requires socioeconomic policies that complement the change effected through equality legislation. This is recognised in both Ireland and Northern Ireland. The specific focus here, though, is to identify some of the central components of how policies progress the breadth of the agenda in both jurisdictions, in order to ascertain whether equality strategies within the policy context demonstrate any leanings towards an integrated approach.

#### 3.3.1 Policies to address the breadth of Socioeconomic Inequalities

##### Northern Ireland

In Northern Ireland the Standing Advisory Commission on Human Rights (SACHR)<sup>18</sup> – established to review the adequacy and effectiveness of the law in preventing discrimination on the ground of religious belief and political opinion – argued in its second fair employment report;

*That there was a need for government and other public bodies to accept the desirability of complementing procedures for monitoring the impact of legislation and of administrative decision, or policies, on equality of treatment and opportunity across the community (Osborne, Gallagher, Cormack, Shortall: 1996, p. 129).*

The SACHR analysis, along with a growing lobby of equality groups, equality statutory organisations and trade unions, built the momentum for complementing equality legislation with equality-proofing guidelines, designed to ensure more fairness of treatment within the administrative process across a range of grounds.<sup>19</sup> As Osborne et al. observe, throughout most of Northern Ireland's existence a substantial proportion of the Catholic minority did not trust the political administration (p.127). The introduction of the Policy Appraisal and Fair Treatment Guidelines (PAFT) at the beginning of 1994, held 'the potential to provide a clear mechanism for ensuring that public policy is adjusted for equity'; that a successful implementation 'had much to offer both communities'; and that 'by extending beyond the traditional religious divide to other groups of people, there is a sense of inclusion offered to those who perceive their interests to have been neglected' (Osborne et al: 1996, p. 128).<sup>20</sup>

In light of ongoing evaluation of the effectiveness of the PAFT guidelines, particularly the later SACHR report, *Employment Equality: Building the Future 1997* – and within the context of negotiating the Good Friday Agreement – the case was effectively constructed to design a more robust policy-proofing process that would be placed on a statutory footing. This is the historical context for the eventual inclusion of Section 75 in the Northern Ireland Act (1998). The British government's response to SACHR's 1997 report included proposals for a statutory obligation to equality-proof policies, and several other proposals to promote

equality of opportunity. The Partnership for Equality White Paper (March 1998) outlined a number of recommendations to enhance equality in a range of areas centring on jobs and employment. It acknowledged the central link between the public policy objective of equality and the economic development of Northern Ireland:

*Equality of opportunity is a fundamental human right which would also accelerate economic growth by maximising human potential (1.1).*

*The time is therefore propitious for a fresh direction and impetus to employment equality, embracing both changes to the Fair Employment legislation and those wider policies which seek to address socio-economic inequality (1.10)*

The proposals included:

- A statutory obligation on public bodies to ensure that their various functions are carried out with due regard to the need to promote equality of opportunity in areas covered by the PAFT guidelines and to promote good relations between people of different religious beliefs and political opinions and people of different racial groups (this obligation would supersede PAFT by putting in place a new statutory framework);
- measures to tackle unemployment (including reference to the New Deal, the government's strategy for tackling long-term unemployment);
- recommendations to increase the availability of affordable childcare (with special reference to the needs of lone parents and the expansion of pre-school education places);
- a focus on reducing the unemployment differential between Catholics and Protestants (males and females);
- a new strategy with respect to education, the School Improvement Programme (focused on raising the standards of literacy and numeracy); and
- a new Targeting Social Need strategy, with particular emphasis on addressing the problems of unemployment and employability.

The White Paper on Equality, then, acknowledges the breadth of the equality agenda in two main ways. First, it outlines an understanding that the equality agenda interfaces with policies for employment, unemployment, education, childcare, training, and social need. This provides a policy basis for integrating equality concerns (measures, programmes, initiatives) into social and economic policy arenas, which can complement the policy-proofing process. Second, it acknowledges the comprehensive nature of the equality agenda, especially in its proposals on equality proofing. However, as the Equal Opportunities Commission for Northern Ireland pointed out in its response to the White Paper, there is need for a

comprehensive review of the best means of furthering equality of opportunity across the various issues of sex, disability and race (EOCNI:1998, 2.50). This was a call to government to take seriously and consider the full implications of its moves to widen the equality agenda. Such a review could hold the potential to lay a stronger basis for developing an integrated approach to equality strategies across the grounds.

Very soon after the publication of the White Paper, the Good Friday Agreement was signed (April 1998), and placed before the people, North and South, for their approval. Its significance for the promotion of equality and respect between people with differing backgrounds, political traditions and religious beliefs lies especially in the document's international stature. This offers a political framework of enormous import for human rights and equality and is a dynamic touchstone for the progression of the breadth of the equality agenda within (and outside of) Northern Ireland. While it provides an outline of governance to share power between those with substantial differences in political aspirations, it also declares intent to progress the breadth of the equality agenda within the overall social and economic strategies for Northern Ireland's development:

*Pending the devolution of powers to a new Northern Ireland Assembly, the British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion, including in particular community development and the advancement of women in public life (Good Friday Agreement, Section on 'Rights, Safeguards and Equality of Opportunity', 1).*

In March 1999 *Strategy 2010: Planning Economic Development in Northern Ireland* was published by the Northern Ireland Department of Economic Development and offered to the Northern Ireland Assembly and the wider community for discussion.<sup>21</sup> This fulfilled a commitment within the Good Friday Agreement for the development of a new economic development strategy. (Interestingly enough, this commitment was placed in the section on Rights, Safeguards and Equality of Opportunity.) From the perspective of this study, there are two primary points that can be made about the economic strategy document.

First, a commitment to equality of opportunity and social cohesion is one of the five key principles that underpin the strategy's vision. The principle is described in the following way:

*We seek an economy which is fair between the two communities but also offers equal opportunities for under-represented groups including women, ethnic minorities and people with disabilities. (Section 1, Summary, p. 15).*

Recommendations to implement the principle include a focus on the location of industry in order to ensure access to employment opportunities, the establishment of a new social partnership body – an Economic Development Forum – that could address issues of social cohesion within economic development strategising and maintaining a focus on development that is sustainable. While there are four other principles for the vision and recommendations placed alongside of them, there is virtually no reference to equality issues within the context of these recommendations. It is significant that the document includes equality and social cohesion as some of the fundamental principles, but there is little sustained effort to identify the relationship between equality and economic objectives.<sup>22</sup> While the breadth of the equality agenda is acknowledged, its interface with economic policy objectives remains on the horizon.

This leads to the second point. There could be scope for developing such an interface within the arena of the proposed Economic Development Forum. However, the authors of the Strategy document do not include any reference to representatives of equality organisations/constituencies in their recommendations for membership of this social partnership body. Members of the new assembly, business organisations and trade unions are its proposed members. It is unlikely that strategies to promote equality of opportunity and social cohesion can be fully incorporated into a macroeconomic strategy unless equality experts participate in the design and implementation. This is something that the Republic is learning in its practice of social partnership. It seems to be a critical ingredient for the development of an integrated approach to the promotion of equality and diversity within a policy context.

### **Republic of Ireland**

In Ireland policies to address the breadth of socioeconomic inequalities have developed within two complementary strands. The first strand is the policy site of government appointed commissions and task forces that have brought statutory support to the development of equality agendas for some of Ireland's social change movements. The early-to-mid nineties witnessed the publications of equality manifestos for the women's Movement – The Second Commission on the Status of Women (1993)<sup>23</sup>; the Irish Traveller movement – *Report of the Task Force on the Travelling Community* (1995) and the disability rights movement – *A Strategy for Equality: Report of the Commission on the Status of People with Disabilities* (1996). Each of these reports offered an extensive analysis of the scope of inequalities experienced by the differing social groups and outlined numerous recommendations for change which the government subsequently committed itself to implementing. These were significant achievements for the building of a comprehensive equality agenda. The reports' analyses – rooted in extensive consultative processes – highlighted both the need for recognition of the distinctiveness of the social grouping and

the redistribution of social and economic benefits in order to design appropriate and effective policy solutions to progress equality.

The Second Commission on the Status of Women was an early effort towards developing an integrated equality agenda within the context of one social grouping. While the overall objective of the report was to highlight the equality of status that all women have a right to, the Commission devoted a separate chapter to identifying the characteristics of women in situations of particular disadvantage. The Commission justified its method of analysis in the following way:

*As the Commission considered the submissions received, it became clear that there were categories of women who, due to poverty, disability, age, etc., experienced more than the 'ordinary' inequalities all women have faced. The categories of women considered in this chapter are, because of the way in which society is structured and organised, effectively prevented from taking part in economic and social life in the many ordinary ways other women are able to take for granted. These categories might well be defined as doubly disadvantaged and it is on that basis that the Commission felt they needed specific, focused attention with a view to drawing up recommendations (5.1.1).*

The report then went on to make recommendations with regard to women in poverty, older women, young single mothers, women with disabilities, lesbian women, Traveller women, women prisoners and women involved in prostitution (5.2 – 5.9). Though the Commission acknowledged that further research into a number of categories of marginalised women was necessary in order to make informed policy decisions, its own efforts represented a significant beginning.

The report of the Task Force on the Travelling Community highlighted the significance of culture and the diversity of norms in organising a more equal society and economy. It provided a robust rationale for the inclusion of Traveller organisations in the centre of policy-making arenas. It outlined in an innovative way that recognition of cultural diversity can impact on economic development in a positive manner, especially in its recommendations of state support for the Traveller economy. It, too, represented efforts towards an integrated approach within the context of its own social grouping by providing separate chapters on Traveller Women and Travellers with a disability (H and J), and included targeted measures for young Travellers in its section on Education and Training (F).

*In A Strategy for Equality*, the Commission on the Status of People with Disabilities brought an explicit human rights approach to the equality debate. In its overview statement the Commission noted the centrality of this viewpoint to conceptualising strategy for equality:



*Public attitudes towards disability are still based on charity rather than on rights, and the odds are stacked against people with disabilities at almost every turn...People with disabilities are angry, and their justifiable anger was evident in submissions to the Commission ...People with disabilities and their families made it clear that they want equality, that they want to move from a reliance on charity towards establishing basic rights. They want, and are entitled to, equality and full participation as citizens (1.1; 1.2).*

The report organised the majority of its recommendations according to those that would further the economic, social and civil rights of people with disabilities (Parts 2 – 4). As in the other reports, there are elements of an integrated approach to equality for people with disabilities and there is specific attention given to the intersection of gender and disability (Chapter 17) and children with disabilities (Chapter 11). Of particular significance is the Commission's emphasis on the different kinds of disability that exist, especially with regard to vulnerable people with disability and the need to formulate policies that will enable independence and choice for all people with different kinds of disabilities.

As can be seen from this brief analysis, the policy site of government-appointed groups has supported the capacity of developing ways to influence social and economic policy from the perspective of some of the Irish equality interests. Each of the groups identified some of the intersections between differing experiences of discrimination within their own social grouping and to this extent offer early examples of integrative analyses. The work within this strand contributed towards a consciousness and eventual acceptance that those who experience differing forms of inequality should become part of central policy-making arenas, rather than develop agendas alongside of them. This is the second strand of policy sites in Ireland that are significant for promoting equality.

The establishment of the National Economic and Social Forum (NESF) was an integral part of the evolutionary process to bring those who represent the interests of equality and social inclusion to the centre of policymaking. The NESF was originally set up by government in 1993 to achieve consensus, on as wide a basis as possible, on major economic and social policy issues.<sup>24</sup> The membership comprises representatives of employers, farmers, trade unions, members of the Oireachtas, members of central and local government and representatives of the community and voluntary sector.

This was the first policy site where the various representatives of equality constituencies worked side by side (with other sectors) to bring equality agendas to bear on the consensual policymaking process. The NESF produced several opinion reports, which government was committed to considering in the process of designing the official strategy and policies for social and economic development. One of these reports, Equality Proofing



Issues (NESF: 1996), is a landmark publication with regard to progressing the comprehensive equality agenda.<sup>25</sup> It develops a conceptual framework for equality and outlines the meaning of objectives as equality of rights/opportunities/access, of participation, of outcome and of condition. The framework became a valuable tool for activists and policymakers in strategising for equality. The report also acknowledged the breadth of the equality agenda, including the institutionalised inequalities of wealth, income and power and referred to the need to take account of how individuals may experience more than one form of discrimination.

The experience of working side by side, of beginning to find ways to work together to progress the interests of each equality agenda, led to the formation of the Community Platform<sup>26</sup> and the incorporation of equality and social inclusion objectives within the national agreement: *Partnership 2000 (P2000) for Inclusion, Competitiveness and Employment* (1996). This was Ireland's first national agreement (for its strategic development) that included the participation of those who represented equality agendas. It also was the first agreement to include those who represented anti-poverty and social inclusion interests. Their combined strategy was to bring the viewpoint of the unequal and the poor to bear on all aspects of social and economic development. Their influence can be seen particularly in the agreement's commitments to a social inclusion/equality package of additional measures and initiatives to combat social exclusion and inequality, as well as commitment to a new focus on equality (chapters 4 & 5). These included commitments to the enactment of equality legislation, exploring procedures for gender and equality-proofing<sup>27</sup>, and towards the ongoing implementation of equality commitments contained in the Commission and Task Force reports referred to above.<sup>28</sup>

Partnership 2000 represents a watershed for a more participatory form of governance, consequently the beginnings of examining the implications of designing social and economic objectives with the powerful and less powerful working within the same setting. For our purposes here, it is also important to point out that it represented the beginnings of bringing a comprehensive equality agenda into such a site.<sup>29</sup> It provided as well an opportunity to initiate an examination of how the links between poverty and inequality could impact an understanding and design of national policy.

An analysis of these links continued to develop in the implementation of P2000, and in preparations for and negotiations towards the current national agreement in Ireland, *Programme for Prosperity and Fairness (PPF 2000)*. Representatives of the Community and Voluntary sector were invited to join the National Economic and Social Council, and fully participated in discussions that produced the background strategy document for the PPF, *Opportunities, Challenges and Capacities for Choice* (NESC: 1999). This document represents

the second stage of developing a more cohesive social inclusion/equality viewpoint that is brought to bear on policies for national development. It acknowledges the dual objectives of promoting a competitive and sustainable economy and a society marked by social inclusion and equality. It states that this 'calls for a rights-based approach to ensure full citizenship for all people in Ireland' (2.3.2, p. 53). It outlines foundations and principles underpinning a socially inclusive society, and within this develops a current analysis of actions to enhance social equality.<sup>30</sup> The social inclusion/equality viewpoint can be seen to influence analyses and recommendations with regard to macro-economic policies for economic growth as well as policies to tackle key societal imbalances, exclusion and inequalities. While it is outside the scope of this study to offer an evaluation of the balance of power between economic and social objectives contained in this document and the subsequent PPF, the point here is that these two documents clearly bear the imprint of efforts to substantially integrate same.

The Programme for Prosperity and Fairness demonstrates this imprint in the statement of its overall aims.

#### Box 3.2 Aims of the PPF from the Overview Statement

- keep our economy competitive in a rapidly changing world;
- provide a strong basis for further economic prosperity;
- improve the quality of life and living standards for all;
- bring about a fairer and more inclusive Ireland.

A social inclusion/equality perspective is manifested throughout the document. For example, within the section on Small Business, there is a commitment to provide action with regard to 'start-your-own business supports for women, the long-term unemployed and marginalised groups' (2.6.6); or within the section on 'Successful Adaptation to Continuing Change' there is an extensive discussion on childcare and family friendly policies (4.3). There is also a full section devoted to commitments to action on Social Inclusion and Equality (Framework III). The breadth of the equality agenda is fully visible within this section; an awareness of all protected social groupings is demonstrated. It is apparent that commitments in both sections to social inclusion and equality are based on an understanding of intersections between economic marginalisation and unemployment and various inequalities experienced by the different social groupings.

This national agreement, then, provides the clearest example to date of how Ireland has attempted to incorporate the comprehensive equality agenda within a central site of policymaking.<sup>31</sup> Much of this is due to the reality of equality and social inclusion groups having the opportunity to work together within the context of the Community Platform and the Community and Voluntary Pillar. It is also due to the acknowledgement by government and other social partners of the right that these groups have to participate in such a process. It is important to point out, however, that while the agreement contains more substantial commitments to progressing the wider equality agenda than any previous one, the different agendas still largely appear as distinguished from one another. That is, there are relatively few examples of framing policies that offer common solutions to a range of experienced discriminations. While the document represents clear efforts to integrate social inclusion and equality, there are only a few examples (equality-proofing and childcare salient among them) where there are attempts to outline some semblance of an integrated solution to equality concerns across a range of social groupings.

### 3.3.2 The Relationship between Equality and Anti-Poverty/ Targeting Social Need Strategies

#### Northern Ireland

An awareness of the link between socioeconomic disadvantage or social need and inequality arose within Northern Ireland particularly within the context of differentials between the Protestant and Catholic communities. The 'high levels of unemployment among Catholics, and its contribution to divisions and tension in Northern Ireland, made the issues of employment and unemployment the central focus of the equality debate from the mid-1970s onwards' (Quirk and McLaughlin: 1996, p. 153). As a result of ongoing evaluation of the differences in the socioeconomic profiles of the Catholic and Protestant communities – especially the unemployment differential – the Government introduced the policy of Targeting Social Need (TSN) in 1991. TSN was intended to be a tool aimed at changing the policymaking process whereby government departments were encouraged to tackle disadvantage by directing resources and efforts towards those individuals, groups and areas objectively defined as being in greatest need. It was anticipated that the strategy would reduce community differentials over time, but it was also recognised that disadvantage was shared by sections of the Protestant communities. Thus resources should be skewed towards all areas and individuals in need.<sup>32</sup>

Evaluations of the TSN initiative – particularly the 1997 Standing Advisory Commission on Human Rights report on *Employment Equality: Building the Future* – led the Government to propose a New TSN strategy in its White Paper on Partnership for Equality.<sup>33</sup> The New

TSN was launched in 1998, in order 'to make Northern Ireland a fairer and more equal society' (Northern Ireland, New TSN, p. 6). The initiative is intended to operate in three linked ways:

- A special focus on the problems of unemployed people and on increasing their chances of finding a job;
- Targeting other sorts of social need, which may not be directly related to unemployment. There is acknowledged inequality in health, housing and education.
- A special initiative called Promoting Social Inclusion (PSI) to be a co-ordinated approach (across relevant Departments and working with agencies, public bodies and members of the voluntary and other sectors) to tackle particular issues/factors that contribute to social exclusion (e.g. a couple of the first PSI priorities are a strategic approach to the needs of minority ethnic people and action to respond to the needs of Travellers).

Government Departments have developed TSN Draft Action Plans that identify the social need objectives and implications of their policies (*Vision into Practice: New TSN Annual Report, 1999*).

The New TSN, then, aims to address a wide range of social and economic disadvantage, including people with disabilities, members of minority ethnic groups and other groups designated under section 75 of the Northern Ireland Act. The Equality Commission for Northern Ireland has written a response to the TSN Annual Report that welcomes its broad definition of disadvantage and the perceived links between inequality and socioeconomic disadvantage. However the ECNI analysis demonstrates that to date, these links – as manifested within the experiences of the broad range of equality social groupings – have not been adequately integrated within the initiative. It notes, for example, the general exclusion of consideration of gender issues from both the Annual Report and the action plans. In its review of each action plan, it outlines ways in which they need to attend to barriers to equality that are experienced by diverse social groupings. In effect, the Equality Commission's analysis recommends initial steps that would be required for an integration of the comprehensive equality agenda within strategies for targeting social need.

### **Republic of Ireland**

There has been a growing awareness in Ireland of how to design policies that tackle poverty and inequality as interrelated dimensions of social exclusion. Work within the two strands or contexts of policy-making (as noted above) has been influenced significantly by Ireland's National Anti-Poverty Strategy (NAPS). The NAPS 'is a major cross-departmental policy initiative by the Government designed to place the needs of the poor and the socially excluded among the issues at the top of the national agenda in terms of government policy

development and action (NAPS: 1997, 1, p.2). The design of the NAPS arose from the Government's commitment to endorse a programme of action to reduce overall poverty and inequalities everywhere, as stated in the Copenhagen Declaration from the UN World Summit in Copenhagen in March 1995.<sup>34</sup>

### Box 3.3 The National Anti-Poverty Strategy

The NAPS is a result of extensive consultation and involvement (through seminars and working groups on key themes) with social partners and people directly affected by poverty. The Strategy set a global target to reduce the numbers of those who are consistently poor from 9-15% to less than 5-10% as measured by the Economic and Social Research Institute. It also set targets and outlined policy actions in five areas:

1. educational disadvantage
2. unemployment
3. income adequacy
4. disadvantaged urban areas
5. rural poverty.

Expenditure required to reach targets and implement policy actions was envisaged as coming from a re-ordering of Government spending priorities, monies committed in national agreements regarding social inclusion and a special focus on re-distributing resources in the most effective way on anti-poverty policies across the spectrum of public expenditure and taxation programmes.

The Strategy is rooted in an analysis of the poor that outlines critical links between poverty and inequalities. Those at greatest risk of poverty are identified as the unemployed (especially the long-term unemployed), children, single adult households and those headed by someone working in the home, lone parents and people with disabilities. It also noted that elderly people, Travellers and people out of home can be at risk of poverty. The NAPS, in its recommended policy actions within the five key areas, consistently demonstrated an awareness of how policy actions must pay particular attention to people's experiences of discrimination. For example, within policy actions on unemployment the strategy should

*ensure that 'double discrimination' barriers which arise for certain groups, in particular, people with disabilities and Travellers, in accessing employment are removed. This involves putting in place measures to prohibit discrimination and to increase the labour market participation of the groups affected as well as a number of general affirmative action measures (NAPS: 1997, p. 12).*

There is considerable scope, however, in the Strategy's implementation to develop a more detailed analysis of the relationship between poverty and experienced inequalities. While there is a fundamental acknowledgement of this relationship, there is need for more research and analysis of the specific ways in which differing social groups experience poverty.<sup>35</sup> This analysis could inform the design of integrated policy actions that reduce the risk of poverty across a range of inequalities. It could also contribute to understanding how to set targets for the reduction of poverty relative to a diversity of social groupings. The global target of reducing those who are consistently poor could be complemented with differentiated targets.<sup>36</sup> This work would no doubt challenge one of the fundamental assumptions of the Strategy, namely, that the most effective way of reducing poverty is the creation of jobs (NAPS, p. 8). This assumption is too facile and would require re-assessment as the relationship between the diversity of inequalities and poverty is examined and integrated strategies developed.

### 3.4 Conclusions

This chapter has examined the practice of equality work within Republic of Ireland and Northern Ireland through an analysis of relevant equality legislation and policies. It has identified the ways in which both jurisdictions are acknowledging and responding to the equality agendas of diverse social groupings. The Republic and Northern Ireland provide a legal framework for a broad equality agenda, though in substantially different ways. Harmonised legislation in the Republic and the statutory duty on public bodies in Northern Ireland, form a significant part of the backdrop for conceptualising an integrated approach to equality strategies. Both jurisdictions are also designing and implementing policies for a comprehensive equality agenda. As the analysis indicates, some steps have been taken towards examining the intersections between diverse agendas and designing strategies that tackle the interrelated dimensions of poverty/social need and equality. These steps can be positively built upon, in order to develop the full scope and potential of integrating the comprehensive equality agenda.

1. *There are significant variations in the kinds of protection afforded with respect to employment, goods, services and facilities. See Appendix 3, 'Comparison of Legislation' in Hepple, Coussey, and Choudhury, Equality: A New Framework (Oxford: Hart Publishing, 2000), pp. 130-138.*
2. *This duty extends to categories of persons not yet covered by other Northern Ireland or UK anti-discrimination statutes, viz, age, sexual orientation and family status.*
3. *The report refers to the development of this theme in The Future of Multi-Ethnic Britain: the Parekh Report, prepared by the Commission on the Future of Multi-Ethnic Britain (forthcoming).*
4. *See also Christopher McCrudden, "Institutional Discrimination" Oxford Journal of Legal Studies (1982): 303-367.*
5. *The Commission for Racial Equality for Northern Ireland recommends that the definition of 'indirect discrimination' contained within the Race Relations (NI) Order 1997 should be amended in light of the fact that its current definition has not had much impact. See Recommendations for Changes to the Race Relations (NI) Order 1997, Belfast: CRENI, Sept 1999, p. 5.*
6. *The Equality report recommends an amendment to the disability legislation in this regard. It states: 'The general defence of justification of discrimination in employment in the DDA should be amended so as to permit discrimination only on specified rational grounds such as that the individual would not be able to perform the essential functions of the job, with or without reasonable adjustment, or to protect the health and safety of any person, including the disabled person' (2.47).*
7. *It is important to qualify this statement by noting that race, sex and disability legislation also provides for formal investigation mechanisms that are an alternative to the individual litigation route. Formal investigations require finding an individual respondent to be responsible for the discrimination. However, they do not require identified complainants or direct victims.*
8. *See recommendations to incorporate a positive duty on employers with regard to sex and race, as contained in Equal Opportunities Commission for Northern Ireland, The Sex Discrimination Legislation, Recommendations for change Belfast: 1997, p. 22; and Recommendations for Changes to the Race Relations (NI) Order 1997, pp 5-6.*
9. *There is also a case to be made that the EC's litigation strategy and casework promotes a more substantive understanding of equality through its orientation towards equality of outcome. Similarly, its formal investigative work addresses issues of structural discrimination. See some discussion of these issues in EOCNI, 1997.*



10. *This is the title of Christopher McCrudden's significant proposal for placing an amended PAFT on statutory footing, which was then taken up by the SACHR report, and became one of its central recommendations to government. See, his 'Mainstreaming Fairness' for an outline of the original proposal and his article, "Mainstreaming Equality in the Governance of Northern Ireland," in Fordham International Law Journal 22 (April 1999) No. 4: 1696-1774 for an analysis of the evolution of this proposal into the equality legislation on the statutory duty.*
11. *See especially R. Wilson's presentation to the Democratic Dialogue conference on Equality, held on September 25, 2000. In his paper, The Equality Debate, he argues that 'Schedule 9 ... focuses entirely on the processes on which compliance is seen to depend. No substantive achievements are required at all', p. 7.*
12. *This is also supported by the legal requirement of staff of public bodies to undertake training on issues relevant to the duties (see Sec 75, Schedule 9 paragraph 4 [e]).*
13. *As we will consider next, Ireland's equality legislation has been harmonised into two Acts, one providing legal protection against discrimination in employment related matters across nine grounds, and another providing legal protection with regard to provision of goods, services, education and accommodation across the nine grounds.*
14. *The Equality Report authors argue that a single Equality Act will promote an inclusive approach to fair participation by way of "contain(ing) a clear statement of the basic principles of non-discrimination and equality, and the framework of regulation. It will need to be supplemented by statutory regulations on specific subjects, and also by codes of practice" (2.12).*
15. *Northern Ireland Executive, Draft Programme for Government, November 2000, p. 19.*
16. *It is the intention of the First Minister and Deputy First Minister to bring forward a Single Equality Act to consolidate the four existing laws. See discussion of this in Wilford and Osborne, 2000.*
17. *This legal obligation, however, is considerably limited. Employers are only obliged to accommodate the difference of disability, if it does not give rise to something other than a 'nominal cost' [S.16(3)c]. Representatives of people with disability have severely critiqued this part of the equality legislation, and the effort to rectify this is one of the prime drivers for separate legislation on disability. In theory, it does seem possible for the ground of disability to be adequately covered within harmonised legislation. However, because there are several substantive inadequacies with respect to current legislation, representatives of people with disabilities are arguing for a separate piece of disability legislation. The Irish government has made a commitment to bring forward a Disabilities Bill in 2001. See Gerard Quinn's article,*

*"From Charity to Rights. The Evolution of the Rights-based Approach to Disability: International and Irish perspectives" in a book that is to be published by Enable Ireland 2000, for a discussion of the substantive inadequacies of equality legislation, from the disabilities perspective.*

18. *SACHR was established by Parliament under section 20 of the Northern Ireland Constitution Act 1973 for the purpose of: 'advising the Secretary of State on the adequacy and effectiveness of the law for the time being in force in preventing discrimination on the grounds of religious belief or political opinion and in providing redress for persons aggrieved by discrimination on either ground.'*
19. *The aims of these guidelines were to ensure that in practice issues of equality and equity are fully integrated into policy-making, and that policies do not discriminate against those groups who are distinguishable by religion or political opinion, gender, age, ethnic group, disability, marital status or sexual orientation.*
20. *Osborne et al analyse the impact of the implementation of the PAFT guidelines and conclude that the picture is 'mixed' with major difficulties emerging relative to the status of the guidelines and the effectiveness of enforcement relative to their implementation. In "The Implementation of the Policy Appraisal and Fair Treatment Guidelines," SACHR Policy Aspects of Employment Equality in Northern Ireland (Belfast: 1996), edited by Eithne McLaughlin and Pádraic Quirk.*
21. *See an interesting analysis of the strategy, from the perspective of the political context of Northern Ireland, by John Bradley and Douglas Hamilton, "Strategy 2010: Planning Economic Development in Northern Ireland", submitted to the Policy Review Section of Regional Studies.*
22. *This is especially apparent in the document's section on 'Targets.' There are no 'equality or social inclusion' targets. Even within the specified target of 'reduction of the rate of long-term unemployment' there is no reference to reduction of the community differentials in this regard (Section 10, p. 212).*
23. *One of the terms for this Commission was to review the implementation of the recommendations of the First Commission on the Status of Women (1972).*
24. *Since 1998, the NESF's work has become focused on the evaluation and implementation of policies dealing with equality and social inclusion.*
25. *This report is based on a paper prepared for the NESF by the Equality Studies Centre, UCD, "A Framework for Equality Proofing," 1995.*

26. *This was a mechanism (comprising several national networks and organisations combating poverty and social exclusion, and promoting equality and justice) to negotiate and organise the participation and involvement of the sector as a social partner in decision making arenas at a national level. It was successful in 'achieving social partnership' status on behalf of the sector, and was involved in the P2000 negotiations. The Community Platform continues today as a mechanism to organise and negotiate in policy-making arenas. It is a member of the 'Community and Voluntary Pillar', the government appointed grouping that represents officially the interests of the sector within national policy arenas. See Achieving Social Partnership: The Strategy and Proposals of The Community Platform at the Partnership 2000 Negotiations (Dublin: The Community Platform, 1997).*
27. *On the foot of a P2000 commitment to strengthen administrative procedures for equality proofing, and by way of preparing government departments to meet certain EU obligations, a gender-proofing working group was convened to oversee research leading to the publication of guidelines for gender-proofing. The regulations governing EU Structural Funds 2000-2006 place a legal obligation on Member States to support equal opportunities between women and men. Member States are thus required to gender mainstream policies and programmes which are receiving structural funds during this round. The published report, Gender Proofing and the European Structural Funds: Outline Guidelines, by Siobhán Mullally and Olivia Smith (Dublin: Department of Justice, Equality and Law Reform, 1999), provides assistance to government departments in the present time. A report on equality-proofing will be considered in the next chapter.*
28. *In addition, several 'equality' working groups and committees were established or acknowledged as central to the development of national policy. For example, the working group on childcare, the steering committee on violence against women, the national consultative committee on racism and inter-culturalism, and the monitoring committee on the implementation of quota for employment of people with disabilities in the public sector.*
29. *While not all equality social groupings now acknowledged within equality legislation were able to represent themselves within this agreement, the majority of them did participate in the Community Platform.*
30. *A significant statement in this regard is: "The Council supports the creation of a Strategic Framework for Action on Equality which would include the comprehensive strategic implementation of the recommendations on past/current equality agendas and the development of equality agendas for 'legislatively new groups' experiencing discrimination" (2.4.4.2, pp. 75-76).*

31. *It did not, however, offer any programmes or measures to reduce levels of income inequality in the country. See P. Kirby and K. Zappone, "PPF will not Narrow the gap Between Rich and Poor," The Irish Times, March 13, 2000.*
32. *Quirk and McLaughlin, in their evaluation of government departments' effectiveness in implementing the TSN, argue that the ambivalence between a focus on the 'politics of need' and 'community differentials' contributed to the failure of action. See "Targeting Social Need" in SACHR, Policy Aspects of Employment Equality in Northern Ireland, edited by Eithne McLaughlin and Pádraic Quirk, pp. 153-183.*
33. *The White Paper outlined that a more vigorous approach to TSN was required, and recommended that the policy needed a stronger focus and that mechanisms should be put in place to ensure its effectiveness and transparency. See Partnership for Equality (4.15-4.29).*
34. *This target was set for 1997-2007. As the target has already been met, there is a new global target to reduce consistent poverty below 5% by 2004. See Inter-Departmental Policy Committee (1999), "Social Inclusion Strategy", Dublin, Stationery Office. See also background analyses of these issues in Callan, Tim, Brian Nolan, Brendan J. Whelan, Christopher T. Whelan and James Williams (1996), Poverty in the 1990s: Evidence from the Living in Ireland Survey, Dublin, Oak Tree Press with Combat Poverty Agency.*
35. *Some of this work has begun. See for example, Brian Nolan and Dorothy Watson, Women and Poverty in Ireland (Dublin: Oak Tree Press/Combat Poverty Agency, 1999). See also the National Women's Council of Ireland's recent policy document, Out of Sight, the Hidden Poverty of Women (Dublin: NWCI, 2000); and NWCI Millennium Project's forthcoming publication Second Hand Lives: Women and Poverty, to be published 2001.*
36. *The Programme for Prosperity and Fairness has made the commitment of reviewing existing targets of NAPS, and that possible new targets will be considered under the themes of child poverty, women's poverty, health, older people and housing/accommodation (3.1). Recommendations for other new targets include: the introduction of a relative income poverty reduction target (NESF, NAPS Strategy, 2000); and a target for reducing income inequality (Farrell, CPA 2001).*



## 2 Equality Strategies



## Chapter 4

### **Bringing Difference(s) Together: Strategies for an Integrated Approach**

In developing a framework for equality strategies that take due account of diverse social groupings and identities, this study began with an examination of contemporary equality theory. It then analysed equality legislation and selected policy documents from the Republic of Ireland and Northern Ireland in order to outline the legislative basis for a comprehensive equality agenda and to view the ways in which the agenda is being progressed currently in both jurisdictions. This work provides the basis to offer recommendations on how to conceptualise equality strategies that reflect an integrated/comprehensive agenda.

#### **4.1 A Coherent Framework for Equality Strategies**

As we have seen, the Equality Commission in the North and the Equality Authority in the South are responsible to support the development of a comprehensive equality agenda for all those whose rights are protected in the legislation. It is their responsibility to offer guidance and assistance to employers, policymakers and service providers as they deal with the equality issues of a very diverse population. In commenting on the formation of the Equality Commission in Northern Ireland – which has brought together the responsibilities and operations of three previous Commissions in charge of racial, sexual and religious and political equality, with additional responsibilities for disability and the statutory duty – Evelyn Collins, CEO Equality Commission, has this to say:

*Bringing together groups with a wide range of responsibilities, with different legislative remits and different histories, and welding them into a cohesive whole, presents challenges and a unique opportunity to place a fresh and positive concept of equality at the centre of our developing society (EC 1999-2000 Annual Report).*

The research of the present study suggests that such 'a fresh and positive concept of equality' is best characterised as inclusive equality and has outlined several principles to define its meaning for today. This definition of egalitarian change has genuine transformative potential, especially as it becomes owned by those most directly involved, by those whose rights it seeks to uphold.

But how can this understanding of inclusive equality assist the development of strategies reflecting a comprehensive/integrated equality agenda? How can this understanding be operationalised in the work of the Equality Commission and the Equality Authority?

How can these two agencies ensure mutual respect for the diversity of all the people living on this island? This is the practical problem that now lies before them with the widening of their remit and responsibilities.

In identifying this dilemma, Niall Crowley CEO Equality Authority argues that action on equality requires some form of coherence across the different agendas of race, gender, age, disability, sexual orientation, Travellers, religion, marital and family status. He says that 'the breadth of the equality agenda suggests an integrated approach across the specific agendas. The deployment of nine parallel frameworks would be an administrative nightmare. Equally it would lose the potential to address the multiplicity of identities held by people and the simultaneous oppressions that are often experienced on foot of this' (Crowley, 2000:9).

Providing coherence, then, is indeed a critical challenge to formulating strategies for action on equality. This is not something that can be worked out at the level of abstraction or theory alone. While it is supported by new ways of conceptualising equality, it is built through various initiatives, tools and mechanisms that assist policymakers, service providers and employers in bringing together a concern for all the differences.

#### **Principal Recommendation:**

**The primary recommendation of this research is to put in place a coherent framework for equality strategies, consisting of:**

- a) An Inclusive Model of Equality**
- b) A Diversity Approach to Equality Strategies**
- c) An Integrated Approach to Equality Strategies.**

#### **a) An Inclusive Model of Equality**

The framework is supported by a model or concept of equality that is rooted in an acknowledgment of the intrinsic worth, rights and perspectives of all members of society. Its fundamental assumption is that people are equal to one another in and through their differences. In this model, recognising the differences between social groups is essential. Mutual respect for each other provides the base for changing attitudes and perceptions that stereotype difference. The social conditions of people's lives such as facilities for education, healthcare and accommodation must be such that they can choose the lives they want to



lead. Political systems and decision-making arenas need to be organised so that all the different voices of the people will be heard. Economic equality plays a central role in such a model. The overall strategic objective of the model, therefore, is to promote equality through practices and systems of inclusion.

#### **b) A Diversity Approach to Equality Strategies**

This approach to strategising is currently being developed by both agencies. It focuses on giving visibility to and celebrating the differences of people in the Republic and Northern Ireland, in order to ensure their equality of opportunity. It attempts to change the traditional way of viewing equality as treating everyone the same. It develops ways to raise awareness about the varied equality agendas, so that policies and employment practices can effectively respond to them. It is developing tools for policymaking and employment practices that take account of all the equality agendas for people protected in equality legislation.

#### **c) An Integrated Approach to Equality Strategies.**

This is an approach that has yet to be fully developed. It is an approach that will focus a sustained effort on identifying linkages and intersections between the needs of different social groupings. It is an approach that will raise awareness in particular ways about the multiple identities of the people who live in Ireland and Northern Ireland. It is an effort to develop shared methods of analysis of the causes of inequality across the grounds, so that common solutions to the problems of discrimination, oppression and inequality can be found. It is an approach that will incorporate this 'integrative work' in the policymaking, service provision and workplace arenas to promote inclusiveness through equitable outcomes and conditions for a diverse population.

Now to consider these components of the framework in more detail.

## **4.2 An Inclusive Model of Equality**

The second chapter of this report has put forward arguments regarding the content of what understanding of equality ought to guide us in our work. Ethical, normative judgments have been made on the basis of how a society should be organised so that diversity is affirmed and so that there is likelihood for everyone to advance in a more equitable fashion. In light of this, it is important to re-consider current understandings of equality objectives. It is important to ask how our understanding of equality objectives such as access, participation, outcome and condition may change in light of the breadth of an equality

agenda, that seeks to promote overall inclusiveness in society. As diverse social groupings develop their equality agendas and as we attempt to find ways to take all of this into account in our strategies for equality, we may find that the objectives of access and participation are not sufficient. We may find that a focus on outcome may require that we expand our understanding of what equality of outcome could mean.

For example, older people in Northern Ireland have recently developed an extensive agenda to ensure their rights (Age Concern, *Agenda for the Age*, 2000). One of their central recommendations with respect to ensuring equality in accommodation, is to promote the concept of lifelong housing. Does not such a concept require more than an outcome that a representative proportion of older people in Northern Ireland are enabled to live in their home for as long as possible? Put this alongside the equality agenda for people with disabilities.

In the South, the equality agenda is contained in *A Strategy for Equality: Report of the Commission on the Status of People with Disabilities*. Here they promote the concept of independent living in order to ensure their rights. They argue that 'if housing is to provide the base from which people with disabilities participate in society, then policies must address not only the question of the physical fabric of buildings and the serviceability of the wider environment, but also services, supports and income required to facilitate independent living' (12.4). Does not the concept of independent living – fashioned from the collective identity of people with disabilities – require more than a representative portion of people with disabilities in housing that accommodates their particular needs? What about those who don't make it into the representative proportion? Put this alongside the equality agenda for lone parents, who experience significant discrimination on the grounds of marital and family status. OPEN, the national representative organisation in the Republic for lone parents, is finding that equality for lone parents means addressing the need for homes for lone parents. The majority of lone parents – in light of the experience of poverty and/or low pay – are becoming homeless and especially since for many of them living, in their family home is no longer an option.<sup>1</sup> Put this alongside the equality agenda for Travellers. Accommodation has been and continues to be at the centre of their agenda. Among their recommendations are that all types of accommodation, including permanent halting sites, should be available to Travellers. This means providing Traveller specific accommodation and the inclusion of Travellers in mainstream housing programmes (Task Force on the Travelling Community, 1995, 2.1). If these four equality agendas are placed side by side – which an inclusive understanding of equality demands – will the outcomes that we seek not require some fundamental change to the system of housing? And if our outcomes result in changed systems, will we not have initiated the process of creating more equitable social conditions in the midst of diversity?

If strategies for equality are based on an inclusive model of equality, this will mean a fundamental shift in the way we perceive social reality. It will also mean a fundamental change in trying to name what our proximate objectives are as the equality agendas of diverse social groupings are lined up beside one another. It will mean that we need to generate many paths towards integrative work, that will support equality strategies for a comprehensive equality agenda. It would be unwise to underestimate the enormity of this multi-faceted task. As has already been argued, dealing with this task leads us to confront the reality that systems, structures and institutions will need to change, if we are to affirm and to accommodate diversity.

In summary:

#### An Inclusive Model of Equality

- Society should affirm diversity and ensure everyone advances in a more equitable fashion;
- We need to redefine equality objectives including consideration of the breadth of the equality agenda; and
- Strategies for equality of outcome for a diverse society will require equitable systems and living conditions.

### 4.3 A Diversity Approach to Equality Strategies

This is an approach that is currently being developed by both the Equality Authority and Equality Commission. It is a necessary strand of strategies for the comprehensive agenda that both agencies are responsible for. The approach is informed by an effort to hold together the principles of equality of opportunity and affirmation of diversity. Equality objectives focus on ensuring that protected groups have access to employment opportunities and the provision of goods and services, of encouraging supports for their meaningful participation in employment and services, and by aiming to achieve equal rates of success or outcome in how various social and economic benefits are distributed between different groups in society.

The designs of strategies for action on equality in this approach include three main steps or sets of processes.<sup>2</sup>

1. **Supporting the development of the equality agendas of those protected by the legislation.** In both Northern Ireland and Ireland there is one common body (EC and EA respectively) that promotes an understanding of the needs, circumstances, cultures, traditions, experiences of discrimination and bodily/intellectual capacities of different social groupings. The EC and the EA work in partnership with representatives of these groups and with sectors representing employers, trade unions and community and voluntary organisations, in order to surface and analyse the different requirements for equality of opportunity and affirmation of diversity. For example, the EC recently launched jointly with NIC/ICTU *'The Women's Agenda for the Assembly'*, a summary of key gender equality issues to be tackled by the Assembly. The EA has established advisory groups for equal opportunities of Gays, Lesbians and Bisexuals and Older People in order to bring visibility to less developed equality agendas. Other mechanisms include supporting research projects and the development of baseline statistics relative to employment practices and the access of public services by different social groupings. In addition, both agencies express the need to explore how poverty or social need compounds the discrimination or inequality of opportunity that varied social groupings experience. What is of special significance in this set of processes is that one body holds all of this work together under the one corporate mission. This is a relatively new phenomenon in both jurisdictions. It supports the social perception of the importance of extending equality concerns across the range of diverse membership in both jurisdictions. The impact of this on forming an equality-sensitive culture that accommodates diversity cannot be underestimated.
2. Bringing these different equality agendas to the workplace and centres of policymaking and service provision. This set of processes focuses on bringing the different agendas in a singular fashion to these settings. Tools, mechanisms or initiatives are developed along the lines of ethnicity, religious belief or political opinion, gender, age, sexual orientation, disability, family and marital status, and membership of the Traveller community. These are used to reduce discrimination and promote equality of opportunity in the agencies' work on codes of practice, provision of assistance to employers, developing campaigns to raise awareness about discrimination and initiatives to support mainstreaming.

#### Box 4.1 Equality Authority Initiatives

- Launch of Anti-Racist Workplace Week Campaign (with ICTU, IBEC Cif) to raise awareness about racism and celebrate ethnic diversity.
- Publication of *Investing in People-Family Friendly Work Arrangements in Small and Medium-Sized Enterprises*, resource for employers/policymakers

#### Box 4.2 Equality Commission Initiatives

- \* Launch of Revised Code of Practice for *Disability: Rights of Access to Goods, Facilities and Services*; outlines how to make reasonable adjustments for disabled customers/service users;
- \* Development of a Step by Step Guide to Monitoring to assist employers meet their legislative requirements for fair treatment of those with differing religious beliefs or political opinion.

These are just samples of the processes supported by the two authorities relative to singular grounds. The fact that both hold all of this work together within their strategic or corporate plans has the potential to challenge commonly held views on a non-diverse and non-substantive understanding of equality.

3. Bringing the different equality agendas together in a policy arena, employment context or service provision setting. This set of processes comes closest to what may be currently understood as an integrated equality agenda. Two sets are currently being developed. The first focuses on the policy arena where tools have been developed to mainstream equality concerns into the heart of government and public sector policymaking systems.

#### Box 4.3 Equality Commission Guide to the Statutory Duty

In Northern Ireland public bodies have a statutory duty to design and implement equality schemes. The Equality Commission has developed an impressive tool, *Guide to the Statutory Duty*, to support this mainstreaming activity. The public authority is guided to bring the different equality agendas together in three ways.

1. Consult with those who are most likely to be affected by policies with equality implications, and with other public authorities and voluntary, community, trade union and other groups with a legitimate interest in the work of the public authority's policies on equality of opportunity and good relations.
2. Screen existing or proposed policies on the basis of how they impact the social groupings protected in Section 75 of the Northern Ireland Act, thereby having to consider the different equality agendas together within the context of the screening process.

3. Conduct equality impact assessments on policies with significant implications for equality of opportunity. Will the policies impact on any of the groups adversely? If so, how can these effects be mitigated or alternative policies developed which might better achieve the promotion of equality of opportunity? Again, the guidelines direct the public authorities effectively, to bring the equality agendas together in order to develop comprehensive statements of equality impact assessment.

In the South, a working group established under the auspices of Partnership 2000 has developed guidelines and recommendations for a similar form of mainstreaming equality (Mullally & Smith: P2000 Equality Proofing Report). Guidelines for Equality Impact Assessments are contained in the report, directing a similar set of steps to bring the different equality agendas together.<sup>3</sup> It proposes also a learning phase in the equality proofing process and recommends a number of equality proofing initiatives. Three of those initiatives comprise the second set of processes being developed to bring together the varied equality agendas in research, service delivery and the workplace.

1. Research is currently being undertaken to examine the relationship between poverty and inequality. This pursues the path of linking experiences of economic inequality with other forms of inequality.
2. The Equality Authority is developing tools to assist the integration of equality proofing into the Strategic Management Initiative of the Civil Service. It has prepared a support pack to assist government departments in drawing up their Customer Service Action Plans. This work was done in partnership with the Quality Customer Service Working Group of the SMI. In light of the introduction of the Equal Status Act, these plans must now incorporate an equality/diversity policy in how they serve their customers. This effectively means that government departments are being encouraged to demonstrate how they will take account of the needs of a diverse customer base and ensure that the service is accessible to all. Taking account of the needs is dependent, of course, on 'gaining an appreciation and understanding of the needs of different groups' (EA: Customer Service Action Plans and the Equality/Diversity Principle, p. 3). The support pack outlines activities that can support the development of this knowledge base and how to apply it to the delivery of their services (for example, developing positive action measures that would ensure that those groups protected by equality legislation would have equal access to the service). This pack is a tool to guide ways of considering the varied equality agendas together in the context of supportive functions for service delivery (eg diversity training of staff, methods and materials of communicating with

diverse customer base, including the participation of people experiencing discrimination in the re-design of services, etc), and in the context of how their services are equally accessible by those who experience discrimination and those who do not.

3. The Equality Authority is developing tools to assist work in carrying out Equality Reviews and in designing Equality Action Plans in the public and private sectors. The reviews will audit the level of equality of opportunity in the employment setting and the Action Plan will be designed in light of gaps found. An Equality Template is currently being developed for this work. The template will be a tool to assist employers to examine possible inequalities in the workplace across the nine grounds and to put in place action plans that promote equality and diversity. It will attempt to answer the following question in relation to practices and procedures in recruitment, selection, pay remuneration scales, job descriptions and grading, ways of organising work: What kind of workplace environment is required to support the access and participation of people protected by the nine grounds in an equitable way? It will be a tool to guide ways of considering together the varied equality agendas within the one context of the workplace.

In summary:

#### A Diversity Approach to Equality Strategies

- Supports development of the equality agendas of those protected by the legislation.
- Brings these different equality agendas in a singular fashion to the workplace and centres of policymaking and service provision.
- Brings the different equality agendas together in a policy arena, employment context or service provision setting.

#### Rationale

The value of this approach to equality strategies can be characterised in a number of ways. First of all, we simply do not have enough information and data on the extent and nature of experiences of discrimination by all of the groupings protected by legislation. We will not have an adequate picture of diversity until we do. Supporting the development of a



comprehensive equality agenda will make a significant contribution to our assessment of 'what is wrong' and 'what do we need instead'. Do we know the full costs of early retirement, to take one example. Do we know the specific nature of the discriminatory experience of Nigerians or Jews in Ireland, to take other examples.

Secondly, bringing the different equality agendas in a singular fashion to the various settings allows us to maintain a focus on the existing hierarchical social relations that do exist between different groups of people. Social relations of superiority/inferiority and domination/oppression do exist between women and men, Protestants and Catholics, people with disabilities and those without, people with dependent children and those without, people who do not have an adequate standard of living and those who do, blacks and whites, Travellers and settled people, religions with significant membership and minority religions, lesbians, gays and bisexuals and heterosexuals, people of differing ages, people of differing racial or ethnic backgrounds. The nature and character of these social relations do require analysis that heightens their visibility, if they are to be changed to social relations of equal respect and status.

For example, the Equality Commission in its first annual report has heightened the visibility of differences in the composition of the long-term unemployed in Northern Ireland. Two-thirds of the long-term unemployed are Catholics and one-third are Protestant. Changing social relations (or, relations between different social groupings) can genuinely happen by government policies, employment and service provision policies that take account of the circumstances of people's oppression and how they are stereotyped as inferior.

#### Box 4.4 Recognising difference

The rationale for a diversity approach, especially in strategies that are attempting to hold the diverse agendas together within one context, is that it is a critical first step towards the full recognition of how people differ from one another. This is so precisely because of its potential to shift the dominant view of society as homogenous. Further, it requires a considerable challenge to expand one's viewing powers to not only see the diversity, but also to interpret that it is good and to reject any form of inequality that arises because of social and economic differences.

This is a crucial part of developing a culture of equality. It demands changes in personal and social values through an acceptance of a diversity of norms that organise society, its institutions and how individual people should be treated. Resistance to this type of change is not uncommon. The systems and institutions that we have grown up in have taught us otherwise.

## Limitations

### 1. Avoiding static notions of identity

There are, however, at least two limitations to this approach to strategies. To bring an equality agenda of a particular social grouping, for example of lesbians, gays and bisexuals, to the policy or employment context may imply some kind of essentialist or static notion of their identity. It may imply that there are fundamental sets of characteristics that are part of the very nature of being lesbian, bisexual or gay. This disregards the ways in which cultural expectations and historical experiences of exclusion, denigration and non-recognition shape the identity and reality of discrimination for those who do not follow the dominant norm of sexual orientation.

#### Box 4.5 The content of difference

As Crowley notes, there remains the challenge of 'understanding diversity in terms of the content of difference...The naming of difference must not be done in a manner that reinforces stereotype, or in a manner where the content of difference is not a matter for self-determination, or where the content of difference is static.

These dangers must be overcome, because without further work on the content of difference, the [equality] framework cannot be fully deployed in favour of all those who experience inequality' (Crowley, 2000:12).

The Ontario Human Rights Commission, in the strategic plan for its policy and education branch, has referred to its use of lenses by way of developing equitable policy frameworks. Though this work is currently in progress, the concept of an equality lens can inform the development of tools that may avoid any essentialist notion of identity, while simultaneously tackling the problem of naming the content of difference. While there is common discourse in policy circles about bringing a gender lens to the issue or policy at hand, this could be extended to the development of a multi-focal tool.

### Implementation Step 1

Design a multi-focal tool with a lens for each protected social grouping for the equality assessment of policies, employment and service provision.

A 'multi-focal' tool could be designed by the EC and EA supporting those affected by discrimination and exclusion to develop a lens for their own social grouping (eg a sexual orientation lens, a gender lens, a disability lens, a Traveller lens, a Catholic lens, etc). Their

overall task would be to identify common issues of concern within the grouping, for agencies, government departments, employers and policymakers in their development of mainstreaming processes, service provision and equality templates for policies and procedures.

While such a tool would require further research to outline guidelines for its development, the following gives some indication of what it could look like.

The _____ Lens	
1. Statistical data profiling the <b>situation</b> of _____ with regard to:	
Social Status	Housing
Family Status	Health
Economic Status	Time Use
Employment Status	Assets
Unemployment Situation	Care Services
Occupation	Violence
Income	Dependants
Educational Attainment	Geographical Areas
Training	Representation <sup>4</sup>
2. Qualitative Data profiling :	
a: The <b>identity</b> of _____ including how they interpret and communicate their:	
<ul style="list-style-type: none"> <li>• Cultural distinctiveness;</li> <li>• Historical experiences of inclusion/exclusion, and resistance to exclusion;</li> <li>• norms, traditions and stories.</li> </ul>	
b: The common features of the <b>experiences</b> of _____ in:	
<ul style="list-style-type: none"> <li>• Accessing and participating in employment, education, government services;</li> <li>• Accessing and participating in special supports to accommodate differences;</li> <li>• Sustaining an adequate income;</li> <li>• Accessing and participating in decision-making arenas;</li> <li>• Living in an unsafe environment;</li> <li>• (other categories that may be specific to the needs or circumstances of this particular social grouping).</li> </ul>	

3. Identify at least two of the most critical areas of social/economic policy change that will shift the differential impact of how benefits and resources are distributed between \_\_\_\_\_ and \_\_\_\_\_ (for example, women and men; older people and people of other ages; people with dependants and those without).

## 2. Multiple discrimination

The second limitation of a diversity approach to equality strategies is more fundamental. The approach tends to be rooted in a uni-dimensional analysis of each of the protected social groupings. While this is a necessary element of the coherent framework for action on inclusive equality as noted above, it is insufficient. To consistently look for the differential impact of a policy with regard to equality of access, participation or outcome by comparing the disadvantaged grouping with its counterpart, can obscure or block taking account of people experiencing multiple discriminations in any meaningful way. For example, how will this approach ensure that the special needs of a young man from an ethnic minority are met? Furthermore, affirming and accommodating diversity requires more than surface reallocations of existing social and economic benefits to groups that have now been recognised in equality legislation. Targeting vulnerable groups for additional assistance or establishing quotas for the various groupings in employment, training opportunities or occupational sectors does little to change the employment or policy systems that create the patterns that produce inequitable outcomes. It will be the strongest and most determined in each of the groupings that will benefit from these marginal changes.

So, a comprehensive acceptance of diversity will demand changing our ways of understanding the content of 'equality of outcome' (Crowley, 2000: 3). It is not simply about having more groups to worry about in the allocation of social and economic resources and benefits. To accommodate the diversity of everyone goes deeper than that, to the underlying values and systems of our society. It requires first of all, a more complex understanding of people's identities, namely a systematic analysis of the kinds of multiple or hybrid identities that are part of our society. Secondly, it requires a deeper analysis of how equality of status (necessary for the genuine affirmation of diversity) is linked with greater progress towards economic equality. Thirdly, it demands sustained and systematic efforts to understand the ways in which equality concerns of different groupings intersect. It is this kind of analysis that will best provide us with the know-how to change the structures and norms of society so that more and more people, in and through their differences, are capable to choose the lives they want to lead.

The third strand of the diversity approach does attempt to expand the definition of equality of outcome by promoting a culture of diversity within equality work and this does imply

institutional change. However, this requires a complementary approach to designing equality strategies. We need strategies that will help us understand and respond to the multiple employment, service and social needs of individuals. We need strategies that will help us discover and implement the kinds of structural change that will produce ways to accommodate equitable outcomes across all the grounds.

#### 4.4 An Integrated Approach to Equality Strategies

There exists considerable scope for pursuing an inclusive equality through an integrated approach to the processes of policy-making, service provision and equality in the workplace. Essentially the approach involves bringing differences together in an integrative way. This is significantly different from a method of lining up the equality agendas side-by-side in order to respond to needs and to promote equality. Instead, it will involve a set of processes and steps that finds common ground across and within the different agendas. It will involve developing pictures of the intersection of differences across social groupings and pictures of the discrimination experience in multiple identities. A foundational element of this approach is strategies to design an integrated agenda. Methods of bringing differences together in equality schemes and policy-proofing, or of accommodating differences within the workplace, will be more effective if they are underpinned by various processes that support integrating the diverse concerns of protected social groupings into common and shared agendas, where this is possible. These are the possibilities that have barely begun to be explored; though they often have been hinted at in the equality literature.

Who, though, designs the comprehensive/integrated equality agenda? Surely the key actors are those who experience oppression, inequality and discrimination in our societies today. Building and facilitating the capacity of these people to become central actors in this process is a critical ingredient in new forms of democratic governance. It is another way of enabling their effective participation in decision-making arenas of politics and the workplace, by creating spaces for them to do preparatory work for these arenas. It could also place people most affected by discrimination in stronger positions to contribute to the Equality Commission and the Equality Authority, as they create strategies for an integrated approach to the comprehensive equality agenda. So, the following development of an integrated approach to equality strategies will outline two interdependent paths:

- How the EA and the EC can support the design of an integrated equality agenda; and
- How the EA and EC can approach the comprehensive equality agenda within policymaking, service provision and employment settings in an integrated manner.

#### 4.4.1 Eleven Key Principles and Themes that underpin an Integrated and Comprehensive Equality Agenda

##### Box 4.6 Principles for Integrating the Equality Agenda

- a) A Shared Understanding of Inclusive Equality
- b) Supporting Subjectivity
- c) Identity is neither Singular nor Static
- d) New Configurations of Solidarity
- e) An Openness to Change
- f) Making a Homeplace
- g) Interweaving Recognition and Redistribution
- h) A Focus on Status
- i) Recognition of Diversity within Markers of Difference
- j) Differentiated Remedies for Difference
- k) Facilitating Economic Independence:  
Linking Social Need, Poverty and Inequalities

##### a) A Shared Understanding of Inclusive Equality

The development of an integrated equality agenda and an integrated approach to a comprehensive agenda are best served by an inclusive understanding of equality. Strategies formulated on this basis will seek to ensure that equality policies and practices will contribute to the diversification of social norms, the equalising of status between people with different backgrounds and needs and changing the oppressive conditions that block an equality of life chances for all. This will require a full exploration of the processes and content of difference.

## **b) Supporting Subjectivity**

Subjectivity is a philosophical concept that has become politicised by people engaged in social movements for change. Subjectivity, in this context, refers to the process of self-determination and self-development by those of us who experience discrimination or inequality by virtue of where we find ourselves located on the different axes of social differentiation. It refers to the process of recognising ourselves; of naming for ourselves who we are and what we want to do or become as a woman, person with disability, older man, lesbian mother, etc. It usually involves resisting some of the norms or meanings that have been given to us in our experiences of social relations that oppress, exploit, violate or colonise us. This is a pre-requisite for coming to our own voices. It is as a subject that one comes to voice.

The voiced analysis moves between resistance (of what has been given) to a reconstitution of new meanings of who we are and how a new understanding of this identity redefines our rights. For example, people with disabilities have resisted a medical definition of being disabled and have insisted on a social definition instead. A social definition of a person with a disability (voiced through the process of subjectivity) includes the following:

*A person with a physical, mental, intellectual, emotional or sensory impairment and who, due to lack of receptiveness and adaptability in existing social structures and otherwise, encounters obstacles to participation on equal and equally effective terms with all others in all aspects of the life of the community (A Strategy for Equality: Report of the Commission on the Status of People with Disabilities, 1997, p.321).*

Underneath the integrated agenda and integrated approach lie people who are willing to enter the process of subjectivity, for this experience is a primary resource for analysis and creative resolutions towards equality of status. The process of becoming subjective, as Bell Hooks outlines, 'emerges as one comes to understand how structures of domination work in one's own life, as one develops critical thinking and critical consciousness, as one invents new, alternative habits of being, and resists from that marginal space of difference inwardly defined; (Hooks, 1990:15).

## **c) Identity is neither Singular nor Static**

As we grapple with the concept of identity, for example, in religion or political belief, age, marital or family status), it can be difficult to unravel the many strands, even within one's self. Each person has multiple identities as the norm.<sup>5</sup> Though the norm of singular identity is so much embedded within our social systems and cultures, none of us actually fits that description of self. We are always located simultaneously on numerous axes of social differentiation. These give rise to interactions between different parts of the self, different



paths of choice and different forms of experienced oppression and/or privilege. These different parts, paths and forms change over time. For example, people do change through aging, forming and dissolving intimate partnerships, having children, becoming bi-cultural or relinquishing one religion and taking on another. Though some parts of the self rarely change (race, gender, and disability), these intersect with other parts that do. Consequently, identity is not fixed; rather it is a fluid phenomenon.

The fluidity of our identities is experienced not only across time, but also in differing contexts and circumstances. For example, a woman who has qualified as a solicitor may find that she is able to establish a successful practice because circumstances are such that her privileged education (due to class location) intersects with gender in a way that does not block such an opportunity. However, if this same woman chooses to reveal another dimension of her identity as having epilepsy, this may produce an inequitable outcome relative to her potential earning power. In trying to come to terms with the notion of multiple identities it is critical to move beyond an additive interpretation of such. Sometimes the different parts of ourselves configure in such a way that the path towards equal outcome is relatively easy, but sometimes the experience of discrimination is compounded by a qualitatively different experience of the barriers for equal life chances.

Avtar Brah attempts to interpret this dimension of identity with the concept of articulation. Articulation is not a simple joining of two or more discrete entities (for example, gender or race). Rather 'it is a transformative move of relational configuration ...Identities are inscribed through experiences culturally constructed in social relations. Racisms have variable historical origins but they articulate with patriarchal class structures under given historical conditions' (Brah, 1999: 110). The implications of this are that we must find ways to analyse the intersections of the variables of identity in the concrete, historical and cultural conditions of our own time. This places us in a stronger position to develop strategies to impact on those who experience multiple discrimination. Further, we must find ways to understand how the various relations of social dominance (such as the unequal power relations between people of differing classes, races and gender) which constitute our experience, impact on our multiple identity. And finally, articulation points again to the reality that identity is not a static concept. Sometimes we may experience the relational configuration of gender and race; other times we may experience that of race and class. Brah describes this fluid sense of identity as 'that very process by which the multiplicity, contradiction, and instability of subjectivity is signified as having coherence, continuity, stability; as having a core – a continually changing core but the sense of a core nonetheless – that at any given moment is enunciated as the "I" ' (Brah, 1999: 124-5).

#### **d) New Configurations of Solidarity**

The notion of solidarity has always played a central role in strategies for social justice and equality. People have often tried to find common ground and form coalitions across different agendas in order to progress substantial change. An understanding of the fluidity of identity, however, may break open new ways to establish common ground, without threatening any dimension of one's identity. There may be times when certain groupings can speak from a position of common experience. For example, there may be appropriate times when different groupings can come together as ethnic communities around the need for interpreters, language classes and ethno-specific services. This configuration of solidarity may require forgetting for a time their gender, political or other differences in the interest of winning specific rights through united action. But if this action is supported by an understanding that our identities are not singular, nor fixed, it can function to free some of the rigidity around 'identity' that sometimes blocks the search for common ground and common agendas.

#### **e) An Openness to Change**

Individuals and social groupings participating in the design of an integrated approach to the equality agenda must be open to change regarding an understanding of themselves at the subjective level (as discussed above) and at the level of their social grouping. For example, the collective identity of a women's organisation will necessarily change as it fully incorporates the needs, voices and realities of women differentiated by all the social axes. Women's organisations in the North and South of Ireland are currently struggling with this challenge. Whose interests will these social groupings, organised around the cultural location of gender, represent? Which kinds of policy changes or employment-related changes will they prioritise in their research, lobbying and campaigns?

#### **Box 4.7 Openness to Change**

The dynamics of an openness to change, bounded by the goal of inclusive equality, is guided by the following criteria:

- There must be a willingness to understand the real life circumstances of people experiencing multiple discriminations.
- Priorities or policy solutions should be generated to support the self-determination or self-development of every member of the group.
- There must be a willingness to design solutions which decrease the inequalities experienced between the group members.

Sometimes this will require configurations of solidarity with those who are different, within the social grouping. Solutions to policies that produce inequitable outcomes, usually require some fundamental changes to the social, political and economic systems. They also require, as is evident from above, that representative organisations need to analyse the hierarchical social relations that may exist within their grouping and the power differentials between their members. There is little room for those who are concerned with sexism only to the degree that it poses a constraint on their upward social mobility. The development of an integrated agenda towards inclusive equality will require various efforts to re-balance the power within, rather than re-produce it without, in the priorities and policies that are pursued.<sup>6</sup>

It is critical for an openness to change to be operative between social groupings as well. Entering the common ground to develop an integrated equality agenda is often blocked by assumptions about the collective identities of other social groupings. There needs to be ways to support entry to common ground agendas and to discover shared sensibilities (such as alienation, exploitation, despair, uncertainty, loss of a sense of grounding) that cross the boundaries of religious belief, political opinion, race, age, disability, gender, marital and family status. An openness to change motivates the varied social groupings to facilitate the construction of empathy to promote the recognition of common commitments (Hooks, 1990:27).

#### **f) Making a Homeplace**

Developing an integrated approach to a comprehensive equality agenda is dependent on people becoming subjects of their own experience, especially those people who have been rendered invisible, non-valuable and a nuisance to society. If these people do not find their voice, and ways to use it within decision-making arenas in government and employment contexts, the agenda is not as comprehensive as it could and should be. Those who have little power must have access to support that will build a self which has confidence to name the agenda, to identify and resist oppression. As social groupings form evolving collective identities to change the inequality present in society, the practice of making a homeplace may provide a resource for the development of personal power.

#### Box 4.8 Homeplace in the African-American Struggle

The image of homeplace emerges from the African-American experience of political struggle. Homeplace(s) were/are:

About the construction of a safe place where black people could affirm one another and by so doing heal many of the wounds inflicted by racist domination. We could not learn to love or respect ourselves in the culture of white supremacy, on the outside; it was there on the inside that 'homeplace' most often created and kept by black women, that we had the opportunity to grow and develop, to nurture our spirits (Hooks, 1990:49).

Homeplaces can be healing grounds for those of us who experience cultural and economic oppression. The healing enables resistance to the domination or denial of one's identity and discovery of the positive and creative dimensions of one's cultural and historical background. Homeplaces can also help us to learn the performative notion of power. Power is not so much stuff that we possess, as practices that can be performed together to change the structures and dominant cultural norms that render people excluded, marginalised or invisible.

#### g) Interweaving Recognition and Redistribution

Designing equality strategies for an integrated approach to employment practices, provision of services and policymaking will need to recognise the experiences, specific needs and diverse cultural norms of employees, customers and members of society. Strategies to accommodate diversity can often follow along these lines. Strategies, however, also need to take account of the ways in which the lack of recognition and the denial of identity have economic and distributive consequences. For example, the phenomenon of early school leaving amongst a high percentage of young Travellers cannot be solved unless education programmes seek to eradicate the injustice of the non-recognition of Travellers. There will be virtually no work-placements for young Travellers unless the stereotypes held by prospective employers regarding this social grouping are challenged and changed.<sup>7</sup>

Strategies towards an integrated approach must be built on an awareness of how a lack of recognition reinforces inequitable distributions of social benefits and jobs as well as access to and participation in services. With respect to the workplace, for example, and policies that are designed to ensure the access and participation of minorities, it will mean the affirmative action measures need to be complemented with initiatives that change the way occupations and pay are organised along the lines of social groupings.

As Nancy Fraser points out,

*Affirmative redistribution to redress racial injustice in the economy includes affirmative action, the effort to assure people of color their fair share of existing jobs and educational places, leaving unchanged the nature of those jobs and places... affirmative redistribution . . . fails to engage the deep level at which the political economy is racialized. It does not attack the racialized division of exploitable and surplus labor, nor the racialized division of menial and non-menial occupations within paid labor. Leaving intact the deep structures that generate racial disadvantage, it must make surface reallocations again and again (Fraser, 1997:32).*

The consequences of affirmative action only will make people of colour the problem, rather than seeing it as the ways the economy, work, pay and jobs are organised. So, while accommodating diversity is a critical ingredient in an integrated approach to strategies for equality, it cannot function to inhibit an awareness that the economic inequality of those who are different often requires more radical, systemic change.

Redistribution, in effect, is a means of tackling socioeconomic injustice that is rooted in the political economic structures of society. The exploitation of workers (often along lines of class and racial differences), the economic marginalisation of those on low pay or those performing unpaid work and the deprivation of many who are denied an adequate standard of living are examples of the unjust distribution of material resources and economic inequalities. Remedies for such include a reduction of the income gap between rich and poor, establishing a more equal distribution of life chances through social conditions that facilitate economic independence and organising the division and payment of labour differently. Recognition is a means to, or an element in this kind of economic equality. Solutions to injustices and inequalities perpetuated by current policies or employment contexts must challenge non-recognition and inequitable distribution simultaneously.

#### **h) A Focus on Status**

An integrated approach to the breadth of equality agendas necessarily raises, perhaps in a new way, the issue of diverse individuals within society. Acknowledging a diversity of cultural norms, accommodating diverse identities and attending to the intersection of cultural and economic inequality within one society should facilitate more equality of status between its members. This will not happen, however, if the campaign call to celebrate diversity is a path towards legitimising the belief that anything goes. Any difference that is defined in such a way that it blocks the self-determination of another, or supports domination or oppression cannot be tolerated. An integrated approach that utilises these criteria, especially within the arena of national policymaking, necessarily effects progress towards equalisation of status.

### **i) Recognition of Diversity Within Markers of Difference**

While an integrated approach focuses on bringing differences together in an integrative way, it is critical to acknowledge and analyse the diversity that may exist within a specific ground or marker of difference prior to an analysis of its intersection with other forms of discrimination. Two examples of this are especially pertinent in the current context.<sup>8</sup> The first has to do with the diversity among people with disabilities, relative to their disability. There will be a diversity of need depending on the kind of disability a person has. Designing strategies that hold the potential to accommodate such diversity requires not only attentiveness to the physical environment and equality of access. It demands also attentiveness to enabling independence and choice.<sup>9</sup> To approach the reality of different kinds of disabilities in this manner provides a way to conceptualise common solutions (for example, a cost of disability payment) for different disabilities and different aspirations of choice. This is a foundational element in the integrated analysis of how disability intersects with other forms of discrimination.

The second example focuses on race. There is an increase in the racial diversity of people living in Ireland and Northern Ireland. Equality strategies that seek to hold these differences together, as well as analyse the interconnections between race, gender, sexuality and other markers of difference, should not impose stereotypical notions of common cultural need on all ethnic minorities (Brah, 1997:110). Firstly, each ethnic minority not only has specific cultures, customs and needs, they also have particular experiences of racism. The Chinese, for example, have a different experience of racism to the Nigerians in Ireland and Northern Ireland. This is why it is critical to examine the specific, historical and contextual experiences of racism in these two jurisdictions as necessary complementary work to the development of an integrated, intercultural equality agenda.<sup>10</sup> Secondly, it is within this kind of analysis that there should be further examination of the ways in which the specific experience of racism intersects with other grounds of discrimination. Examining the diversity of racisms must happen if the integrative work is not to dissolve into one homogenous understanding of racism and one homogenous (and wholly inadequate) change solution.

### **j) Differentiated Remedies for Difference**

While accommodating diversity can be a significant strand of an integrated approach to equality agendas, it is also important to acknowledge that there are different kinds of difference, which require different kinds of remedies. Nancy Fraser outlines three kinds.

1. Differences manifested in certain social groupings that should be abolished rather than celebrated. For example, eradicate the higher risk of poverty that older women experience. Or reduce the educational disadvantage experienced by young lone parents.

2. Differing characteristics manifested in social groupings should be universalised and extended to everyone, rather than acknowledged as essential traits of the social grouping. For example, the nurturing and caring characteristics of human beings have been feminised with the inequitable result of women shouldering the majority of responsibility for childcare, social care and elder care. The remedies here are policies that support the caring characteristics and responsibilities of men.
3. Differences that are cultural variations, which should be enjoyed and accommodated. For example, there are cultural differences with respect to differing races and religions that must be considered in the design of equitable strategies. (Fraser, 1997:202- 205).

Taking account of the comprehensiveness of the equality agenda, it is critical to add to this list one more kind of difference.

- Differences related to physical and intellectual capacities (relative to age and disability) that require accommodation for independence and choice. For example, flexible working arrangements or specialised workstations, rather than forced retirement for people with disabilities.

Strategies for action on equality demand awareness of different kinds of difference and designs for an integrated approach must take this into account.

#### **k) Facilitating Economic Independence: Linking Social Need, Poverty and Inequalities**

Every social grouping protected by equality legislation, North and South, contains members who experience poverty and social need. Many of the social groupings are at a higher risk of poverty and social need than the oppositional social grouping (women and men, people with or without disabilities, Catholics and Protestants, Travellers and settled people, etc.). There exists awareness that targeting social need, poverty-proofing and anti-poverty strategies should intersect with strategies for action on equality.<sup>11</sup>

In developing integrated approaches for action on equality, the material economic sources and consequences of inequalities across the grounds need to be examined. The EA has commissioned a study on 'the inequalities which are likely to lead to poverty', and the EC has committed itself to 'influence the implementation and review the impact of the New Targeting Social Need/Promoting Social Inclusion initiatives on equality for various constituencies' (EC, 2000:21). While it is critical to monitor the differential impact of policies, service provision and employment policies on the equality constituencies, an integrated approach would also seek to identify any common systemic causes of poverty or social need that apply across the grounds. Findings from this kind of examination would benefit any design of integrated solutions. In addition, the principle of facilitating economic independence can provide a common way of approaching the differing strategies required to tackle the recognition claims across the range of protected social groupings.



#### 4.4.2 Strategies for an Integrated/Comprehensive Equality Agenda in Employment practices, Provision of services and Policymaking

Strategies that apply the integrated agenda to various settings and contexts will attempt to tackle diverse experiences of discrimination simultaneously and in an equitable fashion. As has been pointed out previously, strategies for action on equality will benefit from ways to highlight multiple identities, ways to understand common needs and experiences of discrimination across the grounds and methods of developing solutions that will respond to those needs and change those experiences. This calls for a set of strategies that produce analyses that integrate the agendas around common themes and issues.

### Implementation steps 2-4

#### The integration of equality agendas

Formulating strategies that challenge all oppressions rather than compartmentalise them, requires various integrative analyses to identify the intersections, linkages and commonality across the range of experienced inequalities. Facilitating the development of integrative analyses is paramount to discovering 'new ideas and ways of working across the broad equality agenda' (Harbison, EC Corporate Plan, 2000) and 'mechanisms for moving forward across the broad equality agenda' (Crowley, 2000: 7).

There are at least three kinds of integrative analyses that could be developed. A fundamental requirement for the effectiveness of these strategies is the full participation of those who experience inequality.

### Implementation Step 2

#### Facilitate a Common Source Analysis of oppression and discrimination

This analysis, conducted by representatives of all the equality interests,<sup>12</sup> would seek to identify the common threads of oppression that run through the different kinds of discrimination, as experienced by social groupings in Ireland and Northern Ireland today. This holds the potential to develop a common framework to analyse what is wrong, so that integrative solutions may be found. To embark on such an initiative involves each social grouping accepting the challenge to broaden their lens beyond their own distinctive experience of discrimination. While this involves risk, it holds enormous potential to practice new configurations of solidarity and discover the power of collective advocacy to shift current practices and policies.

Iris Young's theory of 'the five faces of oppression' can be applied to design a method for this type of integrative analysis. She defines oppression as 'institutional constraints on self-development' (Young, 1990: 37). Oppression consists of:

*Systematic institutional processes which prevent some people from learning and using satisfying and expansive skills in socially recognised settings, or institutionalised social processes which inhibit people's ability to play and communicate with others or to express their feelings and perspectives on social life in contexts where others can listen (Young, 1990: 38).*

Young outlines five conditions or faces of oppression that inhibit the self-development.

#### Box 4.9 The Five Faces of Oppression

1. Exploitation is a structural relation whereby some people exercise their capacities under the control of others, according to the purposes and for the benefit of others, thereby augmenting the power of others. The energies of the 'have nots' are expended to maintain and augment the power, wealth and status of the haves.
2. Marginalisation is the condition of exile from the system of labour and from useful participation in social life. This includes material deprivation and loss of opportunities for developing and exercising capacities in socially recognised settings.
3. Powerlessness is the condition of having power exercised over one by the other(s) without oneself exercising power in return. Powerlessness is a condition of lacking respectability, with little opportunity to develop skills and capacities.
4. Cultural Imperialism universalises the norms of the dominant group's experience and culture, which has the result of rendering invisible the oppressed group's perspective, while simultaneously stereotyping that group as the 'Other'.
5. Violence is susceptibility to systematic, though random, irrational, unconsciously motivated and socially tolerated attacks on group members' persons and property.

from Iris Young, *Justice and the Politics of Difference*, 39-65

The categorisation of the plurality of the conditions of oppression can provide a way to analyse common sources of injustice and inequality, without according primacy to any one ground or oppression. It also highlights the intersection of economic inequality with other kinds of inequality, thus providing a way to interweave the recognition and redistribution claims of diverse social groupings.

### **Guidelines for a 'Common Source Analysis' of Oppression and Discrimination**

1. Bring together an advisory group or consultative council whose members represent the nine grounds of discrimination.
2. Invite each social grouping to map the conditions of oppression for their ground. This could involve:
  - a. highlighting common experiences for the social grouping within the conditions of oppression;
  - b. identifying some of the root causes of these common experiences;
  - c. outlining possible changes to the systems and institutions of society that could remedy the condition of oppression.

The following grid could assist the analysis:

\_\_\_\_\_ Social Grouping

	Common Experiences	Root Causes	Remedies
Exploitation			
Marginalisation			
Powerlessness			
Cultural Imperialism			
Violence			
[add any additional condition of oppression]			

3. Invite a formal exchange on the conditions of oppression in order to:
  - a. identify common ground across the groupings (relative to common experiences and root causes);
  - b. identify distinctive experiences of the social groupings.

4. Invite an analysis of remedies across the social groupings in order to:
  - a. identify any common ground and
  - b. develop remedies that could integrate common and distinctive requirements for equality of life chances for all groupings. These remedies would no doubt focus on systemic change so that the diverse membership of society would be equally enabled to develop their capacities and follow different aspirations of self-development.

The results of this analysis could be utilised by the members of the group in order to reassess their own strategies for change. They also could inform the EC and the EA in their ongoing development of tools to assist an integrated approach within the policy, service and employment arenas.

### Implementation Step 3

#### Facilitate a Multiple-Discrimination Analysis within Social Groupings

This type of integrative analysis can take several forms, the purpose of which is to highlight the specific and contextual intersections of markers of difference within one social grouping. While some social groupings may have embarked already on this kind of analysis, it is especially critical for those whose equality agendas are less developed and less visible. Further, this examination demands more than anecdotal evidence and could thus provide an authentic and substantial path towards a lateral differentiation within the social grouping. While we know that multiple identities often mean experiences of multiple discrimination, there has been little systematic research/analysis to date that documents the real and historical multiple identities in both jurisdictions.

The Ontario Human Rights Commission is beginning to explore this type of strategy. In its policy work, it has been developing the concept of intersectionality. It is guided by the conviction that human rights work has to be informed by the social realities in which people live – realities that frequently take on quantitatively new dimensions when examined through the light of intersection or overlapping grounds. The following guidelines have been influenced by the Commission's recent work on discrimination and age.<sup>13</sup>

#### Box 4.10 Guidelines for a Multiple-Discrimination Analysis

1. In light of current statistical and qualitative analyses, identify the primary configurations of multiple identities within the social grouping.

The Ontario Human Rights Commission examined demographic trends and other research in order to identify two groups that stood out as experiencing unique issues based on the intersection of age with respect to other aspects of their identity. The two groups identified were elderly women and elderly disabled persons.

2. Access and systematise any current research that may shed light on the social and economic needs of the groups chosen.

For example, with respect to elderly women, identify statistics regarding their life expectancy especially in comparison to men. If their life expectancy is longer (as it is for women in Ontario) they are therefore more likely to need to access social goods such as health care and nursing homes. Or examine the possible income sources for elderly women, in light of past levels of income and labour force participation rate. This may throw up unique needs regarding income adequacy, which elderly men may not face as much due to pension sources of income.

3. Conduct some form of qualitative research on the experiences of the groups to complement any current quantitative analyses or statistics. Consult with equality interests.

4. Identify recommendations of changes in service provision standards, employment settings or government policies that could address the inequalities of multiple discrimination.

This type of analysis would be most effective if designed as a research project, overseen by an advisory group of equality experts representing all of the grounds. The research results could inform the EA and EC in their dialogue with employers, service providers and policymakers and in developing tools for an integrated approach within these settings.

## Implementation Step 4

### Facilitate a Collective Analysis for Integrated Policy Solutions

This type of integrative analysis focuses on the linkages and intersections across the social groupings. It can take several forms. Its primary objective would be to examine how and where the needs, concerns and experiences of discrimination intersect, in order to develop common solutions to policy, employment or service provision issues. Integrated solutions would need to tackle the barriers to access and participation, in such a way that there would be more equity across the grounds in terms of outcomes.

#### Box 4.11 Guidelines for a Collective Analysis

1. Bring together an advisory group or consultative council whose members represent the nine grounds.
2. Identify a particular policy issue that is a shared concern of all members of the group. For example, childcare, which also has implications for employment.
3. Bring multiple angles of vision to bear on a social issue with economic implications (or, an economic issue with social implications):
  - a. what are the norms and values to be upheld re this issue?
  - b. identify the discrimination experience of each social grouping.
4. Generate all the possible ways of reducing discrimination for each group and of according respect for a diversity of norms and values.
5. Debate potential solutions that will incorporate the needs and circumstances of each grouping and that will not increase any form of inequality (such as economic inequality) between the groupings. What are possible solutions that will not adversely impact anyone experiencing discrimination and that will not provide more resources, power or opportunity to some rather than others? Or, how will solutions contribute to an equality of status across the social groupings?

While this may appear at first glance too idealistic or nigh impossible, the process itself could generate an understanding of linkages not present before and an awareness of the multiple, diverse and inequitable or equitable impacts of various policy solutions. In many ways, this is what is being requested of public authorities and government departments in

the equality/poverty-proofing process (being developed in the South) and the design of equality schemes (being developed in the North). Learning from this type of integrative analysis could no doubt inform strategies for bringing differences together that are already underway.

All three types of integrative analyses hold the potential to target the underlying generative frameworks that create patterns of inequitable distribution, from the viewpoint of diversity. In this sense they also hold the potential to tackle the conditions of inequality and oppression that many groups share. They could be significant resources to inform the participation of groups in the various political and consultative arenas open to them. Providing resources to facilitate the development of this kind of integrative work, is a significant mechanism to build the capacity and effectiveness of the groups' democratic participation in consultative and/or governance settings. The results of the analyses could also be prime resources to inform the EA and EC's development of integrated approaches to the comprehensive agenda they are responsible for.

## Implementation Steps 5-10

### Developing integrated approaches to the comprehensive equality agenda

There are a number of integrated approaches – within employment practices, provision of services and policymaking – that can be developed to tackle diverse experiences of discrimination simultaneously and in an equitable manner. While the following recommendations are not an exhaustive list, they do attempt to outline some key initiatives/strategies that could promote inclusive equality in an integrated manner. It is important to acknowledge also, that the comprehensiveness of the agenda will require different kinds of integrated approaches in order to respond appropriately to the diversity of need and choice.

## Implementation Step 5

### Facilitate the development of integrated approaches to employment equity

Employment equity is a concept and practice being developed by the Canadian Human Rights Commission, which seeks to reduce employment barriers (to access, participation and outcome) across the grounds of gender, disability, members of Aboriginal communities and members of visible minorities.<sup>14</sup> It is a useful model to consider in developing strategies for an integrated approach to the comprehensive equality agenda in the context



of employment practices and workforce monitoring. It attempts to promote equity across the range of four designated grounds and to accommodate the diverse needs of employees simultaneously.<sup>15</sup>

#### Box 4.12 An Integrated Approach to Employment Equity

Steps towards employment equity, as outlined by the Canadian Human Rights Commission, could be adapted to pursue policies and practices that reduce common employment barriers simultaneously across a range of designated grounds. One such model for an integrated approach to employment equity could include the following steps:

- Provide employees with a questionnaire which allows them to indicate whether they belong to one of the designated groups;
- Identify jobs (within the company, sector and/or industry) in which the percentage of designated group members falls below their availability in the labour market;
- Identify common barriers in existing employment systems that limit the employment opportunity of designated group members;
- Identify barriers in existing employment systems that are distinctive to designated groups;
- Develop an integrated strand and a distinctive strand of an employment equity plan aimed at promoting a fully equitable workplace.

This plan could include new forms of work organisation, measures to remove employment barriers and positive action policies that accommodate the common needs of a range of designated groups, as well as distinctive needs of certain groups.

- Develop timetables and goals and make all efforts to implement the plan;
- Monitor, review and revise the plan from time to time.

In the North, the Equality Commission is responsible for effective implementation of statutory monitoring under the fair employment legislation. It has also identified the intent to 'encourage the development of voluntary workforce monitoring and audits of composition and employment practices in respect of age, disability, family status, gender, marital status and race' (Corporate Plan, p. 25). The development of an integrated approach

to employment equity could assist this process. In Ireland, the approach may inform the EA's strategy in developing equality templates for use in Equality Reviews and Action Plans.<sup>16</sup>

## Implementation Step 6

### Develop Intersectional Initiatives for the Provision of Services

Intersectional initiatives are ones that target people who experience multiple discrimination. Such equality initiatives could be utilised to explore integrated approaches towards provision of services that build the capacities of people experiencing multiple discrimination. An example on one such initiative is Outlink: the Rural Lesbian, Gay and Bisexual Youth Network, a project developed by the Australian Human Rights and Equal Opportunities Commission. As a model for developing intersectional initiatives, it includes the following:

- Consult with equality groups to determine significant groupings that experience multiple discrimination.  
For example, the Australian Commission conducted Bush Talks in rural areas and discovered that there was a high level of suicide among young gay men and lesbians in rural areas; that they were rarely visible and seldom sought support from local community service agencies.
- Conduct a study to identify key issues confronting the target group which block their access to and participation in support services.  
Key issues in the Australian example were levels of isolation, intolerance, despair and forced invisibility.
- Develop a demonstration project to provide a service to support capacity-building of target group and/or services for education, health and accommodation needs and consider mainstreaming lessons learnt. In the Australian example, Outlink was founded; workers travelled to each state to make contact with any existing lesbian and gay networks and mainstream youth organisations and other relevant groups. A national network was eventually established to provide outreach support to rural agencies, encouraging the target group to remain attached to and more fully participative in their communities.

Intersectional initiatives for the provision of services are ideal opportunities for the EA and EC to partner with equality organisations and service providers in the exploration of innovative ways to promote equitable life chances and social conditions for those who may be most excluded or invisible.

## Implementation Step 7

### Develop Intersectional Initiatives for Employment Opportunities and Practices

As noted, intersectional initiatives target peoples who experience multiple discrimination and in this case it is recommended that some be developed for equitable outcomes in employment. As above, the first step is to consult with equality groups to determine significant groupings that experience multiple discrimination in employment. The EC and EA could also utilise the results of multiple-discrimination analyses to identify groupings. Once target groups are identified – for example, women over 50, or young ethnic minorities – the initiatives could incorporate four phases:

- Identification of key barriers to access employment for target groups and identification of potential employment settings that have positive action policies of genuine progression paths. This is to ensure that the ultimate fit is not between those who are most marginalised with the lowest-paid and dead-end jobs;
- Development of demonstration training programmes and provision of necessary supports for target groups to prepare for and access employment;
- Provision of in-job supports for target group, other necessary supports for participation and possible provision of expert equality technical assistance to employers in order to ensure efficient and effective participation of employees as well as their progression and fair remuneration;
- Ongoing evaluation of programme and mainstreaming of lessons learnt in national employment policy.

These intersectional initiatives again provide the EC and EA with opportunities to partner with other organisations, in this case employer organisations, unions and/or employers and EU funding initiatives (such as EQUAL) are possible sources of finance for these innovative experiments.

## Implementation Step 8

### Develop Integrated Approaches to Policies for Inclusive Equality

There are at least three strategic initiatives that could be developed in order to apply the integrated/comprehensive agenda to the policymaking arena.<sup>17</sup>

1. Use the Collective Analysis for Integrated Policy Solutions (see Box 4.11 above) in the design of new policies and/or as a way to conduct an equality impact assessment of a policy which has been identified as a strategic priority for full and effective equality.

2. Initiate a systematic analysis of recommended changes relative to a national policy issue (for example, transport) that have been generated by various protected social groupings. Identify new policies that are common solutions to shared concerns regarding equality of access, participation and outcome for the various groupings. These policies must be able to demonstrate how they contribute to generating conditions that will facilitate the self-development of members within the social groupings. Moreover, they must take account of the economic sources and consequences of the inequalities experienced by the various groupings.
3. Develop a set of common equality indicators that could be used in assessing progress towards conditions that support the self-development of members of protected social groupings. Possible categories for indicators could include:
  - formal political representation;
  - inclusion in governance arenas;
  - income adequacy/economic independence;
  - educational opportunity;
  - employment;
  - unemployment;
  - access to finance;
  - healthcare opportunities;
  - accommodation; and
  - expression of cultural, racial and religious diversity.

Integrated approaches to policies for inclusive equality would make a significant contribution to the development of a culture of equality that respects and upholds a diversity of norms, and the implementation of systemic change that equalises conditions for self-development and self-determination.

## Implementation Step 9

### **Develop Analyses and Mechanisms for the integration of anti-poverty/economic development strategies and equality strategies**

As outlined in the previous chapters, poverty and inequality are interrelated dimensions of social exclusion and marginalisation. Economic matters play a central role in the promotion of social inclusion and equality. Both in the North and the South there exists acknowledgment of a correlation between social need/poverty and inequality. In order to develop effective strategies that promote equality, it is critical to continue research and analyses regarding the link between poverty and differing forms of inequality, as well as the role of equality within economic development policies and strategies. This type of research

could underpin mechanisms and initiatives that provide the terrain to integrate equality and anti-poverty/economic development strategies. Examples of such mechanisms and initiatives could include the following.

In the North that the Equality Commission

- develop formal mechanisms for analysis and recommendations of how to integrate equality strategies within the new TSN; and
- advocate for and support the involvement of equality constituencies in the Economic Development Forum

In the South, that the Equality Authority and the Combat Poverty Agency

- develop joint research and analyses of the specific ways in which differing social groups experience poverty and to utilise results to make recommendations on integrating equality strategies within NAPS and an integrated policy-proofing system;
- that the Equality Authority develop analyses to assess the effectiveness and impact of equality strategies within the national agreement.

There is also considerable scope for joint North-South work to integrate equality and economic development strategies, especially within the context of North-South initiatives on economic development.

## Implementation Step 10

**Promote Equality through Educational Diversity. Develop Equality demonstration projects in Early Education Services.**

The provision of early education services – through the public, private and community sectors – are significant settings for the potential promotion of equality of life chances through educational policies and practices that centre on diversity. An integrated approach to the provision of early education would incorporate two dimensions: (1) a diverse membership within the educational setting; and (2) teaching methods and curriculum content that encourage equality of respect through knowledge and affirmation of diversity. Equality demonstration projects could be designed and implemented in urban and rural contexts that take account of the diversity of needs and norms in the Republic and Northern Ireland. An advisory group comprising early education experts, staff of the early education centre/service and representatives of equality interests within the regional or local area could support projects. The following components would be central to the design and implementation:

#### Box 4.13 Three central components of educational diversity

1. Admission Policies. These policies would allocate educational places to a diverse population. The advisory group would determine appropriate numbers for various social groupings, dependent to some extent on the makeup of population within the local or regional area. Policies would also focus on additional supports that are required to ensure the full participation of the diverse membership. This may mean, for example, additional income support for some families and additional staff for children with special needs. Emphasis could also be placed on implementing supports that respond to common needs of children with diverse backgrounds.

2. Curriculum. Develop the curriculum to explicitly enable young children to learn about difference and what they share with others. Such a curriculum would use teaching materials, images and stories that consistently reflect the rich diversity of the population. It would also promote a way of understanding common concerns, hopes and aspirations of people with diverse backgrounds.

3. Pedagogies. Diverse pedagogies could be developed to accommodate and respond to different learning styles. Such pedagogies would reflect the research on multiple intelligences, and various learning styles across the wide range of ability and disability. For example, learning styles that would develop a sense of taste and feel would include blind children, while other pedagogies would focus on sight and smell to include deaf children.

Some pedagogies could centre on the development of individualised learning programmes for some of the children, to complement learning programmes for all the children.

Learning projects could be designed, grouping children with different backgrounds together, and tasked with learning about and representing each others' families, stories and special traditions.

Implementing this kind of programme for early education services holds the potential to develop attitudes and behaviors that accept diversity as the norm, as well as build the individual learning capacities of each child by responding to his/her difference through a creative and accommodating approach. Lessons learned from these projects could be used/mainstreamed in the development of national strategies for early education policies.

#### 4.4.3 What is the Rationale for and Value of Approaches based on an Integrated/Comprehensive Equality Agenda?

Bringing differences together in strategies for equality offers a unique opportunity to envision and work towards cultural and structural change. It provides the opportunity to re-define a positive and substantive meaning of equality, as one that includes the diversity of background and aspiration of all members of society. It supports the development of a comprehensive equality consciousness, that can guide changes in systems or institutions that will enable the creativity and capacity of those who experience discrimination across a range of grounds.

An integrated equality agenda holds the potential to increase the effectiveness and efficiency of equality work. Pathways to integration outline new ways of working together, so that equitable outcome across the breadth of social groupings can be achieved. They can uncover overlapping efforts and demand more direct negotiation to rationalise separate paths towards similar ends.

The design and implementation of integrated approaches necessarily progress the democratisation of society and the economy. They require the full inclusion of those who have been excluded and their empowerment will bring differentiated voices to tackle shared conditions of oppression and envision social institutions and workplace environments that accommodate a range of differences. The performative power of collective advocacy can shift the hold of dominant norms and organise the institutions of family, religion, education, health, and politics according to a diversity of norms. Collective performative power can also discover formulas for flexibility in working environments that do not increase the exploitation of some in order to decrease the exploitation of others. Integrated approaches are rooted in and productive of equality of respect across the grounds.

Finally, the integrated/comprehensive equality agenda rejects the liberal notion that it is just for some to have considerably more (of resources, wealth, opportunities or power) than others, as long as their efforts raise the living standard of everyone. An integrated approach to a comprehensive equality agenda is guided by the vision, that social and economic sustainable development is rooted in providing equal life chances for everyone's self-determination and self-development.



#### 4.4.4 What are the Barriers to such Approaches, and what are the potential Pitfalls?

Attempts to develop strategies for an integrated approach will undoubtedly meet barriers en route. It is helpful to be aware of these potential blockages when designing and implementing strategies, as they will call for varied forms of communication and negotiation with key actors.

Broadly speaking, there are at least four kinds of barriers that need to be overcome for full development of an integrated agenda: a) philosophical; b) practical; c) ideological.

##### **a) Philosophical**

Many people today continue to operate out of a more traditional philosophical view of the world. This worldview upholds the principles of sameness and stasis and promotes the norms of the dominant members of society as universal ones. This worldview is a barrier to the full appreciation of the principle of diversity and that social justice requires valuing diverse norms, backgrounds and cultural traditions. Though we share a common essence as human beings, our identity is also comprised of physical, historical and cultural markers of difference that we receive and reconfigure in light of being active subjects in the world. This post-modern understanding of multiplicity, fluidity and agency is only beginning to influence systems of education and institutions of society. This is why the principles of inclusive equality, supporting subjectivity and multiple and fluid identities are so critical for the development of an integrated approach. They provide the philosophical foundations and ethical impetus for seeking linkages and common solutions to different experiences of inequality, in order to equalise the status of people with different backgrounds, needs and norms.

##### **b) Practical**

The acknowledgement of diversity requires a comprehensive understanding of how and why people are different, in order to design strategies that will promote equality through response to the difference. A practical barrier in this regard is that such an approach requires considerable new learning on behalf of employers, policymakers, politicians and members of social groupings. It is not possible to develop integrated approaches unless they are built on a full understanding of difference. Such an understanding is a pre-requisite to implementing integrative analyses, identifying common root causes of inequality and proposing collective solutions. It is a pre-requisite to uncovering linkages and intersections across the diverse equality agendas. This will call for a shared intention to learn the differences over time.

A further practical barrier is the lack of harmonised equality legislation in Northern Ireland. Without a unified legislative base, it is more difficult to shift and mould operational systems and structures within the Equality Commission towards a vision and practice of integration. At the same time, even with harmonised legislation as is the case in the South, the development of integrated approaches requires resources and personnel dedicated to this task. The question here is: How can an integrated perspective and a comprehensive equality consciousness become embedded in all of the functions of the agencies?

### **c) Political and Economic**

Though new ways of practising a more inclusive politics are emerging within both jurisdictions, genuine commitment to inclusion is costly. It is costly because it requires new ways of organising how decisions are made, as well as provision of sufficient resources to support the effective participation of groups experiencing exclusion and discrimination. Strategies for an integrated approach to equality will require immense involvement from the representatives of equality social groupings. There is a growing awareness of the need to consult with groups affected by the unequal outcomes of the dominant social, cultural and economic systems and a statutory obligation in the North in this regard. Yet, there is less awareness of the social and gendered division of labour that can operate in the decision-making or consultative arenas, with the inclusion of representatives from these groups. Those who participate or offer their expertise are often unpaid or lowly paid alongside those who are entitled to be there by their statutory and/or representative jobs. If this dynamic were to continue, it seems unlikely that there could be genuine systemic change resulting from such strategies.

There exists another economic barrier to the development of integrated approaches, especially within the policymaking context. The majority of state and/or departmental budget lines that respond to inequalities of access and participation in mainstream social and economic systems, are distributed in light of a homogenous understanding of target social groupings. For example, there are budget lines to support the inclusion of women, or Catholics or Travellers or the long-term unemployed. Less frequently are targeted supports for people who experience multiple discrimination, or for initiatives/mechanisms that seek integrated solutions to issues of common concern across the equality agendas. Strategies toward integrated approaches will require new ways of organising state supports for substantive equality.

### **d) Ideological**

Many of the social groupings develop their views and negotiation strategies from a perspective of fundamental convictions about how society and the economy ought to be organised for the full respect and inclusion of their grouping. Groups hold differing

ideologies that guide their analysis of what is wrong, what is needed instead and how to get it. These ideologies or frameworks of analysis can often become hardened in the struggle for limited resources and in efforts to become recognised in the mainstream. They can encourage the staking out of certain territories that claim primary ownership of a particular form of oppression.

While an integrated approach does not require groups to lay aside their ideological frameworks, it does demand of all groups a willingness to let go of any claims to the primacy of their analysis. It demands an openness to consider the policy issue or mainstream systems, from the perspective of others in the equality struggle. Additionally, it sometimes calls for the sharing of territory if common solutions are to be found. These are formidable challenges. Especially within political systems whereby representation usually means lobbying for a greater portion of resources for one's own constituency. While integrated approaches do not rule out the lobbying, they do reconfigure the constituency one is fighting for and they often seek to change the mainstream rather than find ways to fit within it.

Are there potential pitfalls, as well as barriers in the pursuit of integrated strategies? The two which loom large are these:

- That those groupings which are less organised or visible will be overshadowed by the perspectives and interests of the well-organised and well-resourced social groupings; and
- That there will be a false homogenisation of the diverse needs, norms and aspirations of diverse groupings that experience inequality.

The Corporate and Strategic Plans of the EC and the EA demonstrate awareness of these concerns and it will be critical to ensure that this awareness is maintained as strategies are devised. The delineation of principles and themes that underpin integrated approaches and the integration of agendas should assist this process. In addition, this report recommends that integrated strategies form one part of a coherent framework for action on equality. The diversity strand of strategies should complement the integrated strand, in such a way that the distinctiveness of agendas is maintained and that equality groupings receive resources from the agencies that are appropriate to their needs and circumstances.

## 4.5 Conclusion: Towards Structural Change for a Culture of Equality

To attempt to bring the differences of a comprehensive equality agenda together is a complex task. The benefits, however, could be of significant import. Considerable inequality and discrimination exist in both the Republic of Ireland and Northern Ireland. The material resources, political power, meaning and relationships – or, the economic, political, cultural and social structures – are organised in such a way that many groups and individuals are inhibited in their capacity for self-determination and to fully participate in society. Imagine bringing together these diverse perspectives and experiences in some integrative fashion. The process and outcomes of such an approach could hold the potential to effect a radical change dynamic, namely, to reorganise structures so that conditions are created for the flourishing of diverse ways of being human. If structures began to move in this direction, a cultural change could ensue that would create a common equality consciousness from very diverse traditions and backgrounds. This is the possible horizon of conceptualising equality strategies that reflects a comprehensive/ integrated equality agenda.

1. *As stated by Frances Byrne, manager of OPEN--the national network for one-parent families in Ireland,--in a recent seminar on 'Women and Poverty' held by the National Women's Council of Ireland.*
2. *Examining strategies for investigations on complaints, amending legislation and caseload management are outside the scope of this current study.*
3. *In effect, these guidelines were adapted from a proposal prepared for the Standing Advisory Commission on Human Rights in Northern Ireland, (Hutson N. 1996).*
4. *This categorisation of disaggregated data comes from Ursula Barry's Building the Picture: The Role of Data in Achieving Equality (Dublin: Equality Authority, 2000), p. 11. While such a comprehensive list would be nigh impossible for all of the protected social groupings (since it has not been compiled) I list it here just to give an indication of what a 'lens' tool could look like.*
5. *Insight expressed in focus group in South by Natasha Arrif, representing National Youth Council of Ireland.*
6. *K Lynch speaks about the importance of 'systematic reflexivity', the need for a constant analysis of one's own theoretical and methodological assumptions. See her development of this concept in Equality in Education.*
7. *See research on this link in Zappone, Progression that Makes a Difference, Equality of Opportunity for Everyone in Tralee, Co Kerry.*
8. *This may also be the case for the grounds of 'religion' and 'sexual orientation', though analyses of these are only in the early stages within an equality context in Ireland and Northern Ireland.*
9. *This is one of the three principles which guided the work of the Commission on the Status of People with Disabilities, A Strategy for Equality, 1.34, p. 34.*
10. *As A Brah argues, "Each racism has a particular history. It arose in the context of a particular set of economic, political and cultural circumstances, was produced and reproduced through specific mechanisms, and has assumed different forms in different situations", p. 105.*
11. *The Equality Proofing Report of the Partnership 2000 Working group outlines its vision of an 'integrated approach to policy proofing', incorporating the objectives and strategies already designed for gender proofing, poverty proofing and equality proofing, Mullaly & Smith, pp. 38-43.*
12. *Including those experiencing poverty and at-risk of poverty.*

13. *Policy document on Age and Discrimination, Canadian Human Rights Commission, see especially pp. 34-8.*
14. *It is a practice being implemented by the Commission in order to uphold their responsibility for auditing employers' compliance with the Canada Employment Equity Act (1995) which applies to the federal public service, federal crown corporations and federally regulated firms employing 100 or more people.*
15. *Adapted from "Fair Play at Work", guidelines for employment equity, the Canadian Human Rights Commission: [www.chrc-ccdp.ca](http://www.chrc-ccdp.ca).*
16. *Both agencies are aware of sensitivities around monitoring sexual orientation. There may be other ways to promote equity for this grouping, such as incorporating statements in EO policies that challenge homophobic attitudes in the workplace. Other measures must be devised in consultation with organisations representing this social grouping.*
17. *These initiatives could complement the development of an 'integrated proofing process' that is referred to in P2000 Equality Proofing Document.*

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## Appendix

### Report on Focus Groups

#### Introduction

Focus groups comprised of equality experts were held in the North and the South to present and debate the interim findings of the research in order to guide the final analysis. A short document was prepared that outlined the overall purpose, objectives and method of research, and provided an outline of each chapter. Letters of invitation were sent, along with the document, to a wide range of equality experts representing the different grounds. The meetings initiated with a presentation by the researcher on the 'principles for an inclusive equality' which were emerging from the research. The discussion that followed incorporated a response to the presentation as well as the written document.

#### Northern Ireland Focus Group

A meeting was held on October 3, 2000 at the offices of the Equality Commission. The participants of the focus group included:

Ann Hope, Northern Ireland Committee/ICTU

Maggie Beirne, Committee on the Administration of Justice

Patrick Yu, Northern Ireland Council for Ethnic Minorities

Olwyn Douglas, member of Popular Unionist Party

David McConnell, Age Concern Northern Ireland

Points of discussion and debate included:

- An acknowledgement of the importance of the search for new ways to conceptualise equality, especially in light of the comprehensive equality agenda.
- A positive response to the meaning of diversity, and that human beings are equal in and through their differences as well as in and through the common essence shared in our humanity. It was suggested that this principle consolidated the meaning and motivation for much of the current equality practice, and that it would be very helpful for people to be educated towards this way of viewing the equality issue.
- There was a suggestion that legislation can only bring us so far down the road of 'inclusive equality'; it was critical to educate people towards an 'equality consciousness' as reflected in the principles outlined. Debate ensued regarding the best ways to educate, and it was noted that this re-emphasised the importance of education within the work of equality organisations.

- There was support for the development of an 'integrated approach to the comprehensive agenda' and that this should be a critical aspect of the future of the equality agenda. It was acknowledged that there need to be more mechanisms for representatives of the various equality interests to work together, in order to progress strategies and ways of linking agendas.
- There was considerable discussion regarding the importance of Section 75, hope and concern for its genuine impact. It was stated that it's viewed as a 'collective approach' and that much learning went on for some of the equality organisations who worked together within the context of the Equality Forum, both to push the implementation of the legislation, and to later share the 'burden' of responding to Equality Schemes.
- It was acknowledged that there is considerable distance to go regarding the popular perception of equality as incorporating all the rights, needs and interests of the diverse social groupings. It was felt that integrated strategies could be critical for changing this perception, and that the links between economic and other forms of inequality need to be developed.

### **Ireland Focus Group**

A meeting was held on October 5, 2000 in the offices of the Equality Authority.

The participants of the focus group included:

Natasha Arrif, National Youth Council of Ireland

Liz Leonard, Pavee Point

Breda O'Brien, Pavee Point

Orla O'Connor, National Women's Council of Ireland

Niamh Wilson, Women's Aid

Frances Byrne, One Parent Exchange Network

Points of discussion and debate included:

- There was substantial debate regarding the distinction between an individual's identity and her/his 'group identity.' This ensued from discussion regarding the principle of 'recognising social group differences' and how for many individuals the membership of an acknowledged social group is a vehicle for their empowerment. Also the point was made



that a certain amount of employment policy is still rooted in a response to individuals, rather than recognising and responding to the needs of social groups.

- There was debate regarding whether or not there would need to be deep, systemic change in order for the identities and cultures of diverse social groupings to be upheld. While all acknowledged that such change was probably required, discussion ensued with respect to how to initiate such radical change. For example, will the 'targeting of special supports' for various groups change the mainstream systems or not?
- There was debate regarding a possible 'hierarchy of inequalities', and that the assumption of same often hovers in the background of the policy arenas where varied equality interests are gathered. That is, that some kinds of inequalities are worse than others, that some social groupings have less rights than others, therefore equality strategies and policies ought to prioritise these groups over others. It was acknowledged that this is one of the central barriers to the development of 'integrated agendas or approaches' and 'collective ways of working together.' This is a considerable stumbling block. It was felt by some that the effort to gather to reflect on these issues and to consider the conceptual underpinnings of equality work could progress this debate.
- There was discussion around the concept of 'multiple identities' and that indeed, everyone has a 'multiple identity', therefore it is the norm. However, there was acknowledgement that there is little time for deeper reflection on these issues in the context of the day-to-day work of equality organisations. It was felt that there is genuine need for activists and policy-makers to 'take time out' to reflect on the meaning human rights and equality, and especially how the meanings of these concepts are changing in light of the widening of the equality agenda.
- The final discussion/debate revolved again around the nature of change, and how to utilise scarce resources of time, money and personnel in effecting change. How can equality interests maintain a balance between working with state and criticising its policies and practices? How can an integrated approach to equality help with answering this question?

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## Byline

Katherine E. Zappone, PhD has recently been appointed a Commissioner of the Human Rights Commission in Ireland. She is currently an independent social policy research consultant.

