

Equality News

Spring 2005

*Towards an Inclusive School –
The experience of Killester College
of Further Education*

*Review of the CSO Report on
Women and Men in Ireland 2004*

*Disability Bill 2004 and the
Comhairle (Amendment) Bill 2004*

*Call for Submissions on
Equality Authority Strategic
Plan 2006 – 2008*

GET THE BALANCE RIGHT

IT'S ABOUT TIME



WORK LIFE BALANCE DAY / TUESDAY MARCH 1ST 2005

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IDEAS FOR ACTION



THE EQUALITY AUTHORITY
AN tÚDARÁS COMHIONANNAIS

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The contributions to Equality News are welcome and appreciated. The opinions of contributors do not necessarily reflect the position of the Equality Authority. We welcome your feedback on any article in Equality News and will publish information about events or diary notices of interest to our readers. Please send information to Patrick O'Leary (contact details on back page).

Update

By Niall Crowley, Chief Executive, Equality Authority

Work Life Balance Day

This edition of Equality News marks Work Life Balance Day 2005. This is an initiative that involves the social partners and encourages enterprises to focus on the flexibilities necessary in the workplace for employees to achieve a work life balance. Two articles in this edition develop this theme, with one exploring approaches in four different jurisdictions and another examining practice at enterprise level.

Three New Bills

New Bills with a direct equality focus are currently before the houses of the Oireachtas – the Parental Leave Bill, the Disability Bill and the Civil Partnership Bill.

The Parental Leave Bill reflects the review of the Parental Leave Act 1998 carried out with the social partners in 2002. It seeks to raise the maximum age of the eligible child to eight years (sixteen years in the case of a child with disabilities). It extends parental leave entitlement to those acting in loco parentis (an important development for foster parents and same sex partners). It also allows the leave to be taken in separate blocks.

However the Bill reflects a very limited response to the needs of those seeking to combine work and caring responsibilities. It will not address the low take up of this leave entitlement. It will not address the imbalance in the small numbers of men availing of this leave. The key failures in this regard are that the Bill does not extend the period of leave that can be taken, it does not introduce a payment for this leave period and it does not allow for paternity leave to be taken.

The Equality Authority has raised a range of issues in relation to the Disability Bill. These include the limitations in the manner the legislation deals with resources- in particular the failure to ring fence resources for the services covered by the legislation. There is a concern that the Bill could diminish the protection currently afforded by equality legislation and there is a failure to build on and enhance the provisions in the equality legislation.

Partnership rights legislation for same sex couples is long overdue in the Irish context. Ireland lags behind many other EU Member State in this regard. This creates significant disadvantages for gay and lesbian people. It creates inequalities of recognition where the status of gay and lesbian people is diminished in the absence of any legal recognition for their relationships. The Equality Authority has recommended such legal recognition in its 2002 report on 'Implementing Equality for Lesbians, Gays and Bisexuals'.

Business Plan

The Equality Authority has now agreed and is working to implement its 2005 business plan. This reflects a number of new developments including:

- developing a strategic enforcement strategy that combines litigation with implementation of other powers available to the Equality Authority to carry out its functions, in particular powers to conduct inquiries and conduct reviews.
- prioritising a voluntary approach to piloting equality proofing across a number of Departmental policies and programmes. This work is being developed with the Department of Justice, Equality and Law Reform under the auspices of the equality proofing working group operating under the Sustaining Progress national agreement.
- further evolving the gender specific strand within the work of the Equality Authority. This will seek to contribute to and build on the work being done to

prepare a national plan for women. It also reflects concern at the significant and persistent inequalities experienced by women that were highlighted by the CSO report on Women and Men in Ireland 2004.

- devising and investing in a multi-annual 'Quantitative Research on Equalities Programme'.

Say no to Ageism

Last year the Equality Authority, the National Council on Ageing and Older People and the Health Board Executive organised the first 'Say No to Ageism' public awareness campaign. This is to be further developed in 2005. It will start with discussions on the campaign with non- governmental organisations of older people. It is hoped to run the campaign during the week beginning May 16th 2005 and to further develop an approach that would stimulate practical initiatives within organisations to combat ageism and to promote equality for older people in service provision.

New Strategic Plan

2005 will mark the end of the second strategic plan of the Equality Authority. Work is now beginning to prepare the strategic plan for 2006 to 2008. A review of work done under the current strategic plan is being commissioned. A call for submissions is included in this edition of Equality News. Regional consultative meetings will be convened in April and May. The final draft of the new strategic plan must be ready by October 18th 2005.





European Briefing

By **Brian Harvey**

New reports on social protection, social inclusion, and on employment

Risk to poverty of women, minority ethnic groups, people with disabilities, Roma highlighted

The European Commission has published two important reports in the run-up to the spring summit. These are the Joint Report on Social Protection and Social Inclusion and the Joint Report on Employment. Both go to the Council of Social Affairs Ministers for early March and the spring summit at the end of March.

The risk of poverty is highest for unemployed people, single parent households especially those headed by a woman, older people living alone especially women, children and families with several dependants.

In the report on social inclusion and social protection, the Commission reports that more than 68m people, or 15% of the population, live below the relative poverty line. Less than 10% live below the poverty line in Sweden, Denmark, Hungary, Slovenia and the Czech Republic, but at the other extreme, more than 20% in the Slovak Republic, Greece, Portugal and Ireland. The risk of poverty is highest for unemployed

people, single parent households especially those headed by a woman, older people living alone especially women, children and families with several dependants. Particular risks are faced by immigrants, minority ethnic groups, Roma and people with disabilities. 'There is now the clear risk' says the Joint Report on Social Protection and Social Inclusion, that the recent economic slowdown, accompanied by rising unemployment and fewer job opportunities, puts more people at risk of poverty and social exclusion and worsens the position of those who are already affected.

The joint report states that there are seven policy priorities in tackling poverty and social exclusion: increasing participation in the labour market; modernizing social protection systems; tackling disadvantage in education and training; eliminating child poverty; ensuring decent accommodation; improving access to quality services; and overcoming discrimination and increasing the integration of minority ethnic groups and immigrants. It states, 'the fight against high levels of exclusion experienced by specific groups, especially the Roma, involves a mixture of increasing access to mainline services and opportunities, evolving legislation to overcome discrimination and developing targeted approaches to address particular situations'. Ireland's National Action Plan for Social Inclusion is noted for its recognition of the multiple difficulties

faced by such groups as Travellers, immigrants and people with disabilities.

Member States must develop integrated and coordinated strategies, at local and regional level and in disadvantaged urban and rural communities, adapted to the local situation and involving all the relevant actors.

If there is to be a decisive impact on poverty by 2010 though, much more is needed both at European and national level. The Joint Report on Social Protection and Social Inclusion recommends that Member States achieve:

- Stronger links between social protection and social inclusion policies and economic and employment policy;
- Strengthened capacity for policy implementation;
- A focus on key issues and more ambitious targets;
- Strengthened monitoring and evaluation of policies.

It states: 'Results gathered so far suggest that both perseverance and ambition are justified'. Concerted effort will be required beyond 2010. A multifaceted approach remains a priority and this will particularly

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help to address such policy priority areas as gender inequality and the integration of minority ethnic groups and migrants. For the future, there should be more focus on delivery and how national strategies can be made more effective through targets, benchmarks, indicators, links to other policies, monitoring and evaluation. Maintaining older workers in employment also stands as a key challenge across the European Union and should be given priority.

Ireland's prosperous economic position continues to soar and by 2006, Ireland's gross domestic product per capita is expected to be 133% of the European average, one of the highest among the Member States (only the grand duchy of Luxembourg is higher). Britain is at 119%, with no improvement predicted over 2003-6. The Irish age of exit from the labour market in 2003 is 64.4 years, up two points on 2002, and above the European average of 61 years.

The Joint Report on Employment is an annual one, reviewing the rate of progress toward the Lisbon targets set in 2000. As a

reminder, these targets are as follows, followed by the latest average rates:

2010 target average latest rate (2003)

70% employment rate overall	63%
60% employment rate for women	55%
50% employment rate for older workers	40%

As may be seen, Europe is still a long way off the Lisbon targets and making only slow progress toward achieving them. Variations within the European Union, though, remain significant. For example, four countries have passed the 70% target: Sweden, Denmark, the Netherlands and Britain. In the 60% to 70% group are Ireland, Austria, Cyprus, Germany, Portugal and Finland.

The Irish figures for employment rates are better than the European average: 65.4% overall, 75% for men and 55.8% for women. The overall rate and the female rate are still 5% off the Lisbon target. For older workers, the Irish rate is 49%, far above the European average and very close to the Lisbon objective.



Review of the CSO Report on Women and Men in Ireland 2004



By Dr. Joanna McMinn, Director of the National Women's Council of Ireland

The Women and Men in Ireland 2004 CSO Report is to be welcomed for providing valuable evidence of the inequitable differences between men and women's experience. The Report recognises that the relative position of women and men in Ireland needs to be reported by a mainstream body; and demonstrates a valuable example of mainstreaming of data collection already carried out by the NDP Gender Equality Unit, which produced a little booklet of statistics on women and men in 2004.

The publication of this report from the Central Statistics Office (CSO) is part of a broad strategy to move towards more evidence-based policy making, as recommended by the National Statistics Board and included in the social partnership agreement of 2003-2005, with a view to contributing to a national debate on an appropriate set of social indicators for Ireland. The gender report is the first in a series of key thematic social indicator reports to be structured around the nine equality grounds. This report is definitely a beginning, but only provides data on the generalities of women's inequality. There is

There is a long way to go to achieve a comprehensive gender and equality sensitive system, which is an essential part of a process of achieving greater gender equality in Ireland.

a long way to go to achieve a comprehensive gender and equality sensitive system, which, as Ursula Barry has pointed out, is an essential part of a process of achieving greater gender equality in Ireland. Equality data 'can itself contribute to emphasising the diversity of Irish society, revealing differences in the roles and situations of men and women and generating understanding and visibility of minority groups' (Barry, 2000).

The aim of the CSO over time is to present indicators that identify important gender differences in the activities of women and men in Ireland and the international context. However this task is not made any easier by the gaps in statistics that currently exist. The Report suffers from the lack of data in certain areas. A key lack is data on the unpaid work that women do. There is no data on women living in rural areas and working on farms to tell us what percentage of family farms are owned by women, what percentage of farms are joint



businesses or partnerships between husbands and wives. There are no statistics on childcare, for example, even though the report tells us that the employment rate for women aged 20-44 varied from 87.2% for women with no children to 52.4% for women whose youngest child was aged 3 or under. Statistics on who is looking after our children, and what social insurance benefits are available to support this work, would be enormously valuable in the debate about women's choices to look after their children in the home, or combine work with family life in a satisfying way (less than 1% of those whose principal economic status was looking after the home and family in 2004 were men according to the Report).

There is also an absence of data on women from disadvantaged groups, and this means that the interests and concerns of these women will remain hidden from the policy process. There is no disaggregation of any of the data according to variables of race, disability, marital status, sexual orientation, or socio-economic class. Future reports will need to address this problem, if statistics are to reflect accurately not only the multiple-discrimination that many women experience, but also the increasingly diverse society within which we live.

the report reveals that in 2004, Ireland had the eighth lowest proportion of women in parliament of the twenty-five EU member states, at 13.3% (compared to Sweden which is the closest to equality with 45.3% and the EU average which is 22.1%).

A publication on the relative position of women and men in Ireland is failing if it does not outline women and men's representation in power, and the Report provides some valuable statistics in this area. Under the EU policy indicators section, the report reveals that in 2004, Ireland had the eighth lowest proportion of women in

parliament of the twenty-five EU member states, at 13.3% (compared to Sweden which is the closest to equality with 45.3% and the EU average which is 22.1%). In 2004, around 14% of regional authority members and 17% of local authority members were women. The Graph on Women and Men in decision-making 2004 (p.26) amply illustrates how men continue to dominate our institutions. Around 59% of women in the Civil Service were clerical officers as compared with only 10% of Assistant Secretaries. There is no data, however, on business ownership by women, or of the numbers of women in senior positions in the private sector.

The aim of the Report is also to identify the underlying reasons that explain these differences. Women experience inequality in a wide range of areas. The systematic and structural nature of these inequalities is well established, illustrated here by statistics relating to the labour market, where structural inequalities run deep. For example, the Report presents data on the gender pay gap. In 2002, women's income was 82.5% of men's income, after adjustments in differences in hours worked; a 17.5% gender pay gap that has persisted despite Equal Pay legislation and EU directives.

Ursula Barry has argued that 'probably the most effective equality-relevant data systems are those that are linked to concrete equality policies based on the specification of definite targets and objectives linked to clear time scales'. In 2005 we may look forward to the government's National Women's Strategy to establish this policy framework and thereby provide a strategic basis for a comprehensive gender and equality data system in Ireland.

*Reference:
Barry, Ursula. Building The Picture: The Role Of Data In Achieving Equality. 2000:
Equality Authority.*

VIEWPOINT: Visibility & Equality for Lesbian, Gay, Bisexual and Transgender Young People

By Michael Barron of the BeLonG To Youth Project

Just like members of other minorities Lesbian, Gay, Bisexual and Transgender (LGBT) youth sit in classrooms and attend youth services throughout the country but unlike members of other groups however this fact often goes unnoticed by teachers, youth workers and other young people. As such LGBT young people are often an 'invisible' group; they are visually indistinguishable and they most often conceal their sexual identities throughout their teenage years for fear of negative reactions from family, friends and society at large. A recent Northern Irish study of LGBT young people found that the average age for a young man to realise he is not heterosexual is 12, while for a young woman it is 13. However the average age when they first tell someone about their sexual identity is 17 for guys and 18 for young women.

This situation is changing, and an ever-increasing number of courageous young people are 'coming out' as LGBT at a younger age. Today many of these young people are actively raising awareness about their experiences and needs and are challenging service providers to meet their obligations to be inclusive of sexual minority youth.

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LGBT Youth setting the agenda

LGBT young people, through their involvement with BeLonG To Youth Project, are proactively setting the agenda for their equality. BeLonG To Youth Project works with Lesbian, Gay, Bisexual & Transgender young people in Ireland. It provides one-to-one and group support for LGBT young people, aged

14-23 years, (with groups for 14-17 year olds, and 18-23 year olds) to allow them to safely engage with confidence building, personal development and peer support. It also affords young people a space where they can experience inclusion, acceptance, social justice, fun and safety. It is the first and only project of its kind in the country. BeLonG To believe that youth work offers an ideal opportunity for LGBT youth to address their issues and concerns, while enabling them to participate as equal citizens in a society which often denies their rights. The project is managed by a voluntary management committee and is funded through the City of Dublin Youth Services Board by the Youth Affairs Section of the Department of Education and Science.



BeLonG To Youth Project works with Lesbian, Gay, Bisexual & Transgender young people in Ireland. It provides one-to-one and group support for LGBT young people...



Young members of BeLonG To recently produced some resources for young LGBT people. These were distributed to most youth projects and every school in the country with the support of the Institute of Guidance Councillors and the National Youth Council of Ireland. LGBT young people researched and designed these resources. They are peer support tools – produced by young people for young people as a means to actively offer support to isolated youth, as well as to undermine stereotypes and increase awareness about equality and diversity. These resources are now acting to increase the visibility of LGBT young people and the issues which impact on them throughout the country.

Issues which impact on LGBT young people

Young people who access BeLonG To programmes and services have identified the following issues and concerns:

- Being bullied and victimised, particularly in school and in their local communities;
- Lack of peer support and fear of communicating about their sexual identity with family members, so that, unlike other minority youth, they do not receive support from their peers or their families;
- Marginalisation in school and local communities;
- Education: Lack of inclusion of LGBT sexuality in existing school programmes;
- Family rejection;
- Poor self image as a consequence of negative societal attitudes to their sexual identity; and
- Internalised homophobia – due to their experiences of homophobia.

‘A Survey of Teachers on Homophobic Bullying in Irish Second-Level Schools’ carried out by the School of Education Studies, Dublin City University found that 94% of Social, Personal and Health Education (SPHE) teachers in single sex schools and 82% in co-educational schools were aware of verbal homophobic bullying in their schools. This study also found that 25% of these teachers in single sex schools and 17% in co-educational schools were aware of instances of physical homophobic bullying. Again, in this study, 90% of teachers indicated that there was no mention of gay and lesbian related bullying in their school’s bullying policy.



A recent study commissioned by the Northern Ireland Department of Education, and mentioned above, found that LGBT young people are:

- Five times more likely to be medicated for depression;
- Two and a half times more likely to self harm; and
- At least three times more likely to attempt suicide.

Young men and women of same-sex orientation have also been identified as one of a number of high-risk groups for youth suicide in a recent evidence briefing on youth suicide published on behalf of the UK and Ireland Public Health Evidence Group.

BeLonG To members recommendations to service providers who are working with LGBT young people:

- They should be sensitive to young people's feelings;
- They shouldn't make jokes about sexual identity;
- They should take young gay people seriously;
- They should have an open mind;

- They should not suggest that 'it's just a phase';
- Care should be taken with regard to religious issues – religion can be used to promote bigotry and to excuse discrimination;
- 'Gay-ness' should be shown in a positive light and not always as a problem;
- Sex education should include homosexuality at all levels;
- They need to be aware that gay slugging is the most common put-down among young people;
- Workers need to not pretend they don't hear these slugs and instead they need to support young LGBT; and
- 'Coming – Out' is difficult and brave and should be treated as such.

The experience of BeLonG To Youth Project indicates that Lesbian, Gay, Bisexual and Transgender young people are becoming increasingly visible in Irish society. This visibility will progressively challenge services providers' commitment to equality and inclusiveness, while allowing them to uphold their obligations under the equality legislation.

Work Life Balance of Working Parents

Four Country Comparative Study

By Dr. Margaret Fine-Davis, Centre for Gender and Women's Studies Trinity College, Dublin

“Most European countries have failed to adapt adequately to the novel challenges and the result is an increasingly serious disequilibrium . . . This . . . cross-national study unambiguously shows that a truly workable and positive social equilibrium needs more than public support for mothers. It needs, somehow or other, to equalise the employment and caring roles of men and women alike . . . What Fathers and Mothers helps us realise is that no workable social equilibrium can materialise unless we somehow begin to also reconstruct the male life course.”

Gosta Esping-Andersen, author of *Why We Need a New Welfare State*



*LtoR: Prof. Lis Hojgaard, Dr. Jeanne Fagnani, Prof. Dino Giovannini, Ms. Hilary Clarke, and Dr. Margaret Fine-Davis at the launch of *Fathers and Mothers: Dilemmas of the Work Life Balance*, at Trinity College.*

The increased labour force participation of European women, particularly those in the childbearing years, has been accompanied by increasing needs for childcare, flexible working arrangements and greater demands for equality in the workplace. The challenge which still faces even the most advanced of the EU member states is how to facilitate more egalitarian sharing of roles – that is, how to relieve women of the double burden of employment and domestic duties, while encouraging men to take an active part in family and domestic life, and at the same time facilitating quality of life for both.

The increased labour force participation of European women, particularly those in the childbearing years, has been accompanied by increasing needs for childcare, flexible working arrangements and greater demands for equality in the workplace.



A four nation comparative study was carried out to examine these issues. The book *Fathers and Mothers: Dilemmas of the Work-Life Balance*, presenting the results was launched by Niall Crowley, CEO of the Equality Authority, at Trinity College in December. The study was directed by Dr. Margaret Fine-Davis, Senior Research Fellow, Centre for Gender and Women's Studies, Trinity College, and the collaborators in the research were: Dr. Jeanne Fagnani, Centre National de la Recherche Scientifique, University of Paris; Prof. Dino Giovannini, University of Modena and Reggio Emilia; Prof. Lis Hojgaard, University of Copenhagen and Hilary Clarke, TCD.

The comparative study was carried out in four major European cities (Dublin, Paris, Copenhagen and Bologna) on a sample of 400 men and women (100 per city) who were employed, living with a partner who was also employed, and had at least one child under six. The study was commissioned by the European Commission and the Department of Justice, Equality and Law Reform.

There were significant differences between the four countries in terms of the ease or difficulty in combining work and family life. It was much easier to combine work and family in Denmark than in the other three countries – a country where childcare is a public responsibility and where flexible working arrangements are commonplace. Time was amongst the most important factors determining the ease or difficulty in

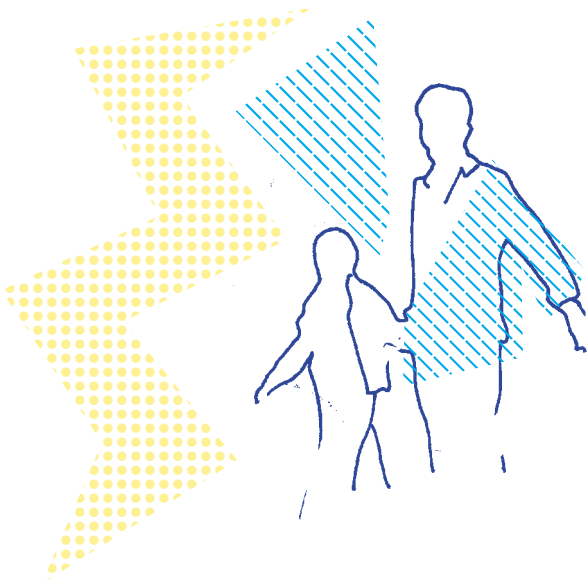
combining work and family life. Commuting time was of particular importance – the longer the commute, the less time that is available to help with family commitments. Not surprisingly, the more hours a person worked per week, the more difficulty they had in combining work and family life.

Another very significant predictor was the amount of help a person got with domestic responsibilities. The more help one got, the easier it was to combine work and family. Attitudes in the workplace were also very important. Most important was a feeling that one's colleagues accepted one's childcare responsibilities. Accepting attitudes on the part of managers also helped a great deal and were significantly related to ease in combining work and family.

Some of the findings underpinning these conclusions were the following:

Commuting

The average time to get to work for all countries was just about a half hour (32 minutes). Commuting times were longest for Irish respondents (39 minutes on average, 42 minutes for men, 36 minutes for women). The great reliance on the car in Ireland relative to the other countries may be partly responsible for the longer commuting times due to traffic congestion. Those countries which relied more on trains and cycling and less on cars had shorter commuting times. As commuting time was a key predictor in successfully combining



work and family, changes in transport modes may assist in this area together with staggered commuting hours.

Time – with the Family and for Oneself

Given the length of time working parents spend at work and in commuting, it is not surprising that so many expressed a wish for more time with the family and for more personal time. This was true of the Irish fathers in the sample, 82% of whom said they would like to spend more time with their families. Sixty-two percent of the mothers felt this way. While 58% of the men said they'd like their partners to spend more time with the family, this was true of 72% of the women. Time for oneself was also an issue. Seventy-two per cent of Irish men said they'd like to have more personal time. This was even truer of Irish women, 80% of whom would like more personal time.

It was found that women carried out significantly more of the domestic and childcare tasks in the home than men did in all of the four countries.

Sharing of Domestic Chores and Childcare in the Home

It was found that women carried out significantly more of the domestic and childcare tasks in the home than men did in all of the four countries. There were also large discrepancies between male and female perceptions of who carried out the domestic tasks. Men were more likely to think both of the partners did the work, while women were more likely to report that they carried out the tasks. However men excelled in relation to taking care of the children, especially with regard to playing with the children.

The study revealed a consistent pattern of relationships indicating that the more favourable the working environment, the greater the well-being of the employees.

Workplace Attitudes and Policies and Effects on Well-Being

Attitudes towards working parents who availed of work-family programmes were also explored. In relation to Ireland, relatively speaking, there were more negative perceptions toward people who participate in family friendly programmes. Both men and women who worked part-time or job shared were seen as less serious about their career, but this feeling was stronger vis a vis men. There is also a greater sense of pressure on employees in Ireland to work over and above normal hours to get ahead, adding to problems in achieving work-life balance. In this climate, it will be more difficult to promote family friendly working arrangements and a greater sharing of gender roles unless there is attitude change.

The study revealed a consistent pattern of relationships indicating that the more favourable the working environment, the greater the well-being of the employees. For example, the more an employer was perceived as taking account of one's child care responsibilities, the greater not only was the employee's work satisfaction, but also the greater the satisfaction with his/her partner and with one's life in general. Not surprisingly, the greater the potential flexibility at work the greater was one's work satisfaction. Potential flexibility at work was also significantly related to the employee's satisfaction with their health and life in general.

Interestingly, the study revealed that many employees were not aware of whether or not various family friendly policies were available in their workplaces.

Interestingly, the study revealed that many employees were not aware of whether or not various family friendly policies were available in their workplaces. A further disturbing finding was that parents often had to use their own annual leave or sick leave if their childcare arrangements broke down – thus reducing their own entitlement to sick leave and annual leave. In the other three countries studied – Denmark, France and Italy – all had policies of “child sick days”, which parents could avail of in case of child's illness.

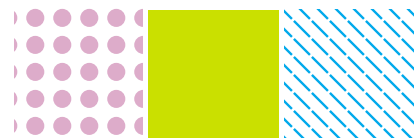
In view of the lack of paid parental leave in Ireland, it is interesting to note that a very high level of interest in this was expressed by men and women. Of those Irish working parents who had not taken up parental leave, 77% of the fathers in the study said they would have taken parental leave if it had been paid and 85% of the mothers said so.

Next Steps – Nationwide Research on Work-Life Balance

A major purpose of the study was to develop new social indicators to measure issues of work life balance which could be utilised in studies with larger, more representative, samples in Ireland and in Europe. The results of the 'Fathers and Mothers' research have fed into the Work-Life Balance Project of the National Flexi-Work Partnership, comprising the Centre for Gender and Women's Studies, TCD, IBEC, ICTU, FÁS, Age Action Ireland and Aware. This consortium, under the EQUAL Initiative, is piloting innovative modes of flexible working, promoting men into childcare as a means of developing egalitarian gender role attitudes at the early stages of a child's life, and gathering data on a nationwide sample concerning work-life balance in the population as a whole. These results will be available in 2005.



Fathers and Mothers: Dilemmas of the Work-Life Balance is published by Kluwer Academic Publishers (now Springer) in it Social Indicators Research Series.
ISBN 1 – 4020 – 1848 -7, Softback;
ISBN 1 4020 – 1807 – x , Hardback.



Claiming our Rights

Agents of Change

The Claiming Our Rights programme (sponsored by the Forum of People with Disabilities) begins recruitment in Spring 2005 and will include education for disabled people about disability identity, equality issues and disability rights and, using the participants as a communications channel, will train whole communities of disabled people to claim their rights, through statutory channels, lobbying and campaigning.

The programme recognises that a majority of the 342,000 disabled people in Ireland are not aware of their rights, and do not possess the skills to effectively advocate on their own behalf to influence policymakers, legislators and service providers.

The main objectives of the Claiming Our Rights Programme are to:

- Provide disabled people with the ability to position their issues within a human rights and legislative framework
- Facilitate disabled people in informing a national agenda of positive change in policies
- Build a disabled community capable of taking collective action based on shared experience
- Shift society's view of disability from the medical model to a social model.

The 'programme' is independently funded and marks a very significant investment in empowering people with disabilities to access their rights under Irish/EU and International Law.

Participants will be educated and trained in particular skills including advocacy. Following this, participants will co-operate and engage with wider groups.

This programme will offer disabled people, disability organisations and other allies an opportunity to grow a movement of change that we hope will have a lasting effect.

Find out more about the Claiming Our Rights programme at Lo-Call 1850 367 867 or email COR@fpd.ie.

Irish Organisation Obtains International Award



Among the 2004 Ron Mace Designing for the 21st Century Award recipients were the Institute for Design and Disability (IDD) in Ireland. The Institute was honoured for its successful convening and conducting of the Barcelona Project that brought together 97 local authorities committed to inclusive practices in policies, services and the built environment. It was the highest success rate of any European nation. Mr Cearbhall Ó Meadhra, President of the Institute for Design and Disability is also an Equality Board Member.



Spotted a Gap in your Market?

Is your workplace maximizing the contribution of its diverse workforce?

Is your workplace one where equality and respect are promoted and valued?

The Equality Authority has a grant scheme to support employers in promoting equality to best effect for their business and their employees. The scheme resources you to carry out an employment equality review and action plan.

Employment Equality Reviews Mean Competitive Advantage!

An Employment Equality Review involves you in auditing the level of equality of opportunity in your workplace and in examining your policies, practices, and procedures for their impact on equality in the workplace. An Action Plan follows the Review and identifies the goals and steps necessary to promote equality more effectively; to better accommodate diversity in the workplace; and to maximize the potential of your employee base.

Funding is Available!

The Equality Authority is seeking applications for funding from private, public or voluntary sector organizations. Funding is available for a highly experienced equality auditor to work with you to conduct an employment equality review, and to produce your own Action Plan. This is an opportunity that should energise your business, and maximize the contribution of your human resources.

Contact Tony Galvin, *The Equality Authority*, 2 Clonmel St, Dublin 2 for an Employment Equality Review & Action Plan Application Form. Tel: (01) 4173336 or email: tgalvin@equality.ie



Equality Stands for Local Libraries

An Comhairle Leabharlanna and the Equality Authority jointly cooperated in 2004 to produce a series of helpful booklets on making libraries more accessible. The next stage in this initiative from the two bodies will roll out over the next two months. An Comhairle Leabharlanna and the Equality Authority have contacted the almost 350 libraries that operate nationwide and have offered to place a designated 'equality stand' in each public library.

The Equality Authority has agreed to provide a stand in each location nationwide. The stand will exhibit a selection of equality related publications on a 'free to take home' or a 'reference only' basis. Arrangements are also being made with each library to ensure a process of updating supplies. People throughout the country can soon access a comprehensive range of equality information in their local library, their citizen information centre or from www.equality.ie.

Website goes Live

The Equality Authority's website has undergone a complete renovation in 2004. Following a tender process, Parallel was commissioned to redesign a new website to improve access by the public to the every increasing store of equality based information and knowledge. Priorities for the website design were to ensure the information will meet the exacting standards of WAI3 and be Bobby approved. Users will be able to access latest news, publications, information on legislation, the Equality Studies Unit and many links to sites of interest. **The new www.equality.ie website should be online by March 2005.**

Advisory Committee on Implementing Equality for Carers

**By Niall Crowley, Chief Executive Officer,
Equality Authority**

The Equality Authority has convened an advisory committee to report to it on implementing equality for carers. This was convened on foot of research published by the Equality Authority on 'Caring, Working and Public Policy'. The advisory committee is made up of representatives from carer organisations, the social partners, organisations of those who are cared for, Government Departments and State Agencies. It is due to report this year. In February it hosted a consultative conference for carers and carer organisations to assess the thinking developed within the committee in terms of issues being identified and changes being sought in policy, provision and practice.

The advisory committee has defined caring in terms of:

The provision of help and support on an unpaid basis, to family members, relatives and friends who need such care because of disability, old age or long term illness.

Its work is focusing on six subject areas – employment, health and social care services, income, recognition, participation and lifelong learning.

Three overarching themes can be identified in the initial drafts of the report as shaping the work of the advisory committee. These are themes of change and diversity, shared caring and of the economic value of caring work being done.

To date much of the focus in policy and debate on carers has been on those who through choice or necessity commit an amount of time and effort to caring that precludes substantial engagement in other roles. Historically a large proportion of such carers were women who had little labour market engagement. The recent census found that the majority of carers continue to be women but that there would seem to be some rebalancing with men making up nearly 40% of carers. The census highlighted that 39% of carers are in full time paid employment and 13% of carers are in part-time paid employment. This would appear to reflect significant change from the traditional understanding of carers and has implications for policy and programmes targeting carers.

The census also provided insights into the diversity of carers. Carers come from households of lone parents, married couples and cohabiting couples including same sex partners. More than 11% of carers are over 65 and about 8% are between 15 and 24 years old. The census reveals carers are drawn from a wide range of ethnic groups and identifies a significant number of people with disabilities who are carers. This

diversity also has implications for addressing the challenge of equality for all carers.

Finally the census revealed a diversity of caring situation. 58% of carers provide care for 14 or less hours per week, 27% provide care for 43 or more hours per week. It is relevant to note that those providing care for 43 hours or more per week were predominantly women. This diversity too must be taken into account in seeking to include carers.

Traditional patterns of caring raise issues in relation to the respective roles of state and family in the provision of care. The state plays a largely residual role with service provided when all else fails, that is, where there is no family to provide care or where family care breaks down. The sharing of caring between the state and the family has a crucial bearing on equality for carers. It effectively determines the degrees of freedom and choice available to families and to individuals within families. The Sustaining Progress national agreement offers some hope of a new role for the state in committing that:

‘Existing demands and future demographic change present significant challenges to the traditional pattern by which Irish Society supported those in need of care. A strategic approach to providing an infrastructure of care services should seek to achieve the proper balance between the respective roles of families, state, the private sector and voluntary organisations’.

The advisory committee highlights that caring responsibilities tend not to be shared equally within families. Traditionally the bulk of the responsibilities has tended to fall on one person, usually a daughter or other family relative. The taking on of a caring role may not always be by choice. Responsibilities can be allocated by default because the person is perceived to be available. Policy and programmes targeting

carers can often reinforce this situation. Our own equality legislation for example limits its protection to ‘resident primary carers’. Fostering change in this area raises important equality issues. The assumption that caring is ‘women’s work’ must be challenged. A family model of ‘everyone doing their bit’ needs to be promoted through policy, programmes and practice.

A final overarching theme that has shaped the work of the advisory committee relates to the economic value of caring work. Some estimates of the economic contribution of carers have been developed in research by the National Council on Ageing and Older People. It was estimated that, in the case of care for people with dementia, weekly savings to the exchequer in terms of salaries that would have to be paid to care workers if families were not providing care are significant. The estimates range from €170 to €310 per week (2000 prices) per carer if care was costed at the home help hourly rate, and between €270 and €490 per week (2000 prices) if the care was costed on the basis of the average hourly earnings of women. Given that there are almost 150,000 carers in Ireland, it is clear that the financial value of caring work done is very substantial. This needs to be reflected in policy and provision.

The advisory committee has now begun final drafting of its report. It is seeking to work from these overarching themes to identify issues in relation to the six subject areas and to make recommendations for change. In this it hopes to build on progress already made in policy making and programme provision for carers. It hopes to establish a holistic and comprehensive strategy for equality for carers. The key challenge will then be the search for implementation of this strategy.



Work Life Balance

The Challenges

**By Noreen Fitzpatrick,
Project Co-ordinator,
Work Life Balance Network**

Flexibility of work organisation has increased significantly in recent years. The driving force behind work life balance is that it makes good business sense in terms of meeting employer and employee's needs as well as responding to more diverse client groups' service needs. However there are still many barriers which hinder best practice in this field. Issues such as the information deficit regarding the provision of work life balance options – what it is, how can an employee avail of various options and what are, if any, the implications on pension, holidays and so on? The management of work life balance processes always poses a challenge where operational deadlines must be met. And will the floodgates really open should an organisation embrace and support a work life balance culture?

Creating a culture to support work life balance is complex but crucial. This work

“Creating a culture to support Work Life Balance is complex but crucial.”

life balance approach was first introduced under the banner of “family friendly”. As such it was exclusive in terms of catering for only certain categories of employees and excluding others. Hence it was mainly perceived as a “woman’s issue” with children. This is reflected in female employment patterns. 37 % of women with care responsibilities for children are working part-time, compared to 17% of women with no such responsibilities and 6.5% of men. Whilst this choice is predominantly a voluntary decision, a growing number of women have no other option but to seek part time employment to cope with being the “sandwich generation” – simultaneously having both care of older people and childcare responsibilities. But, whether by choice or not, even if those reduced working hours help to achieve a certain balance there is a price to pay. Part-time workers can have fewer opportunities for training and career progression, lower salary levels and reduced access to supplementary payments and social protection benefits .

Achieving business goals and improving work life balance do not have to be incompatible and perhaps this is a perspective many managers have to change. Some organisations are following the dual agenda of improving business results and employees work life balance resulting in a win-win situation for organisation and people. A positive, strategic approach to work life balance makes good business and economic sense. Many top class organisations have established policies and procedures that encourage employees to balance their personal and working lives.

Improving the Work Life Balance of women and men in private and public organisations

The Work Life Balance Network (WLBN) is one of many projects supported under the EQUAL Community Initiative Programme. The network consists of six major employers – eircom, An Post, Dublin Bus, Iarnród Éireann, Dublin City Council and Public Appointments Services; the Social Partners – IBEC and ICTU; and is managed by the Education and Training Services Trust Ltd. WLBN has developed good practice that

would appear to have progressed the work life balance agenda.

Information or lack of it appears to present difficulties where employees are unclear what is the work life balance provision in their organisation.

Gaining Buy-in

Organisations that seek to introduce new concepts or test pilot initiatives must first bring the relevant players on board. WLBN had to make the case to convince employers, trade unions, local and regional authorities of the validity of the work life balance approach. This had to be done in a manner that turned work life balance strategies into a process of cultural change. During the early stages of their activities, WLBN were busy laying a solid foundation for their multi-faceted activities. Targeting and convincing employers and trade unions



was on the top of the agenda as WLBN's research shows that management role models can either make or break a work life balance culture.

Information Deficit

Information or lack of it appears to present difficulties where employees are unclear what is the work life balance provision in their organisation. In order to address this issue, WLBN set up a partnership group in each organisation, representative of management, trade unions and staff across different grades and business areas that would drive the process in their organisation and act as champions for change with regard to work life balance. These groups took charge of developing a communication strategy to improve employee's awareness. Actions taken included internal audits (covering almost 6,000 employees), production of guidelines for managers and trade unions in dealing with work life balance requests, intranet sites, poster campaigns, articles in in-house magazines, training, etc. The result is that the employees in these organisations now accept work life balance in every day parlance.

 *Exploring the approaches of pioneers in this field helps to breed new ideas and to build the business case to convince employers.* 

Developing business cases for work-life-balance

Exploring the approaches of pioneers in this field helps to breed new ideas and to build the business case to convince employers.

In order to establish the business case for work life balance, WLBN carried out an

extensive literature review of what is happening in the US, Canada and the UK, and also in Ireland. In addition, it established statistics in support of the issue and how it impacts on the bottom line, i.e. the profit margin of a company. In reality, it is this argument, which provides the case whether or not an employer will consider supporting a work-life-balance programme.

If the workforces' needs are considered in the strategic thinking and planning of the organisation – the result, according to research, will be that productivity is higher absenteeism is lower etc. Hence the "real" savings to the company are manifested in retaining a higher skilled, productive staff. WLBN has collated the data below and presents this information as part of its argument. For example 'Off The Treadmill Research' (2003) shows that 86% of employees at senior management level work longer than the standard hours on a regular basis and 70% do not have access to paid overtime or time off in lieu. However the introduction of flexible work arrangements yielded a number of benefits, including:

- Employee satisfaction: + 85%
- Attracting/retaining employees: + 74%
- Productivity: + 58%
- Reduced labour turnover: – 55%
- Reduced absenteeism: – 50%
- Improved business results: + 48%

A report from the UK Department of Trade and Industry indicates that stress related absences cost the UK industry £7.1million per week. The report also emphasises that if more flexible working arrangements encouraged 10% of those mothers who left work after maternity leave to care for their children to return to work, employers would save €39 million per year. Other

examples of 'real' savings include where Xerox UK saved £1 million over the last 5 years due to its pioneering work-life-balance programme. British Telecom reports savings of hundreds of thousands in recruitment, retention and development costs and more than £200million in accommodation costs. The same research points out that people would prefer flexibility in their work practices as opposed to a £1000 salary increase.

The business case is further reinforced when the changing nature of the Irish labour market is considered. Relevant factors include:

- Female employment participation has increased by 15% since 1994;
- Ireland's target for female labour market participation is 60% by 2010 under the Lisbon process;
- Female participation grew by 140% between 1971 and 2001 while male participation grew only by 40% over the same period;
- ESRI (Economic and Social Research Institute) estimates economic growth of 4-5% per year until the end of the decade;
- FAS (The National Authority for Vocational Training and Education) estimate the growth will be in skilled areas;
- 50% of women progress to 3rd level education while only 40% of men do; and
- Fertility rates are dropping which has economic and social consequences.

Toolkit for Change

WLBN have developed a Diagnostic Pack on Work Life Balance, which can make a

significant contribution to organisations seeking to address the work life balance issue in a proactive strategic way. It is essentially a tool kit with its structure and design based on solid national and international research.

It contains a very useful literature review helping to get a fix on best practice, addressing items such as definitions; benefits to companies and employees; measuring progress; and tools used to initiate change. Seven case studies are presented relating to different types of organisations in Ireland and abroad, bringing an air of reality and possibility to the whole subject.

A very practical part of the pack is the section outlining a work life balance framework. This sets out an evolutionary work life balance model consisting of a continuum of change with various stages; the criteria for the stages of change across the continuum; diagnostic checklists and possible actions to take to promote development. This is a well structured, comprehensive and user friendly section, and provides a blueprint for assessing what stage of development the organisation is at and the most appropriate action to take to promote the development of work life balance.

Conclusion

The project conclusion has identified some significant issues in relation to work life balance. These include:

- Long hours culture is still prevalent;
- Managers are key to the success or otherwise of work life balance initiatives;
- Very few companies have taken a strategic approach;
- Work life balance is a people issue not simply a women's issue and it extends

beyond the Human Resource function and really requires a programme of major cultural change;

- No one size fits all;
- Some barriers to introduction of Work Life Balance includes management concerns; caution; perceptions about the nature of the work and possible flexibility, cost, suitability of the commercial environment, administrative difficulties, lack of quality jobs available with flexible working hours, and barriers to promotion; and
- Some benefits to organisations with family friendly work practices were reported as follows- improved recruitment and retention, improved morale, low absenteeism, improved health, support for family needs, and allowing those with childcare difficulties to remain in the workforce or to re-enter the workforce.

Work carried out in the US, by The Families and Work Institute led to the proposal of a very useful “four stage model of the evolution of the corporate work life agenda” emphasising the need to move beyond policies to culture and the way work is organised –

Stage 1 Grass Roots:
childcare and women’s issues

Stage 2 HR:
recruitment and retention

Stage 3 Culture Change:

work life balance concerns of the entire workforce with the goal of enhancing commitment, creativity and the contribution of all individuals

Stage 4 Work Redesign:

how to reorganise work in such a way as to meet organisational and employee goals

Work life balance, which is a key area of the working environment, will continue to increase in importance and focus in organisational and individual’s lives. Organisations must embrace this concept and integrate it into the core strategic planning of the organisation in order for it to be truly fruitful ... add-on measures are of little to no value!

*Noreen Fitzpatrick, Project Co-ordinator,
WLBN, ETS, 6 Gardiner Row, D1.
Tel 01-8787555*

Pangaea

The Eigse Laoghaire (meaning “artists sharing”) project was set up in 1999 to give a platform for expression to all of the wonderful range of cultures living in our community. The work of the project is managed by artists from a range of backgrounds and interests. They produce a booklet entitled Pangaea (the name geologists have given to the Earth’s original single continent before its break-up into separate land masses). The booklet includes interviews and stories of true life experiences across a range of cultures, traditional stories, poems and music, paintings, drawings and photography.

It is created by Cate Barron, Veronica Heywood and Paul Bankole Iwala.

Disability Bill 2004 and the Comhairle (Amendment) Bill 2004 – Interaction with Equality Legislation

By **Eilis Barry, Legal Adviser, Equality Authority**

Disability Bill 2004

PART 1 – Preliminary and General – provision of resources and extent of provision

PART 2 – Assessment of Need, Service Statement and Redress

PART 3 – Access to buildings and Services and Sectoral Plans

PART 4 – Genetic Testing

PART 5 – Public Service Employment

PART 6 – Centre for Excellence in Universal Design

PART 7 – Miscellaneous

The Equality Authority has prepared a submission on the Disability Bill and the Comhairle (Amendment) Bill 2004 and made a presentation to the Joint Oireachtas Committee on Justice Equality, Defence and Women's Rights on the 30th November 2004.

The purpose of the submission is to analyse both Bills from the perspective of

- the promotion of equality of opportunity for people with disabilities in public sector employment and in access to, use of and the promotion of state services
- the elimination of discrimination against people with disabilities in public sector employment and in the access to, use of and the provision of state services
- the potential impact of the Disability Bill 2004 on the operation of the Employment Equality Acts 1998 – 2004 and the Equal Status Acts 2000 – 2004
- the accommodation of difference in society by the public sector in particular for people with disabilities.

In this submission the Equality Authority notes that the Disability Bill represents a move away from the inclusive non-hierarchical rights based model that exists in the equality legislation. It raises a number of issues and makes recommendations in relation to each of these.

Provision of resources and extent of provision – Section 5 of Bill

5. – (1) In this section –

“Minister” means a Minister of the Government; “relevant public body”, in relation to a Minister, means a public body which provides services under this Act in relation to which that Minister allocates moneys.

(2) Where, in the financial year 2005 or any subsequent such year, a Minister or a relevant public body in relation to that Minister provides or arranges for the provision of services under this Act, that Minister shall, out of the moneys available to him or her for that year, for the purpose of the performance of his or her functions, allocate, for the purpose of such provision and subject to and in accordance with the requirements of this section, such amount as he or she considers appropriate.

(3) An allocation under subsection (2) in a financial year shall be such that, in the opinion of the Minister concerned, having had regard to the extent of his or her obligations in that year in relation to the allocation of the moneys available to him or her as aforesaid for different purposes in the performance in that year of the functions conferred on him or her other than by this Act, the amount remaining after the allocation that is available to the Minister as aforesaid for that year is not less than the amount that is appropriate for the purposes of the performance by the Minister of his or her functions in that year.

(4) Where a Minister is satisfied that the amount of the moneys he or she has allocated under subsection (2) in a financial year is the maximum amount permitted by this section to be so allocated –

(a) he or she shall not be required, and nothing in this Act shall be construed as requiring him or her, to allocate additional moneys under that subsection for that year, and

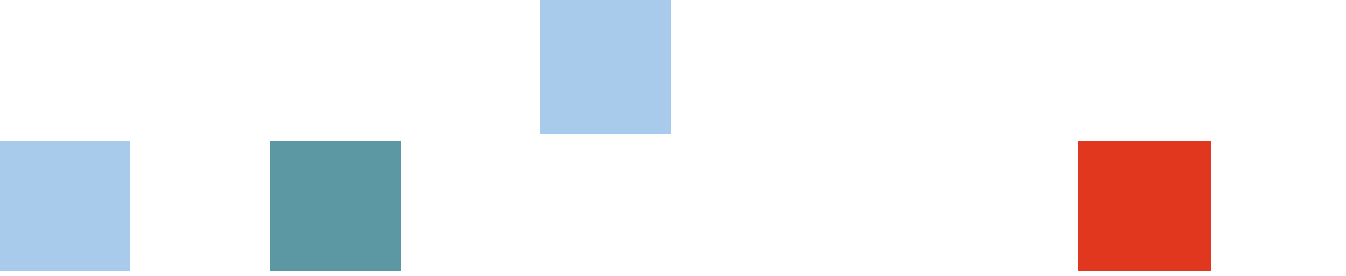
(b) he or she or a relevant public body in relation to him or her shall not be required to provide, and nothing in this Act shall be construed as requiring the provision by or on behalf of him or her or the body, of services under this Act in that year the cost of the provision of which could not be met out of the moneys allocated as aforesaid.

Definition

The definition used in Bill is not inclusive and will mean in effect that the Bill only applies to a small number of people with disabilities. This will create a hierarchy of disabilities. It will also establish two tiers of differing provisions in relation to areas that are dealt with in both the Disability Bill and the equality legislation (for example access to public services and to public sector employment). At best this will cause confusion as to what the respective duties are under both Acts. At worst it will diminish the existing enforceable rights under the equality legislation.

Recommendation 1

The definition of people with disabilities should be broadened to be inclusive.



It should be broadened enough to allow for episodic disabilities, people with mental health issues and people who will acquire enduring disabilities without early intervention.

Resources

The provision on resources in Section 5 would appear to restrict the current capacity of public bodies to allocate resources to the services. At best it would appear to limit services envisaged under the Bill to a residual situation where funding is made available only after all other responsibilities are met. At worst it would appear that there is no obligation to allocate resources to these services. Most of the provisions in the Bill are dependent on an allocation of resources. The resource provisions in Section 5 also undermine the current legally enforceable rights under the Equal Status Acts 2000 – 2004 as public service providers will be able to rely on its provisions as a defence to a claim for discrimination and claims for failure to provide reasonable accommodation.

Recommendation 2

Section 5 of the Disability Bill should be reviewed and restated to ensure it does not undermine the current legally enforceable rights under the equality legislation. Section 5 should be developed to ring fence resources necessary for the implementation of the Disability Bill.

Assessments of needs

The provisions on assessment of need are limited in that the extent of the assessment is limited to health and educational needs. It would also appear on the basis of Section 5 that there is no 'entitlement' to this limited form of assessment of need if no resources have been allocated.

Recommendation 3

In order to avoid unnecessary duplication of resources any assessment of need should be broad enough to constitute an assessment of the full spectrum of needs for the purposes of the provision of reasonable accommodation in relation to all of the services provided by the health board and in relation to education and other public bodies, alongside the assessment of their need for disability specific services.

Recommendation 4

The provisions allowing relatives, guardian or personal advocates to apply for an assessment, should be extended to include, non-marital partners and same-sex partners in order to achieve coherence with the equality legislation.

Service Statement

There is no entitlement to any of the services identified in the service statement. The possibility of obtaining any of the services identified as necessary in the assessment of need is dependent on the allocation of resources pursuant to Section 5.

Recommendation 5

Entitlements in relation to service should be established. The provisions should encompass publicly funded bodies.

Access to buildings and services

The provisions on access to buildings and services would appear to fall short of that which is already provided for under equality legislation. The provision on access to services and buildings need to be coherent with and build on the provisions already required under the Equal Status Acts, 2000 – 2004.

Recommendation 6

The development of a requirement on public sector bodies to make reasonable accommodation for service users with disabilities subject to a disproportionate burden should be included as an effective way of addressing the issues raised in the Disability Bill in this area. This could be further developed with the imposition of a duty on public sector bodies to have due regard to equality in carrying out their functions.

Public Sector Employment

It appears that the 3% quota (which is unenforceable) presents a less onerous burden on public sector employers than the enforceable obligations in the Employment Equality Acts 1998 – 2004 to take appropriate measures in relation to access to employment for people with disabilities.

Recommendation 7

A measure which enhances the provisions on reasonable accommodation and positive action in the Employment Equality Acts 1998 – 2004 would be the imposition of a positive duty on the public sector to have due regard to equality in carrying out its functions including that of employer.

Compliance/Remedies

The lack of enforceable rights reflects a move away from the model of enforceable rights and accessible low cost remedies through the equality tribunal in the equality legislation. The compliance mechanisms surrounding the provisions are bureaucratic and will require significant resources. The number and differing types of compliance mechanisms is disproportionate to the end result.

Recommendation 8

The compliance/enforcement mechanisms should build on the existing equality infrastructure.

Advocacy

Access to advocacy services under the Comhairle (Amendment) Bill is limited. The spectrum of advocacy services is not broad.

Recommendation 9

This requirement of proof of harm to the health, safety or welfare of person should be deleted. Advocacy services should be defined to include community advocacy and community visitor programmes.

Coherence

It is important that the Disability Bill does not in any way diminish the provisions in the equality legislation.

Recommendation 10

The Disability Bill should state explicitly that nothing in the Disability Bill shall reduce the current liabilities of the public sector employers and service providers under the Employment Equality Acts 1998 – 2004 and the Equal Status Acts 2000 – 2004.

Copies of the Equality Authority's submission on the Disability Bill and Comhairle (Amendment) Bill 2004 are available from Nicola Twamley at 01 417 3354 or email ntwamley@equality.ie.

Towards an Inclusive School – the experience of Killester College of Further Education

By Rory O’Sullivan, Principal

When the term “inclusive education” is used one could be forgiven for thinking, given a number of high profile court cases in recent years, that it only refers to the inclusion of students with a disability into mainstream education. While there is no doubt that there is a great deal of work to be done in this regard, inclusive education is about more than this. In Killester College our view is that inclusion is concerned with dealing with all barriers to accessing, participating and succeeding in learning, whoever experiences them and wherever they are located throughout all aspects of the college – our culture, policies and practices. Below I will outline some of the barriers which Killester College have identified and the steps take towards addressing them.

Killester College of Further Education is a post-primary vocational school of the City of Dublin VEC. Established in 1956 as a boys vocational school it has evolved as the local community has grown to become a dedicated college of further education. The current enrolment totals some 1660



In Killester College our view is that inclusion is concerned with dealing with all barriers to accessing, participating and succeeding in learning, whoever experiences them and wherever they are located throughout all aspects of the college – our culture, policies and practices.

students. This is made up of 325 full-time students, 485 part-time day students and 850 students on part-time evening courses. We also support some 1350 students on literacy and community education programmes in the local community.

In January 2003, Killester College took the decision to commit to being an inclusive college. This meant that we would seek to have an inclusive curriculum and an inclusive classroom. We initiated a review of all aspects of the college from an inclusion perspective. What became apparent very quickly was that we were taking on a significant challenge. At the time of writing we have been on this journey for two years. We have certainly made a great deal of progress but there is still much to be done.

January 2003 also saw the beginning of an educational partnership in inclusive education between Belfast Institute of Further and Higher Education and the City of Dublin VEC, with Killester College acting as its lead college. This partnership, called the ISLE (Inclusive Strategies for Learning Excellence) Project, is concerned with inclusive education in a further education context through the employment of inclusive learning philosophies and methodologies. In particular, the project focuses on the inclusion of students with disabilities and international students in mainstream education. This project has been enormously beneficial to both colleges as we continue to work to become more inclusive.

We began with our admissions policy and procedures. As part of the application process we asked all applicants to self-declare a disability and/or specific learning difficulty. This allowed our visiting disability support officer to begin the process of assessing an applicant's learning support need and agreeing a learning support strategy. The objective was that the supports would be in place when the course commenced. This assessment also formed the basis for an application to the Department of Education and Science for any additional funding. This process was co-ordinated by an Assistant Principal.

In 2005 we further developed our procedures to include an RPL (Recognition of



This partnership, called the ISLE (Inclusive Strategies for Learning Excellence) Project, is concerned with inclusive education in a further education context through the employment of inclusive learning philosophies and methodologies.

Prior Learning) assessment. Some of our applicants were presenting with an interrupted educational history. However, their learning continued informally in a variety of ways, such as, working, raising a family, and taking courses as part of on-the-job training. The purpose of RPL is to make an evaluation of this learning with respect to the entry requirements for the course being applied for. It may also identify any learning support needs the applicant might have.

The accessibility of our promotional material was also reviewed. Now, two years on, it is produced in three formats – standard, large print and Braille. In addition, the college website was redesigned so as to conform with the Worldwide Accessibility Initiative (WAI) at level 3 – the highest level.

Staff development for all staff in the college – teachers, maintenance and administrative staff – was a vital part of this work. On February 2003 there was an

initial awareness-raising session – “An Introduction to Inclusion”. This was followed by a session for teachers on “Inclusive Learning Tools for the Classroom”. Other staff development training took place in the area of Equality in the Workplace, Specific Learning Difficulties, Adult Literacy and Multi-culturalism. While it is important to have a certain level of knowledge we do not need to become experts in every disability or learning difficulty. We just need to be able to identify a student’s learning style and learning support needs and incorporate those in our preparation and planning for class.

Great emphasis was also placed on the use of computer technology as a teaching and learning tool. If learning materials can be made available in electronic format this allows them to be accessed in a format which is most suitable to the student. This objective was significantly enhanced in September 2004 when the college moved into blended learning. The learning which takes place in the classroom is now supported through the availability of learning materials on the college’s eLearning platform “Blackboard”. The provisions of courses in a flexible and innovative way enhances opportunities for students to access and participate. This blended approach to learning allows the college to provide our courses in a place, in a time and in manner which best suits the needs of its students.

The primary certifying body for our courses is FETAC – the Further Education and Training Awards Council. A great deal of continuous assessment is used across all our programmes. As a result a major part of our review involved the assessment methodologies and assignment specifications being used. In some cases FETAC have approved alternative assessment techniques for students with particular needs.

So, how many students have benefited from these changes? In September 2003, the first year of our revised admissions”, five students declared a learning support need before the courses commenced. This rose to twenty five by February 2004. In September 2004, twenty-five had declared before the courses began. In February 2005, this had risen to 39. The anticipation for September 2005 is that this number will be close to fifty. It is important to acknowledge the support of the Department of Education and Science in providing significant funding towards the costs of these learning supports.

There is no doubt that the journey towards an inclusive school is an expensive one but it is enormously rewarding for all. With inclusion as the dynamic of our school development planning it has also been prioritised for expenditure. However, the college funds alone would not have allowed us to achieve so much in such a short time. The ISLE project is funded by the Department of Education and Science. In addition, the Inclusion Fund in the Department of an Taoiseach has given the college a grant towards the wireless network in the college. The City of Dublin VEC has also given substantial funds towards the ICT infrastructure in the college. However, as in all things it is not the tools the matter but how they are used. In this regard, the greatest contribution to this journey towards the inclusive school has been made by the staff of Killester College. They deserve great credit for their commitment to the ideals of inclusive education every day of their professional lives and to providing the best education possible for our students.



Case Reports



By Patrick O'Leary,
Equality Authority

Maximum Award Made in Sexual Harassment Case

The Equality Authority welcomed the significant award made by the Equality Tribunal in a case of sexual harassment and victimisation. The Equality Authority represented the claimant in the case of Ms A vs. A Contract Cleaning Company. The complainant was awarded €21,000, the equivalent of 104 weeks salary which is the maximum allowed under the Employment Equality Acts. The Equality Officer of the Equality Tribunal stated in his decision that he felt “constrained by the statute in the level of compensation which I could order and had that constraint not been placed upon me I would have ordered a significantly higher award given the severity of the treatment to which the complainant was subjected to”.

The complainant worked as a cleaner with the respondent and was assigned cleaning duties at a shopping centre. The harasser worked for another company as a security guard at the shopping centre.

The complaint of sexual harassment was accompanied by a complaint of victimisation. The complaint involved:

- The harasser making crude and sexually offensive remarks to her and her female colleagues;
- The harasser pushing her into the staff canteen, pulling down her trousers and underwear and smacking her on the bottom. This was witnessed by the company supervisor who said the harasser was only “messing” and “it was only a joke”;
- The complainant reported the incident to the Gardai. She raised the matter with the respondent’s Regional Manager who told her the matter had nothing to do with the respondent and to take the matter up with the harasser’s employer, which she did;

- The complainant experienced the “cold shoulder” from some of her colleagues, and her working relationship with them, which had previously been good, deteriorated;
- The complainant was threatened with dismissal if she did not drop her complaint to the Gardaí and was persuaded her to drop the complaint; and
- She was subjected to the respondent’s internal disciplinary procedure during which the previous incident of sexual harassment was discussed and where her supervisor inferred to those participating in the disciplinary procedure that the complainant was lying about the incident.

This case was important in acknowledging the serious nature of sexual harassment and of victimisation.

The Equality Officer found that the complainant was sexually harassed, that the respondent did not take steps as were reasonably practicable after the complainant reported the incident and that the actions of the respondent after the incident constituted victimisation of the complainant.

This case was important in acknowledging the serious nature of sexual harassment and victimisation. It sets a standard in making the maximum award which is not only proportionate but also dissuasive. Last year 12% of the casefiles of the Equality Authority under the Employment Equality Acts related to claims of sexual harassment and harassment. Awards of this scale establish the context necessary for a new culture of compliance with equality

legislation in the workplace. This is crucial if we are to be successful in eliminating sexual harassment and the damaging and distressful impact these have on those subjected to it.

This case established the inappropriateness of the respondent’s reactions to the incident, the flawed manner in which the respondent abdicated responsibility for the issue to the harasser’s employer and the flawed nature of the investigation conducted by the employer of the harasser. There is a clear message to employers in this regard to ensure that they have adequate policies and procedures in place to prevent sexual harassment and to deal effectively with any incidents occurring. These procedures must be adequate to dealing with sexual harassment not only by another employee or by the employer, but also by other clients, customers or business contacts of an employer including any other person with whom the employer might reasonably expect the victim to come into contact.

The Equality Authority highlighted the courage and conviction displayed by the complainant in taking this important case. She faced ridicule, isolation, pressure and victimisation. The case took a number of years to come to a conclusion. Yet she has achieved an outcome that not only vindicates her courage and conviction but that serves as a significant deterrent to employers allowing such a situation to emerge again.



Significant Award to deter discrimination against those with mental health problems

The Equality Authority welcomed a landmark award totalling €57,900 by the Labour Court in respect of an employee who was found to have been discriminated against on the grounds of his disability. The Labour Court was considering two separate claims – a claim for discriminatory dismissal and an appeal of an Equality Tribunal finding of discriminatory treatment. The claimant was represented by O'Mara, Geraghty, McCourt Solicitors. The award was made up of:

- €41,900 or one year's salary to cover economic loss in relation to discriminatory dismissal.
- €8,000 to compensate for the stress, anxiety and indignity of the discriminatory dismissal and to serve as a deterrent against future infractions.
- €8,000 to compensate for the effects of discriminatory treatment.

The Equality Authority highlighted that "the scale of the this award breaks new ground and will serve as an important deterrent to discrimination against people with mental health problems. The Labour Court have set down a timely and valuable marker for employers in this regard. Currently 10.7% of Equality Authority case files relate to the disability ground and a common feature of these is a failure to make reasonable accommodation to ensure the employee with disabilities is fully capable of doing their job.

Making such reasonable accommodation is key to unlocking the contribution of people with disabilities in the workplace and to

addressing the high levels of unemployment experienced by people with disabilities.

Currently 10.7% of Equality Authority case files relate to the disability ground and a common feature of these is a failure to make reasonable accommodation to ensure the employee with disabilities is fully capable of doing their job.

This case was heard under the Employment Equality Act, 1998. The Act has since been amended to impose a more substantive obligation on employers to make reasonable accommodation for employees with disabilities".

The claimant was employed in a specialist capacity for over 14 years with his employer. In April 2002 he was admitted to hospital suffering from a psychiatric illness. He was discharged from hospital in June 2002 and was advised by his psychiatrist that he could return to work preferably on a phased basis. The employer did not allow the claimant to return to work. The complainant was referred to a psychiatrist nominated by the respondent and later to an occupational physician. He was eventually allowed to return to work in October 2002. He was given a job description and was told that he could no longer deal with clients and that his work would be monitored. The Court accepted that the claimant felt that he was not wanted and that the respondent was intent on making his life difficult. The claimant resigned.

The Labour Court accepted that at the commencement of his illness the respondent did provide commendable assistance to the claimant. However the respondent's later treatment of the

complainant could not be so characterised. The Court was satisfied that the respondent had a marked reluctance to accommodate the complainant in returning to work and would not accept that the respondent gave any adequate consideration to providing the complainant with the type of special treatment which would have allowed him to resume work following his discharge from hospital. The Court found that the respondent failed to do all that was reasonable to accommodate the complainant's needs by providing him with special treatment or facilities so as to enable him to return to work on a phased basis. It found that the employer did discriminate against the complainant on grounds of his disability when it refused to allow him to resume employment between July and October 2002.

In the Court's view the employer's approach to the complainant on his return to work was not indicative of a caring or sympathetic attitude towards an employee who had been absent from work with a serious psychiatric illness. After his discharge from hospital the employer appears not to have had any personal contact with the claimant, apart from one meeting, the employer communicated by letters. The Court accepted that the complainant was ignored by his employers over the two days between his return to work and his resignation.

The Court was satisfied that the employer conducted itself in relation to the complainant in a manner which was destructive of a relationship of mutual trust and confidence. The Court was satisfied that, having regard to the complainant's undoubted emotional and psychological vulnerability at the time the conduct of the respondent was so unreasonable as to justify the complainant in resigning there and then.

This case is one of the first to raise issues of mental health under the disability ground. Significant stigma can all too readily



accompany a diagnosis of mental illness. This leads to discrimination and exclusion. The support an employee receives at a time of such illness can be vital. It can make the difference between remaining in employment and continuing to make their contribution or leaving employment and experiencing an exacerbation of their illness. The role of reasonable accommodation in this context is central, benefiting both employee and employer. A comprehensive assessment of the needs of the employee is the key requirement. This needs to be done with imagination and flexibility. All too often these are missing and discrimination results.

Making such reasonable accommodation is key to unlocking the contribution of people with disabilities in the workplace and to addressing the high levels of unemployment experienced by people with disabilities.



Serving the Community

By Tara Buckley, Director General, RGDATA

Serving the local community is one of the key cornerstones of the independent retail sector and a collaboration with the Equality Authority to assist retailers accommodate customers with disabilities has proved very positive for RGDATA.

RGDATA is the representative association for independent retailers operating over 4,000 shops all over the country. Many of our members run family owned supermarkets and convenience stores in towns, villages and suburbs and many are associated with symbol groups. From a consumer perspective a strong independent sector is essential to ensure choice, convenience, competition and excellent customer service.

The independent sector has a 40% share of the competitive Irish grocery market. Ireland is somewhat unique compared to some of our EU neighbours in that every town and village can usually boast at least one top quality grocery store.

Serving the needs of all customers in the area has always been a key concern for independent retailers who know the value of friendly, efficient service in fostering customer loyalty. The fact that the Equal Status Acts prohibit discrimination in the provision of goods and services adds a further focus to this commitment to customer service.

The RGDATA/Equality Authority campaign aims to provide practical guidance for retailers so that they better understand the barriers experienced by people with disabilities. It also provides retailers and their staff with some practical steps to better serve the needs of their customers with disabilities.

The campaign was launched in 2004 and a booklet and poster was circulated to all RGDATA members. The poster highlights the commitment of shop management and staff to identifying and meet the needs of customers with disabilities. It also encourages customers who have concerns to talk over their needs and how they might best be met when they are shopping.

The Equal Status Acts require a reasonable accommodation of customers with disabilities where this does not give rise to more than a nominal cost. The booklet contains practical advice and common sense measures and as studies in the US have shown more than half the accommodation made, making it easier for people with disabilities to access shops and services, actually cost nothing.

Taking reasonable steps, generally known as reasonable accommodation, is not discretionary. It is the law. It is also a simple, easily achievable aspect of quality customer service and ordinary common courtesy. As well as the information in the booklet RGDATA has included information on reasonable accommodation in our Fact File, the bible for independent grocers.

People with disabilities encompasses those with life long disabilities and those with temporary disabilities. It includes people

with mobility issues, people with sensory impairments, people with learning disability and people with mental health problems. The one thing that is certain is that there are people with disabilities in every community in the country.

The advice provided is simple and practical and addresses the obstacles that people with disabilities face on a daily basis including:

- **Communication:** for example inappropriate or disrespectful language, speaking too quickly or unclearly, providing information only in small print;
- **Physical environment:** for example narrow doorways, steep steps, poor lighting and signage, cluttered layout and lack of access to buildings generally;
- **Negative attitudes:** for example patronising attitudes and making assumptions about people's abilities and disabilities; and
- **The way services are provided:** for example inflexible ways of doing things, poor training or assistants, unnecessary or complicated procedures.

Many barriers to people with disabilities are unintentional. Reasonable accommodation can help a business to overcome these obstacles. Positive action can eliminate them.

A simple step that anyone can take is to ask customers what they consider as reasonable accommodation. The reality is, if we get things right for people with disabilities it will be better for everyone.

Any shopkeeper worth their salt knows that customer service is the key to loyal customers. So making all customers feel valued; making the shop easy to get around and ensuring that those working in the shop are aware of the needs of all customers will have a positive effect on the business.

Building Equality into Nursing/Midwifery Practice – Identifying new models and challenges for the future of Nursing and Midwifery

A National Conference

This conference is a joint venture between the H.S.E. North Western Area and the Equality Authority. It will focus on contemporary issues in nursing and midwifery in relation to equality in employment and service provision.

This conference aims to:

- To increase awareness and skills of the participants in relation to diversity and equality.
- To provide a forum for participants to explore and effectively manage diversity and equality in their work.
- To increase the capacity of organisations to develop equality competent health services.

Who should attend?

This conference is aimed at all practising nurses and midwives, nurse tutors and students, all medical practice staff, health policy makers, patients' groups and media.

For further information please contact:

Ms. Blaithin McKiernan, H.S.E. North Western Area, Manorhamilton, Co. Leitrim.
Phone: 071-9820266 or
email: Blaithin.McKiernan@mailb.hse.ie

Booking is essential as places will be allocated on a 'first come, first served' basis. Please let us know if you have any special requirements.

This conference is supported by the National Council for the Professional Development of Nursing and Midwifery Practice.

Call for Submissions

The Equality Authority is preparing its Strategic Plan for 2006 to 2008.

We need to hear your ideas, opinions and aspirations, so that the Strategic Plan can involve the participation of all those interested in realising a more equal society.

Please forward your submission to:

Equality Authority
2 Clonmel Street
Dublin 2

by April 11th 2005

The Equality Authority has a broad mandate under the equality legislation to;

- A)** combat discrimination in the areas covered by the Employment Equality Acts and the Equal Status Acts
- B)** promote equality of opportunity in the areas covered by these Acts
- C)** provide information on the operation of these Acts
- D)** keep the operation of these Acts under review and make recommendations to the Minister for Justice, Equality and Law Reform as appropriate.

The Strategic Plan 2006-2008 will establish, within this mandate:

- the mission of the Equality Authority;
- our strategic objectives;
- the activities required to realise these objectives.

The activities will be implemented by the different sections of the Equality Authority which cover the following areas of activity: communication, development, legal, research and administration.

The Strategic Plan will assist in allocating the resources of the Equality Authority to the key equality priorities that must be pursued. The communication, research, development and legal roles will be integrated around the pursuit of these key equality priorities. Prioritising in this way involves hard choices. In such a context widespread consultation is very important.

We look forward to your contribution.

The Equality Authority would like to advise all callers that they can visit www.equality.ie or contact our Public Information Centre directly at 01 417 3333 or Lo Call number 1890 245545, for information on the Employment Equality Act, 1998 and the Equal Status Act, 2000. Information is also available on the Maternity Protection Act, 1994, the Adoptive Leave Act, 1995 and the Parental Leave Act, 1998.

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