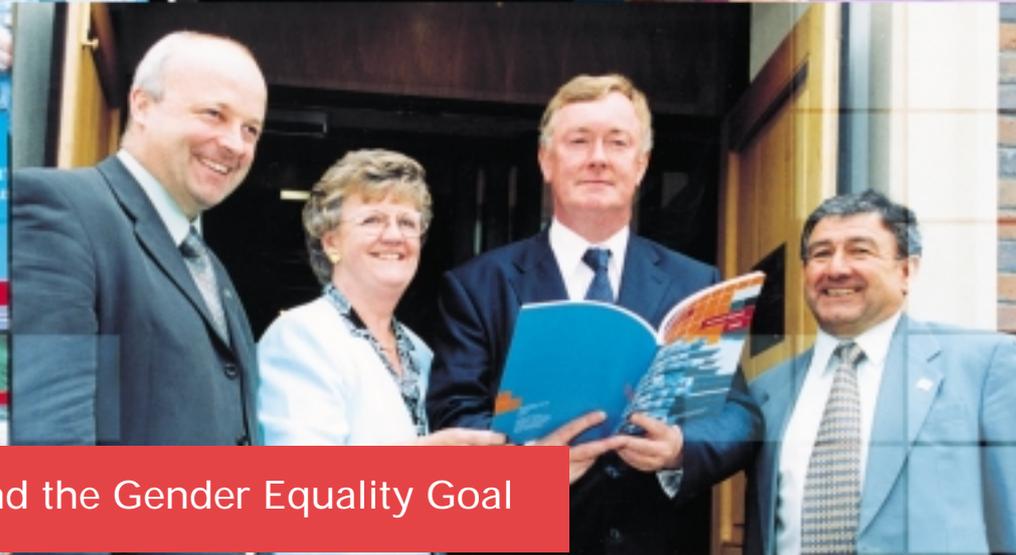


equalitynews

summer
2001



The EU Commission and the Gender Equality Goal



Employment for People with Disabilities

Annual Report 2000 Launch

Pride 2001



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The contributions to EqualityNews are welcome and appreciated. However, the opinions of contributors do not necessarily reflect the position of the Equality Authority. We welcome your feedback on any article in EqualityNews. Please send comments, queries or quips to Patrick O'Leary at:

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UPDATE...

By Niall Crowley

The recent launch of our first annual report marked the end of a very busy period for the Equality Authority. The annual report was a time for celebration - of achievements realised, of relationships and partnerships developed and of organisation building. The period preceding this launch saw us focusing on the evolution of our legislation and on issues of multiple identities.

A major legal conference was hosted in Dublin Castle in partnership with the Irish Centre for European Law. The Conference explored in some detail the implications of the new EU equality directives for the Employment Equality and Equal Status Acts. The race directive and the employment directive (which covers sexual orientation, age, disability and religion) mean that our legislation will evolve significantly over the next two years. Areas of change will include a new definition of indirect discrimination, a wider spread for positive action in the Employment Equality Act, a new focus on remedies to ensure they are dissuasive, and a re-examination of exemptions including that limiting the reasonable accommodation of people with disabilities to a nominal cost.

The grounds covered by the Employment Equality Act are also being reviewed, as required by the legislation, by the Department of Justice, Equality and Law Reform. The Equality Authority made a submission recommending an expansion of the grounds to include:

- socio-economic status
- past criminal conviction
- trade union membership
- political opinion.

The inclusion of these grounds would achieve a more comprehensive coverage for our legislation without losing its coherence.

The Equality Authority would like to advise all callers that they can contact our Public Information Centre directly at 01 4173333 or Lo Call number 1890 245545, for advice 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. For business and other services, please contact 01 4173336



Our work on multiple identities was significantly advanced by the publication of research by Katherine Zappone entitled "Charting the Equality Agenda - A Coherent Framework for Equality Strategies in Ireland North and South".

This project was a joint venture with the Equality Commission for Northern Ireland and was launched in Belfast.

The publication challenges both organisations to work at three levels focusing on:

- single grounds and issues specific to these
- linked up grounds through initiatives that have a relevance to all grounds covered by the legislation
- the interconnectedness of the grounds through a focus on groups that hold multiple identities.

Holding a multiple identity is more than an accumulation of experiences - it is a specific experience with specific associated needs and aspirations. This was expressed very powerfully by speakers at a recent seminar organised jointly by the Forum of People with Disabilities and the Equality Authority. This focused on lesbians, gays and bisexuals with disabilities and served as a valuable endorsement of the importance of this type of focus within equality strategies.

The Equality Authority and the Equality Commission for Northern Ireland are now working to further develop their joint work in this area. This will be done in a joint venture also involving the Human Rights Commission in Northern Ireland and the Equal Opportunities Commission, the Disability Rights Commission and Commission for Racial Equality in Britain. Each organisation will explore a particular multiple identity to a common format, teasing out the implications for service provision. These separate projects will then be amalgamated with a view to charting a way forward for multiple identity work.

Now we pause briefly for breath and look to developing a number of interesting initiatives for implementation in the second half of the year.

These include:

1. A programme of employment equality reviews and action plans funded under the National Development Plan. These will assist enterprises to examine policies, procedures, perceptions and practices and their contribution to equality outcomes and to an equality focussed organisational culture.
2. The second anti-racist workplace week to be organised by the Equality Authority, ICTU, IBEC and CIF from November 5th to 9th. This will be preceded by a sustained public awareness campaign on the issue made possible by the new Anti-Racism Awareness Programme. The week will have a particular focus on workplace anti-racist training on which will be assisted by the National Consultative Committee On Racism and Interculturalism.
3. Developing a mainstreaming role within the new EQUAL Community Initiative. This will involve a north-south dimension with the Equality Commission for Northern Ireland. It will involve three strands:
 - a policy dialogue with relevant policy makers
 - a public profile for the learning from EQUAL.
 - capacity building within organisations providing labour market measures and services to enhance their equality strategies.
4. Initiating an equality studies unit funded under the Human Resources Operational Programme of the National Development Plan. This is a research initiative to assist equality outcomes from measures in the Human Resources Operational Programme. It will have a particular focus on Travellers, people with disabilities and refugees. Its work programme will address data issues, research and the development of resources to assist an equality focus in this area.

Niall Crowley

THE EU COMMISSION AND THE GENDER EQUALITY GOAL

by Marie Donnelly

Head of the Unit for Equal Opportunities
for Women and Men, European
Commission

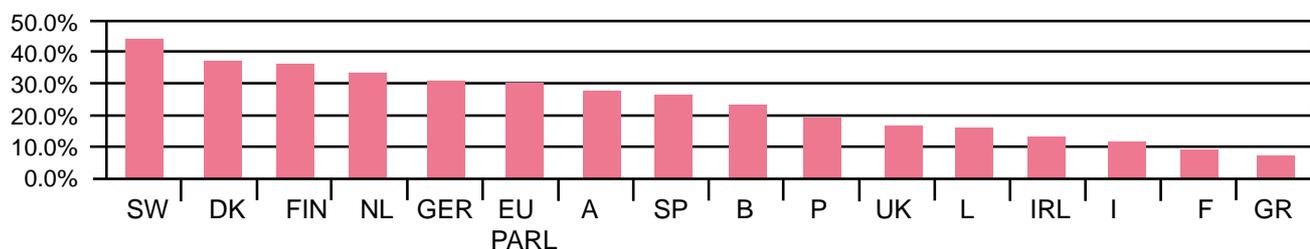
No politician would argue against gender equality as a goal. Perhaps that is the reason it is rarely the subject of political controversy these days, except for a few days after an election when the press briefly discuss how many women have won seats or have been appointed ministers. Whatever the explanation for the relatively low public profile of gender policies, it is certainly not down to a lack of political activity. Nor is it a sign, unfortunately, that inequalities have all but disappeared, or that women no longer feel discriminated against.

educated (see charts for details).

These and other inequalities are slowly diminishing, in a long war of attrition. The Europe-wide struggle for equal opportunities has been going on for some 25 years since the adoption of a first, and recently amended, European Directive on equal treatment in the labour market.

Over the past year or so, the Commission has been devising new tools and structures which it hopes will deliver progress more effectively. Many of the changes stem from the need to reinforce gender mainstreaming, that is to incorporate the goal of gender equality into all relevant areas of EU policy, be it employment, the environment or the euro. The Commission is pushing forward with mainstreaming at the same time as developing new measures aimed specifically at increasing gender equality. Both approaches are necessary and complement each other.

Women in lower houses of the EU national parliaments and European Parliament - 2001



Women today face many of the same problems they did thirty years ago. They are severely under-represented politically; fewer than one in seven seats in the Dail are filled by women, only one in three in the European Parliament.

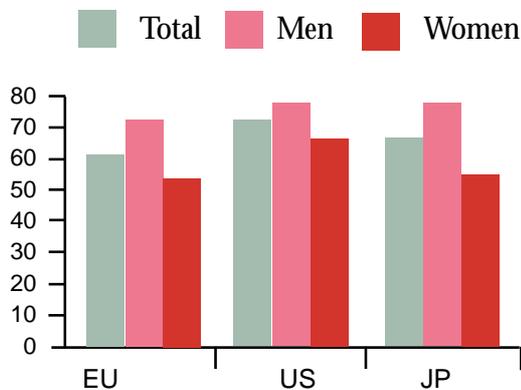
Women find it harder to gain access to the labour market, and face difficulties returning after having children; only 54% of women are employed in the EU, against over 70% of men.

On average, women's earnings are only about 80% of men's in the EU as a whole, considerably less in Ireland, even though they are now at least as well

At the heart of the Commission's work on gender equality is the Unit for Equal Opportunities for Women and Men, in the Directorate-General (DG) for Employment and Social Affairs. In line with the mainstreaming principle, the Unit has recently been given a strategic place in the DG's overarching "horizontal" Directorate. This means, in effect, that its activities are recognised as having a bearing on all other policies and units within the 'home' DG as well as across all DGs.

The new strategic position of the Equal Opportunities Unit is not the only indication of the importance the Commission attaches to promoting

Employment rates in the EU, US and Japan in 2000 (percentage of the 15-64 working age population)



gender equality. It can also be seen from a number of major new policy initiatives taken over the past 12 to 18 months.

The most important of these is the new Framework Strategy for gender equality (2001-05), which brings together for the first time all the different policy strands that tended to be dealt with in isolation from each other in the past. The Strategy focuses on five objectives, which provide a frame of reference for policy development and to which all Community gender equality initiatives will be linked:

- equality in economic life;
- equal representation and participation;
- equal access and full enjoyment of social rights for women and men;
- equality in civil life; and
- changing gender roles and overcoming stereotypes.

To ensure that the Strategy is properly implemented, each DG has been asked to report on what they are doing to put it into practice, and how they plan to incorporate the goal of gender equality into their policy-making process. This information then forms the basis of a programme summarising the work to be done by each Commission department.

A general annual work programme is also drawn up which identifies objectives for the Commission as a whole. The Work Programme for 2001 is the first of its kind. It sets out the work involved in implementing the Strategy, and identifies very

practical priorities for 2001:

- to assess the gender impact of policy areas not yet mainstreamed;
- to collect statistics broken down by gender;
- and to encourage women to respond to calls for proposals and expressions of interest.

The Programme also sets out the task of achieving a gender balance in all the various committees and expert groups advising the Commission. A committee is considered balanced when neither sex accounts for more than 60% of the membership.

The Equal Opportunities Unit is responsible for monitoring and promoting mainstreaming in all EU policies. However, it also has a direct responsibility for ensuring that its own DG's policies are properly gender mainstreamed, such as the European employment strategy, the European Social Funds, now coordinated with the employment strategy, and the new social inclusion process.

The labour market is a particular focus of attention, because it is at the root of many of the economic inequalities between women and men. The gender employment gap, and the pay gap have already been mentioned. The European employment strategy is designed to address these inequalities, and to achieve the target set last year of a 60% female employment rate by 2010. The strategy uses a mixture of guidelines dealing specifically with gender equality and gender mainstreaming other guidelines. The gender-equality guidelines focus on the need to develop indicators to measure inequality, to reduce gender gaps and labour market segregation, in particular to set national targets, and to encourage family friendly work practices that make it easier for women, and men, to combine work and home life.

Further, it is essential that the goal of gender equality is pursued through the other guidelines on training, entrepreneurship, and flexible working arrangements, for example. The purpose, as always with mainstreaming, is to make sure that apparently gender-neutral measures are not in reality more favourable to one sex or another, and that the needs of both genders have been taken into account. For instance, IT training for unemployed people may be an excellent thing in itself, but take-up rates are

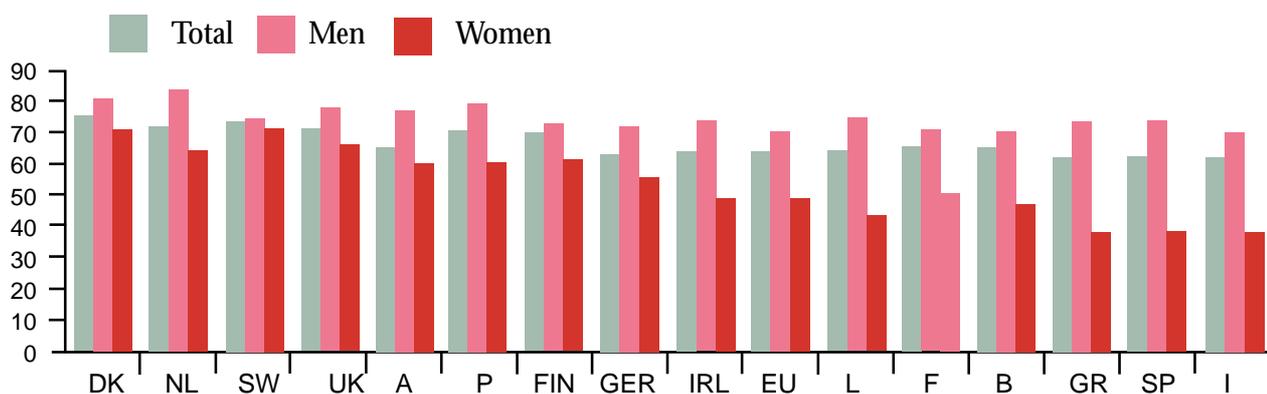
THE EU COMMISSION AND THE GENDER EQUALITY GOAL - CONTINUED

often higher amongst men than women. So an effort should be made to attract more women, to avoid further segregation of the labour markets and to ensure that women are not left behind, or are not simply passive users of computers, in the transition to the knowledge-based economy.

To be successful, gender equality policies rely on cooperation, dialogue and exchange of experience between political authorities, civil services, public bodies, social partners and NGOs. In addition, legislation is also necessary in order to guarantee certain basic rights, such as freedom from

The political will to fight discrimination and inequality quite clearly exists. However, such things cannot simply be ordained by political authorities at whatever level. Ultimately, the changes that really matter are changes in attitudes and behaviour in everyday contexts: in the work place, in schools, in the home, in society at large. No strategy for gender equality would be complete without a tool to support change on the ground. That is the rationale behind the Fifth Action Programme for Gender Equality, adopted last year to run in parallel with the Framework Strategy.

Employment rates in the European Union 2000 (% of working age population 15-64)



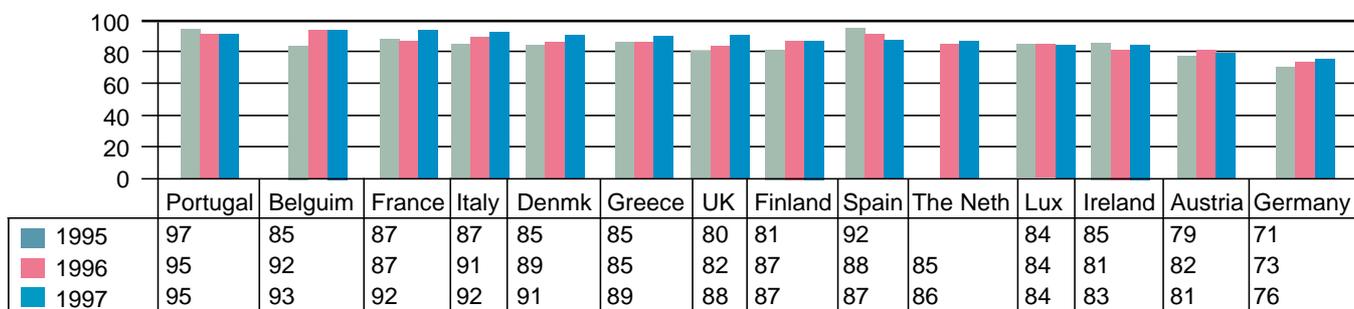
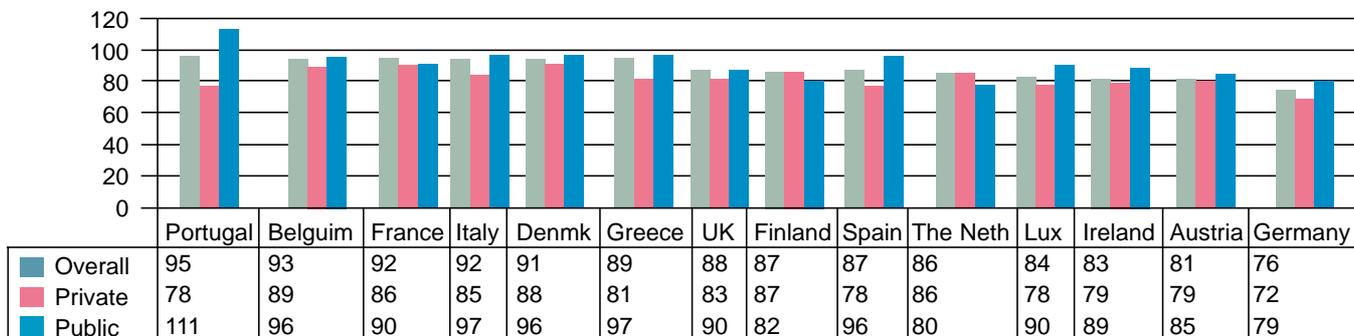
discrimination. To date, all EU legislation on gender equality has been restricted to economic matters, such as the labour market. That was because, in the past, the EC Treaty contained no provision enabling the Commission to propose legislation in other areas.

The latest amendments to the Treaty have changed this: anti-discrimination is no longer seen purely in economic terms, but as a question of human rights, which the EU is now able to defend. Over the coming year, the Commission will consider how to use this new Treaty provision (Article 13) to extend the fight against discrimination on the grounds of sex. This year, it has already amended the 1976 Directive on equal treatment, giving new, clearer definitions of direct and indirect discrimination and classing sexual harassment as discrimination for the first time.

Through the Programme, €50 million will be available from 2001 to 2005 to fund: awareness-raising measures; analysis and evaluation of policies affecting equality; and the forging of equality networks linking EU institutions, national authorities, social partners and NGOs. These activities, in turn, serve three objectives:

- to promote and disseminate good gender-equality practice and the values underlying it;
- to provide insight into the issues related, directly or indirectly, to gender discrimination by finding out where it exists and exploring policy responses; and
- to develop the capacity of key players, such as NGOs and social partners, to promote gender equality.

Gender pay gap (1997) Overall - public:private sectors



Each year, a priority theme will be focused on in the activities funded by the Programme. The theme will be equal pay in 2001/02, family-friendly policies in 2002/03, balanced participation in decision-making in 2003/04 and overcoming gender roles and stereotypes in 2004/05.

This whistle-stop tour of Community policies for gender equality necessarily omits much of the detail. More information can be found on the Equal Opportunities website http://europa.eu.int/comm/employment_social/equ_opp/index_en.htm on the Europa server, or in the Annual Report on equal opportunities between women and men (COM (2001) 179 final).

It should be clear from the sheer number of initiatives that this is an extremely dynamic policy area at present. This stems from a recognition within the Commission of the benefits of greater equality and greater female participation, not just for women themselves but for our political systems our economies and our societies in general.

E.U. UPDATE

by Brian Harvey



2003 - Year of People with Disabilities

It is planned to spend 12m Euros on the European year for people with disabilities, now set for 2003. Social Affairs Commissioner Diamantopoulou's proposal was adopted by the Commission on 30th May and has been sent to the Council of Ministers for approval. The proposal states that 38m people in Europe (10% of the population) have some form of disability. The purpose of the year is to raise awareness of the rights of people with disabilities; and to encourage reflection, discussion and action about the measures now required to promote equal opportunities. Funding will go to awareness activities, events, meetings and reports at European and national level.

Eurobarometer, the Europe-wide polling body, has just concluded a survey on attitudes to people with a disability. It was carried out across all the member states and a total of 16,000 people were polled. It found strong support for more measures to integrate people with a disability (97% in favour) and for the removal of physical barriers faced by people with a disability (93% in favour).

European Ombudsman attacks ageism, sexism and lack of access to documents

The European Ombudsman, Jacob Soderman, has written to 21 European institutions and agencies demanding that they inform him of any age limits that they apply in recruitment tests. He believes that some of these bodies are still applying age limits in their recruitment procedures, some from the age of 35 years. He has told them that unless they have a formal and sound legal basis for such limits, they will have to change their practices.

In addition, the Ombudsman has condemned the Commission for sexism for refusing to take on part-

time staff on secondment from the member states. The Ombudsman's condemnation followed a complaint by a British civil servant who had been set up for a posting to Brussels, but who was forced to withdraw because the Commission insisted on full-time working only. This, said the Ombudsman, constituted discrimination against women who would be disproportionately affected by such a rule.

On access to documents, he again attacked the Commission for its over-zealous citing of data protection and the abuse of its powers in withholding public documents. This is especially relevant in the light of the Commission's refusal to supply documents on equal opportunities and discrimination in public procurement.

European parliamentarians warn about discrimination against Gays and Lesbians in Romania, Malta and Cyprus.

Members of the European Parliament have warned Romania that they will try to hold up Romanian accession to the EU if it does not take its discriminatory laws against gays and lesbians off the statute book. Malta and Cyprus are likely to come under fire too, for their laws on sexual orientation are also problematical. They draw attention to article 200 of the Romanian penal code which outlaws sexual relationships between people of the same gender either in a public place or "in a manner which causes public scandal". The civil rights group Human Rights Watch says that young gay men have been beaten up by police purely for associating in public. The advisor to the parliamentarians has reported that it proved impossible for them to get gay and lesbian people from Romania, Cyprus and Malta to attend a Brussels conference on the issue at the end of June - they were afraid that attending would draw attention to themselves. The Parliamentarians have written to the Commission to

ensure this issue is sorted out before Romania joins - and have also sent a public warning to Romanian Prime Minister Adrian Nastase.

Situation of Roma in Slovakia

The situation of the Roma has featured several times in the accession process for the countries of Eastern and Central Europe waiting to join the European Union. Several states have come under criticism for their failure to protect and promote adequately the rights of their Roma minorities. Speaking before the European Parliament in May, the Slovak President Rudolf Schuster gave MEPs details of his government's "Project on eliminating the unfavourable situation of the Roma national minority". He said that Slovakia had developed a common approach in conjunction with its neighbour, the Czech Republic.

Other Issues

Other issues highlighted in the most recent European Briefing provided for the Equality Authority include:

- Europe's contribution to world conference on racism, xenophobia, anti-semitism and intolerance.
- Approval of European Commission's Annual Report on gender equality.
- Baltic, Nordic states make progress on women's equality.
- Themes of the Belgian presidency of EU include Equal Opportunities.
- Implications of rejection of Nice treaty for equality and discrimination.
- European Court of Justice - Three discrimination cases under consideration.
- Irish EQUAL programme approved - 47m Euros for equality and social inclusion.
- Invitation by Commission of further proposals for the 2001 budget of European Refugee Fund.

- Funding of minorities and multiculturalism in Europe
- European Union & Council of Europe Publications

The above is a summary of the most recent European Briefing provided by Brian Harvey for the Equality Authority. The full briefing is available from Majella Walker (Telephone +353-1-4173354 or email Majella_Walker@equality.ie)

The Women's Education, Research and Resource Centre (WERRC) at UCD invites applications for admission to its one-year fulltime or two-year part-time course leading to the MA and the Higher Diploma in Women's Studies, also for the research degrees of MLitt and PhD. Late applications will be accepted until 1 September 2001. Further information and application forms are available from

*WERRC,
tel: (01) 716 8571
e-mail: werrc@ucd.ie
website: <http://www.ucd.ie/~werrc>*

EQUALITY AUTHORITY LAUNCHES ANNUAL REPORT 2000

By Deaglán Ó Caoimh

The launch on 3 July 2001 of the Annual Report 2000 of the Equality Authority was a milestone in the continuing story of equality and diversity in Ireland.

Ireland's equality legislation is uniquely broad and comprehensive and the report on the first full year of implementation of the legislation is of special significance in terms of establishing a benchmark by which future trends may be assessed. The Authority's statutory role covers discrimination arising under the nine grounds of gender, marital status, family status, sexual orientation, race, religion, membership of the Traveller Community, age and disability.

This first Annual Report of the Equality Authority vividly illustrates the scale of discrimination. In 2000 there was a high level of queries to the Authority - 9,318 in total. By the end of the year we were dealing with nearly 1,800 queries a month - 40% of queries related to the provision of goods and services under the Equal Status Act, 16% concerned workplace issues under the Employment Equality Act and 44% were information queries on parental, maternity and adoptive leave.

The caseload of the Authority at the end of 2000 consisted of 202 cases under the Employment Equality Act and 14 under the Equal Status Act - a total of 216 (the caseload in July 2001 stands at over 500). Gender was the dominant workplace ground accounting for nearly 60% of cases. The disability ground accounted for 14%, the age ground 7%, the

race ground 7%, the sexual orientation ground 5%, the Traveller ground 2% and the religion and marital status grounds 1% each. The Traveller Community was the dominant equal status ground accounting for 43% of cases followed by the age ground at 29%, the sexual orientation ground 21% and the disability ground 7%.



The core of the Annual Report is the detail given in three distinct chapters of the extent to which the three Key Objectives of the Authority, as outlined in its Strategic Plan, were achieved in 2000. Each chapter contains an interesting analytical piece too.

Key Objective 1 is: ***We will promote and defend the rights established under the Employment Equality Act, 1998 and the Equal Status Act, 2000.*** This was achieved in 2000 through efforts in the areas of information, casework and communications. The analysis in this chapter centres on the way in which the enforcement duties of the Authority underpin social change and specifically on the various landmark anti-discrimination decisions made in 2000. One of the challenges facing the Equality Authority is the development of all nine grounds on an equal footing with no diminution of gains already achieved in the gender area. In 2000 cases were taken on eight of the nine grounds. Gender cases constituted over half of the cases which is no surprise given that there is over 20 years experience of gender anti-discrimination legislation.

It is surprising and regrettable that sexual harassment and pregnancy-related discrimination are still so prevalent. Harassment is also emerging as an issue across all grounds. In cases taken on the age ground, access to promotion is the most regular area of complaint. Access to employment is a major issue with cases taken on the disability, race and Traveller Community grounds. Two claims that were settled on the disability ground involved the provision of reasonable accommodation. Dismissal is an issue in cases on the sexual orientation ground. The Equality Authority has sought to establish why there is a low level of cases under the grounds of race and sexual orientation in particular.

As regards cases the salient points are:

- The biggest achievement in the area of enforcement was the landmark recommendation of the Labour Court in *Dr. Noreen Gleeson -v- the Rotunda Hospital and the Mater Hospital*. The



award of £50,000 was the highest award made to date in the area of gender discrimination and was significantly higher than earlier awards and marked a sea-change in the potential for discrimination awards. This was reflected in the settlement of £40,000 which was achieved subsequently in a pregnancy discrimination case. The rights which are afforded by the legislation can only be enforced in a meaningful way by the award of significant compensation. The challenge is to ensure that compensation awards are effective, proportionate and dissuasive on all of the nine grounds.

- Another significant development was in the area of age discrimination. The recommendation of the Office of the Director of Equality Investigations (ODEI) in *Equality Authority -v- Ryanair* was the first European decision on discrimination on the ground of age.
- The recommendation of the ODEI in the *Keane -v- CERT* case reinforced earlier recommendations on dress codes. With the implementation of the Equal Status Act, 2000 these recommendations may have consequences for the wearing of uniforms not only in the workplace but also in schools.
- The duty of employers to transfer alleged sexual harassers rather than the victim was a significant development in the area of protection from sexual harassment (as indicated in a *Female Claimant -v- a Hospital*).

A reluctance to identify and draw attention to yourself has been suggested as an explanation for low take-up in these areas. The exemption for religious, educational and medical institutions in Section 37 of the 1998 Act is also presented as a major obstacle to claims of discrimination on grounds of sexual orientation.



Key Objective 2 is: *We will support the development of a capacity to realise equality outcomes in the workplace and in the provision of goods, facilities, services, education and accommodation.* This was achieved through a number of measures including work on codes of practice, convening advisory committees on the equality agenda for older people and for gays, lesbians and bisexuals; organising with ICTU, IBEC and CIF an anti-racist workplace week; and projects to support the employment of people with disabilities. The chapter contains an analysis on the theme of partnership as a basis for development and specifies the many means by which the Equality Authority's commitment and engagement in this sphere is expressed.

Key Objective 3 is: *We will contribute to a mainstreaming of equality within the private and public sectors and a focus on equality issues across society.* This was achieved through actions aimed at introducing equality reviews and actions plans in the workplace and promoting equal opportunities in State-Sponsored Bodies. Other initiatives used were the development of methodologies for equality proofing of planning, policy and provision and contributing to an equality focus in the National Development Plan, Employment Action Plan, Strategic Management Initiative and the National Anti-Poverty Strategy. The analysis here is on mainstreaming as a means for effecting real change in terms of placing equality considerations at the heart of all decision-making.

The Annual Report devotes a special chapter to the strong and beneficial relationship that developed between the Equality Authority and the Equality Commission for Northern Ireland. That relationship was realised in 2000 through the joint preparation of a text on co-operation in the Equality Authority's Strategic Plan, a joint working group bringing together both Chairpersons and Chief Executive Officers, a joint Board meeting held in Dublin, an opening up of three themes identified for co-operation i.e. mainstreaming equality, the integrated equality agenda and EU Structural Fund allocations, and a joint conference on Human Rights on the Island of Ireland hosted in Dublin Castle with a number of other organisations. This chapter also describes the East-West co-operation undertaken through the Joint Equality and Human Rights Forum.

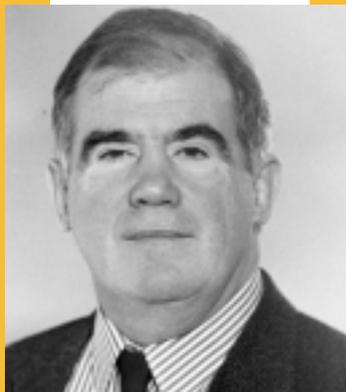
Finally, the Report contains a current Organogram of the Authority and a useful list of publications as well as appendices giving the membership of committees of the Board of the Authority in 2000 and the bodies on which the Authority was represented in 2000.

In the words of Kate Hayes, the Chair of the Equality Authority in her foreword to the Annual Report "In all this we are only at the start of a venture that must lead us to a fairer and more equal society. We are enthusiastic about this vision and to work with all those who share this vision - and they are many. A new consensus, a new dispensation and new commitment must be a source of optimism. However our optimism must be tempered by the realisation of the unacceptable scale of discrimination and inequality in our society. Real change in this context will be the only measure of our work."

Copies of the Annual Report 2000 of the Equality Authority are available from Majella Walker (Telephone +353-1-4173354 or email Majella_Walker@equality.ie)

BE DIFFERENT BE EQUAL: EU ANTI-DISCRIMINATION PROJECT

By Robin Webster, Age Action Ireland



Left: Robin Webster

Launches

The handbook and photo exhibition of this European anti-discrimination project was launched by Niall Crowley, Chief Executive of the Equality Authority at the Equality Authority on 6 December 2000. There were further launches in 22 January by Michael D Higgins, TD in the Galway Central Library and on 23 January at the Higher Education Equality Unit, UCC. Overall the response has been encouraging even though the posters have raised some eyebrows. Now we want the support of interested organisations and individuals in using the handbook and exhibition to get more people thinking and discussing equality issues in all parts of the country. Copies of the handbook and the exhibition brochure are available from Age Action Ireland and OUTHouse. Organisations are very welcome to borrow the poster exhibition for conferences, exhibitions and other events. All are free of charge except for the cost of postage or transport.

Background

Be Equal Be Different was one of 15 projects funded by the European Union in 2000 as part of its programme to combat discrimination under Article 13 of the Amsterdam Treaty. This project focused on age, ethnicity, gender and sexual orientation. The nine partner organisations from four countries were: -

Italy - Arcigay and Associazione Generazioni.

Ireland - Age Action Ireland and OUTHouse

Finland - Finnish Institute for Occupational Health and SETA

The Netherlands - Landelijke Bureau Leeftijdscriminatie (LBJ), E-Quality experts in gender and ethnicity and N.V.I.H COC.

The project was ably managed and co-ordinated by

the Dutch partners with Nel van Dijk, Director of LBJ, as manager, supported by Williemien Ruygrok of E-Quality, and Karen Kraan of N.V.I.H COC, as administrator.

All the organisations had had experience of working in at least one of these grounds of discrimination but none of us had had experience of all of the grounds. This meant that we had to share our knowledge and experience and learn much more about discrimination from various perspectives. For example, in Ireland the project brought together Age Action Ireland and OUTHouse, two organisations who had hardly heard of each other, never mind worked together! We have had to discuss the kinds of discrimination experienced by older people and gay and lesbian people in Ireland and now we are considering the issues facing older gay and lesbian people. In addition to comparing the needs and circumstances of our own groups, we have had to place our work in the wider context of other groups and other countries and cultures.

The central thrust of the whole project is that the nature, causes and results of discrimination are largely similar, regardless of the specific grounds or context in which it occurs. Ignorance and fear are powerful causes of discrimination and fear, loss of self-image and exclusion are its damaging results. The basic assumption, therefore, of the handbook and exhibition is that common approaches can and should be developed to combating discrimination and promoting equality throughout Europe with different groups and in different settings. Different styles and methods may be used by different organisations and countries and the exchange of information of these differences will serve to improve good practice throughout Europe.

Be Equal Be Different - Tools for Change

The handbook is a mixture of theory and practice aimed at people involved in equality issues in companies, schools, statutory bodies and voluntary groups. The early chapters explore the nature of discrimination and the development of the idea of diversity with a continuum by which to compare the performance of an organisation in promoting equity. Other chapters question the myths that equality has already been achieved, and that tolerance develops naturally with intelligence and education, and contain a survey of the thinking within the European Union which has led to a greater concern about the concept of quality of life, of which equality is a vital component.

The rest of the book concentrates on good practice with a Be Equal Code of Good Practice, which provides a checklist for use by organisations in measuring their performance under the headings, Policy and Communication; Quality; Human Resources Policy; Products/Outputs of the Organisation; Law and Legislation. The guidelines for good practice are applied to four areas, education; employment; media and goods and services. The examples of good practice wisely include The Equality Authority in Ireland.

Be Equal Be Different - Images of Diversity

The 16 photographs in the photo exhibition were chosen by photographers from Finland, Ireland, Italy and The Netherlands to represent their views of discrimination on grounds of age, ethnicity, gender and sexual orientation. These images are intended to present diversity and to encourage people to react and discuss their own views and images of our increasingly diverse society. The public response through our feedback forms has been equally diverse ranging from very positive to the highly critical, but there is little doubt that they have succeeded in stimulating debate. Some people have reacted angrily to the nakedness of some issues, especially that of the lesbian family, while the image of Traveller children seems to have resulted in less comment.

But different people react in different ways according to their own experiences, beliefs and

prejudices, and their reactions may be difficult for others to anticipate. I certainly didn't anticipate the rapt attention of Irish people in Galway and Cork as a Dutch woman explained that one of the images highlighted the current concern in the Netherlands about legislation to enable same sex couples to marry and for lesbian couples to have children through artificial insemination. The same Dutch woman explained to a largely ignorant Irish audience including me that the image of the woman reading a holy book might be shocking to fundamentalist Islamic and Jewish communities, in which such reading was forbidden to women.

The photo-exhibition and the handbook are offered as new tools in the fight against discrimination. We should be glad if you joined us in this fight, use these tools and make them better. In the meantime, the project has been extended for a second year and we are going to use it to develop pilot training courses to improve our knowledge, attitudes and skills in combating discrimination in all its forms.

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'One of the biggest obstacles to obtaining equality is the widespread myth that equality has already been achieved!'

'People can be different and yet be peers'

'If you are not part of the solution, you're part of the problem!'

WORKING TOGETHER:

CO-OPERATION IRELAND

By Liam McGlynn

As I write this article about how the community sector in the Republic of Ireland can play a supportive role in the peace process, that process is yet again plagued by crisis after crisis. One wonders has it ever been any other way really. The negativity is contributed to by the media's fixation with trouble. We rarely hear reports of the efforts of community and youth workers and many other professionals and volunteers in the community who are making peace a reality for the divided communities in Ireland.

I recently heard two women from a mixed republican and loyalist housing estate speak of the risks they took as community workers to work together to overcome the poverty and social exclusion experienced in that area by all sections of the community. This involved moving beyond the traditional enmity in a common purpose. They encountered resistance from the local paramilitary leaderships as well as struggling to make a case to the relevant state authorities to commit resources to the area. They managed to engage the community in drawing up a local area action plan that would serve the needs of all the community. This kind of peacebuilding rarely makes the front pages.

It is also positive news that some groups North and South celebrated the third anniversary of the Multi-Party Agreement of 1998. The Dialogue for Change Project celebrated the Multi-Party Agreement by hosting a Kites for Peace Workshop on 8th June 2001 at the City Arts Centre in Dublin. Participants came from a range of youth and community projects in Dublin, the South East and the Border counties. The young people and adults displayed a lot of creativity and produced wonderful kites. The kite is a good symbol for peace and provides a positive alternative to partisan flags and banners and weapons of war that fly in war-weary places throughout the world.



Left: Liam McGlynn

Co-operation Ireland's Dialogue for Change project was set up in 1999 as a response to the peace process. The project aims to raise awareness and dialogue about the peace process and the Agreement particularly in the South. The same work is undertaken in Northern Ireland by Community Dialogue our partner project. Most community and youth groups in the Republic of Ireland wish to play a role to support the peacebuilding process.

The peacebuilding role of communities in the South can be facilitated through the Strand 2 elements of the Agreement relating to North/South relations. There are opportunities to play a constructive role through the work of the Human Rights Commission, the Equality Authority and the positive relations between these bodies North and South. The Agreement provides that the North/South Ministerial Council consider the establishment of an independent consultative civic forum from state, social partners and community sectors North and South to consult on social, cultural and economic issues. There is broad support for such a forum and the two administrations are exploring the idea.

Dialogue for Change has a small grants fund and groups are welcome to apply for funds to run workshops and courses on the project themes of conflict & peace, equality, human rights, participatory democracy, and anti-discrimination.

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EMPLOYMENT FOR PEOPLE WITH DISABILITIES



A recent article in the Irish Examiner stated that a: "study in 1996 found that just 1% of the workforce in the private sector was made up of people with disabilities, compared to 3% in the public sector". Five years on this is still likely to be the case. So what is being done to address the

issue of employment for people with disabilities? In the last year the Equality Authority and the Dept. of Justice, Equality and Law Reform worked in partnership on a range of initiatives to support and encourage organisations to meet the 3% employment target of people with disabilities within the Public Sector.

Although the 3% target has been around for many years there is still some way to go until it is fully achieved. The most recent push towards the achievement of the target springs from a commitment in the Programme for Prosperity and Fairness which states that:

"Every Department will take appropriate action to ensure that agencies under its aegis achieve the 3% target for the employment of people with disabilities in the Public Service at an early date"

The Equality Authority and the Dept. of Justice, Equality and Law Reform came together in the Summer of 2000 to discuss how we could raise awareness of the 3% target. The result of these discussions was the organisation of 8 regional seminars, the commissioning of a research project and the production of a brochure to promote the 3% target and the provision of guidelines and information to those involved in implementing the target.

Regional Seminars

Chief Executives and Personnel/Equality Officers of all Public Sector bodies, including Local Authorities, Health Boards and Semi-state bodies were invited to one of eight regional seminars held in each Health Board area. These were held from September to December 2000 in Dublin, Donegal, Galway, Cork, Limerick, Kilkenny, Tullamore and Cavan. The aim of the seminars was to raise awareness of the 3% employment target and the Government's commitment to achieving the target before the end of 2002.

A range of Government Ministers and Ministers of State attended the events throughout the regions. The purpose of engaging a range of Ministers was to emphasise the commitment of the Government to the achievement of the 3% target in the Public Sector by the end of the Programme for Prosperity and Fairness.

The seminars provided an opportunity to learn more about the 3% target, how to recruit and retain people with disabilities, how to redesign job specifications and adapt the workplace and how disability awareness training can help. The morning of each session involved a number of speakers and a question and answer session. The afternoon session consisted of disability awareness training with practical case studies, input and group discussion. The speakers and trainers came from a wide range of backgrounds and experiences and changed with each seminar.

The delegates who attended the regional seminars were interested in the topic and seemed keen to learn more about disabilities and what they could achieve within their organisations. We were very pleased with the level of interest shown by the delegates many of whom were clearly very determined to improve the situation for employees and potential employees with disabilities.

It is the hope of the Equality Authority that where organisations were unable to send senior managers to the seminars, the enthusiasm of those who did attend will receive the practical support and encouragement of senior management. With this support the chances of successful implementation of new proposals will be significantly enhanced.

Research Project

Another initiative was the commissioning of a research project on the "Effective Recruitment of People with Disabilities into the Public Service". The research was carried out by Dr. Pauline Conroy and Sarah Fanagan of Ralaheen Research & Design Ltd. and is due for publication shortly.

The aim of the research project is to compare and contrast the recruitment and employment practices of 6 Public Service bodies comprising 2 Health Boards, 2 Local Authorities and 2 Semi-state bodies. Each category comprised one organisation with a good record in relation to the 3% target and one with a poor record in relation to the 3% target. The aim of the project is to discover what each body is

doing in relation to recruiting and retaining people with disabilities. If there are differences in what the organisations are doing, is this reflected in how they perform in relation to the 3% target? The project will inform the development of a resource pack and the further implementation of the 3% target.

Brochure and Resource Pack

A brochure entitled "Positive Action for People with Disabilities" was launched at the first regional seminar in Dublin on 10th September 2000. The brochure was designed to raise awareness of the 3% target and the Government commitment to achieving it. We hope to follow up with a Disability Resource Pack which will go further and give more specific advice and information on recruitment and selection procedures, workplace adaptation, equality legislation, definitions of disability etc. The content of the resource pack will be designed to address particular problems expressed by delegates at the seminars and relevant issues which arise from the research project. **"When we talk to employers about the disabled people they've recruited they always indicate that following proper preparations with agencies they are successful."** Robert Greer, Director of Corporate Affairs IBEC, Irish Examiner (20.6.01).

Case Study of Good Practice

A good example of what can happen with commitment and determination across an organisation is Waterford Crystal's Horizon Project "Creating Options for Disabled Employees" (CODE). The project which took place over an 18 month period from 1998 - 1999 was the only employer led Horizon project in Ireland and only one of a few in Europe. The purpose of the project was to develop the skills and knowledge of disabled employees and to enable them to participate more fully in the workforce. A number of short information and communication sessions were organised to explain the nature of the project and how it fitted with the overall business needs of the company. The project was also discussed at a forum for management and trade union representatives and at Management Team meetings.

Trainers for the project were selected from the existing workforce. Interested candidates were interviewed and once selected underwent training to ensure that they had the necessary knowledge, skills and attitudes to facilitate people with different needs.

Workplace Adaptation - Getting the Basics Right

Prior to the commencement of the project Waterford Crystal asked National Rehabilitation Board Access Officers to carry out a comprehensive access audit of the company's premises including the manufacturing plant and the Visitor Centre. The company then carried out "significant" refurbishment including the provision of accessible toilets, access ramps, access doors to the plant, access to the canteens and vibrating pagers for emergency procedures for deaf people.

If an organisation is serious about employing people with disabilities it is very important that workplace environment is examined and that the physical barriers to employment are removed. At the very least it shows a real commitment to including and welcoming people with disabilities whether they are employees or customers.

Who were the participants?

Participants on the project involved existing workers with disabilities, workers on long term disability and members of the external community. The participants had a wide range of disabilities e.g. physical disabilities, learning difficulties, hearing and speech difficulties, visual impairments, traumatic brain injuries and mental health problems. The training programme they undertook included modules on IT, Teamwork, Health & Safety, Quality, Business Awareness, Communications and Customer Care. This was followed by 4 weeks work experience and the setting up of a Job Club for participants who were not already employees of the company.

What were the benefits of the project?

The benefits to the company included enhanced relations between Management, Trade Unions and employees and a unified approach to achieving competitiveness. There were also the benefits of improved facilities, enhanced reputation as an Equal Opportunities Employer and the development of capacity of staff and management.

Benefits to participants were increased skill profiles and improved employability. 15 participants (mainly external participants) were offered contracts of employment with Waterford Crystal, one participant established his own business while others

undertook further studies.

Fear of the unknown...don't let it stop you achieving something worthwhile

The final evaluation of the CODE project states that "initially, despite the willingness to undertake the initiative, serious concerns were voiced by a number of people particularly at middle management level about taking in such a large number of people with disabilities".

It goes on to state that "We are all bowled over by the acceptance of the workforce of our participants and the integration of the participants into the mainstream workforce...we had real concerns about their work ability and again we had our minds opened as to what they can do...I think what we have learned is that the barriers to employing people with disabilities are primarily psychological, from a management point of view".

Some positive initiatives in the Public Sector

Western Health Board - Disability Awareness Survey - April 2001

The Western Health Board carried out a disability awareness survey among staff, senior management and service users. Results overall were very positive. Disability awareness among staff was very good and people with disabilities were perceived as capable of working in the Health Service. Physical barriers were seen as the main obstacle to employing people with disabilities.

Project to review the duties of clerical officers in the Civil Service - Dec 2000

The Civil Service Equality Unit of the Department of Finance requested FAS and the National Council of the Blind of Ireland to review the duties of Clerical Officers in the Dept. of Social, Community & Family Affairs and the Dept. of Finance to discover which duties would be suitable for persons who are blind or visually impaired. During the project representatives of both Departments were given demonstrations of the aids and information technology supports available to people who are blind and visually impaired in the workplace.

The research suggested some reasonable measures which could be taken by Departments to facilitate the performance of Clerical Officer duties by persons who are blind and visually impaired such as

- Personal readers
- Employment Support Scheme
- Workplace Equipment and Adaptation Grant
- Disability Awareness Training for Staff
- Design and layout of work areas
- Job redesign
- Positive to Disability
- Accessibility of information

Midlands Health Board

The Midlands Health Board recently advertised specifically for people with disabilities. Advertised in the local papers and on local radio invited applications from people with disabilities. The project was very successful. Candidates were interviewed and any special training needs they had were discussed. Some candidates underwent training and subsequently took up employment with the Health Board.

Dept. of Justice, Equality and Law Reform - 3% Monitoring Committee

A poster and brochure on "Positive Action for the Employment of People with Disabilities" were organised for distribution at the recent Public Service Careers Expo 2001. The aim of this brochure was to encourage people with disabilities to apply for jobs in the Public Service. The brochure contained details of the type of organisations which make up the Public Service and information on how to go about applying for jobs. It also provided contact details for further help and information.

Your company can take some action to recruit people with disabilities whether it is in the Public or Private Sector. What it takes is commitment, a focus on the issues and a determination to succeed. There are agencies such as FAS who will provide help and assistance and there are many people with disabilities waiting for the chance to work. If your organisation has undertaken any initiatives to recruit or retain people with disabilities we would be delighted to hear about them. If you have any ideas on how we can make progress in this area don't keep them to yourself, let us know about them. You can contact Martina Kelly at the Equality Authority, Clonmel Street, Dublin 2, email Martina_Kelly@equality.ie

PUTTING EQUALITY AT THE HEART OF EMPLOYMENT :

Equality Reviews and Action Plans Scheme By Marie Mulholland

One of the most exciting initiatives which the Equality Authority is currently developing goes to the heart of the Employment Equality Act 1998 and involves the active promotion of equality and diversity in the workplace. Under the Equality for Women Measure of the National Development Plan, the Equality Authority is tasked to produce a methodology for gender-proofing personnel policies. A substantial allocation of funding has been directed to this initiative. The methodology being deployed is the preparation of equality reviews and action plans covering nine grounds which will incorporate gender proofing, a focus on different groups of women and a capacity to reflect this within the new context created by the equality legislation.

The Equality Reviews and Action Plans Scheme is a developmental project and not to be confused with enforcement reviews which the legislation also accommodates. The development scheme is a voluntary initiative involving the full co-operation of the employer and trade unions or employee representatives within organisations. The aim of the scheme is to support and assist employers from all sectors to undertake a thorough review of their current policies, procedures and practices. This is done with a view to identifying initiatives, changes in practice and, where appropriate, positive actions that can lead to the equality outcomes in recruitment and employment and promote best practice harnessing the full potential of all those within the workforce.

Extensive consultation with employers, trade unions and representative organisations from the nine grounds has informed the design of a template to aid the reviews. The template identifies the processes and policies which affect access to employment and the conditions of work for employees from a diverse range of backgrounds. It also poses key questions to assist in the examination of the work environment and organisational culture. The template is the first resource which the Equality Authority is providing to employers who take up the scheme. However, if the template is to be utilised effectively as a tool, expertise in its use is required. Thus, the second element of support from the Equality Authority is the availability of a panel of trained equality auditors who will conduct the reviews using the template.

The auditors will work to an Equality Committee formed from within the participating enterprise. If the reviews are to be successful, Equality Committees must have the following components; senior management representation, trade union/employee representation, human resources and/or equality personnel and representation of any minority staff currently in the workforce. The Committee will oversee the work of the auditor and will be responsible for ensuring that the agreed Action Plan arising from the Review is implemented.

The third element of Equality Authority support to employers will be the resourcing of the review and action plan process with funding to undertake the reviews. The Equality Authority will also have a role in providing quality assurance of the process and the work of the auditors.

Currently, the development of the scheme is at an advanced stage, with the template ready, an auditors panel selected and specialist training being provided for the auditors. The scheme is soon to be launched and a call for employers to apply to participate will appear in the press in due course. Employers from all sectors are invited to apply and SMEs as well as larger enterprises are eligible. A demonstrable commitment at the most senior level of the organisation to actively developing and promoting best practice in employment equality and the accommodation of diversity is an essential prerequisite for any applicant enterprise. That commitment married to the resources and expertise available through the scheme will significantly contribute to the kind of change in the employment environment that makes equality not only good for people but good for business.

For further information on the Equality Reviews and Action Plans Scheme please contact:

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CASE REPORTS

SIGNIFICANT AWARD IN VICTIMISATION CASE

In May of this year an employee of Dublin Corporation, was granted an award totaling £40,000 against Dublin Corporation in a victimisation case which was supported by the Equality Authority and which sends a clear signal to employers.

A successful case was originally taken against the Corporation for discrimination in December of 1996, under the Employment Equality Act, 1977. The discrimination related to a competition for promotion, and the original compensation awarded on appeal was £1,000.

In a new case taken by the employee, it was alleged that she had been victimised as a consequence of this earlier case. The type of incidents which occurred included, the employee not being spoken to by a manager for over three years and being excluded by colleagues at work and in social activities outside working hours. An internal investigation was also held which proved to be unfair to the complainant.

The claimant was found to have been victimised as a result of the previous case. The award amounted to £20,000 for the distress endured before the 18th

'Too old' woman wins landmark case against solicitors

Lough Sheehy

WOMAN dismissed because she was too old has won her case against age discrimination in the Labour Court - first case of its kind in Europe.

The woman, in her fifties, was employed as a legal secretary by a firm of solicitors.

The case told the way being made

"There is no doubt that this is a significant judgment which once again draws attention to the discriminatory treatment of older workers," said Authority CEO Niall Crowley.

It has also been welcomed by the Age and Opportunity Group. Chief Executive Catherine Bose said it was "heartening that we now have legislation that can be relied on by people

experienced workers.

"This exploitation is ill-involves wastage in not valuing experience and knowledge.

"The success of this claim award of compensation sends a message to discriminating employers that prejudice not only reduces productivity, it reduces your own base and is costly in its

October 1999, and a further £20,000 for distress since that date. The Equality Officer in her decision also reiterated that victimisation of this nature arising from someone taking a case of discrimination under the legislation 'is very serious' and in addition to the monetary award, Dublin Corporation was ordered to update its Equal Opportunities Policy and Positive Action Programme.

The Equality Authority stated that this type of victimisation could potentially undermine our equality legislation and that it was essential that victimisation on foot of making a complaint under the legislation be contested and that anyone who sought to establish their rights to non-discriminatory treatment were not penalised in the workplace as a result. However, the success of this case and the amount of the award provides such assurance.

Rachael Argent, who lost her job as legal secretary when the company decided to hire a younger woman.

Hailing the decision as the first of its kind, the Equality Authority said it highlighted the "discriminatory treatment" many older workers faced. A spokesman added that Ireland

Labour Court relevant if lost her job on age grounds.

The court found that at some time before her dismissal, the firm decided to employ a young person who could be trained in quasi-legal and secretarial services, and that despite her experience in both areas, the

in a letter to the firm on the day following her dismissal, she recited her version of the conversation, and in a reply two days later the firm did not disagree with her account.

The Labour Court ruled that the company had reserved the

argued that not permanent decided that her discrimination

made up of the third highest, which and promotion

vir e g

redesign personal, but meet most of the £6,000 amount

Wel Equality tive M success out a manager

"Age economic cheap to register experience

FIRST EQUAL STATUS AWARD IS FOR TRAVELLERS

The Equality Authority welcomed the first successful case under the Equal Status Act 2000, as published by the Office of the Director of Equality Investigations (ODEI) on March 30, 2001, awarding £300 each to two Travellers who were refused more than one drink in a public house. This decision opens up a new body of case law in the Irish context and breaks new ground in its finding of discrimination by association.

The Traveller ground makes up to 59% of casework in the Authority under the Equal Status legislation. The very high number of cases is a measure of the widespread, unacceptable and illegal discrimination experienced by the Traveller community.

This case highlights the complexities in the discrimination experienced by Travellers and demonstrates how the fears of the settled community lead to negative stereotyping of the entire Traveller community, which provides the basis for acts of discrimination. The resolution of the case demonstrates how this cycle can be broken by identifying and putting a stop to acts based on negative stereotypes. Ultimately the legislation has a clear contribution to make in creating the basis for a new relationship between the two communities, where the circle of fear, stereotyping and discrimination has no place.

The Equality Authority is however concerned at the low level of this award. Legislation can only be effective where awards for discrimination are

"Having decided to recruit a new member of staff the firm then decided to dispense with the services of the complainant," said the court.

A partner in the firm confirmed that he had said they intended to take on a young woman, but denied saying that she would be trained to do the complainant's job.

The Equality Authority said age-related cases accounted for 10% of their caseload.

Mr Crowley said the case should encourage workers to fight discrimination.

proportionate and act as a deterrent. The maximum that can be awarded is £5,000 per claimant, which the Authority points out is low in itself. The Authority is further concerned that the Equality Officer did not require the pub to put in place policies and procedures in relation to admissions. The legislation requires new approaches by service providers and we believe encouragement is necessary in this regard. Subsequent cases decided by the ODEI have included awards to Travellers who were discriminated against by publicans of over £2,200 each.

Firm fined £6,000 for age-based dismissal

ormac O'Keefe

ROUND-BREAKING ruling yesterday found against an employer for discriminating against a worker for being too old.

In the first decision of its kind in Europe, the Labour Court awarded a woman £6,000 after she was dismissed from a firm of solicitors on age grounds.

The woman was made redundant because her bosses had decided to "take on a young girl who could be trained to do her job".

Neither the woman nor the firm were named in the proceedings.

But the Equality Authority, who represented the woman, welcomed the ruling.

"There is no doubt that this is a significant judgement, which draws attention to the discriminatory treatment of older workers," said Equality Authority chief Niall Crowley.

"The success of this claim and the compensation sends a clear message to discriminating management that prejudice not only damages produc-

‘European first’ as woman wins
claiming discrimination on age grounds

FIRST EUROPEAN AGE DISMISSAL CASE

The Equality Authority welcomes the recent Labour Court decision in favour of a woman who was dismissed by a firm of Solicitors on age grounds. This is the first decision of its kind in Europe and highlights the growing effectiveness of equality legislation in protecting people from ageism in the workplace. The Equality Authority represented the female worker who was told that she was being made redundant because it had been decided to "take on a young girl who could be trained to do her job". The Court awarded the claimant a sum of £6,000 in compensation in its determination EEDO11.

There is no doubt that this is a significant judgement which once again draws attention to the discriminatory treatment of older workers. Ageism often involves a false economy where younger and cheaper workers are brought in to replace older more experienced workers. This exploitation is illegal and involves wastage in not valuing experience and knowledge. There is an obvious cost in this to any profit-making enterprise, in productivity and customer service. The success of this claim and the award of compensation sends a clear message to discriminating management that prejudice not only damages productivity, it reduces the experience base and is costly in its remedy.

The Labour Court’s determination states that there was a sharp conflict of evidence between both parties about the nature of the claimant’s employment, as to whether it was temporary or permanent. However the Court decided that this was unnecessary to comment upon, as the reason for her dismissal was related to her age. It also noted that the partners in the practice had decided to engage a young person who could be trained to provide quasi-legal services and secretarial services. The complainant had never been considered for the position despite her prior experience as both legal secretary and in undertaking quasi-legal functions in relation to conveyancing and probate. Having decided to recruit a new member of staff, the firm

WOMAN BOXER WINS CASE

A woman boxer became Ireland’s only professional boxer to win a gender discrimination case taken against the Boxing Union of Ireland.

The claimant, who was supported by the Equality Authority, alleged that she was prevented from boxing on a professional basis in the Republic of Ireland as a result of the actions of the President of the Boxing Union of Ireland which contravened section 2(a) and section 5 of the Employment Equality Act, 1977. Following enquiries to the Boxing Union of Ireland, which regulates boxing professionally in the Republic, the claimant was told that she would have to wait for the guidelines to be issued by the European Boxing Union on women’s boxing, and particularly on the medical aspects of the sport. She argued that this type of restriction is not applicable to male boxers and that it was discriminatory on the grounds of sex under the Employment Equality Act of 1977.

The claimant was found to have been discriminated against and awarded the amount of £1,500 in relation to stress and anxiety. It was recommended that the Boxing Union of Ireland publish its policy guidelines on all aspects and procedures of female professional boxing in its jurisdiction within six months of the date of this recommendation.

of solicitors decided to dispense with the services of the complainant and never considered redeploying the complainant into the redesigned post. It follows that there is a causal connection between the dismissal of the complainant and her age, according to the determination of the Labour Court.

Age related cases made up 10% of the Equality Authority’s casework for the year 2000, with the major issues focusing on access to jobs, promotion, equal pay and dismissal. The success of this case should encourage older workers to challenge discrimination and to rely on the present equality legislation in seeking redress.

“restricted period” of discriminatory treatment.

The Dublin-based Employment Equality Authority said

DISABILITY FOCUS FOR EQUALITY AUTHORITY LGBT PRIDE EVENT

The Equality Authority co-hosted 'Identity at the Crossroads', an event with the Forum of People with Disabilities, for lesbians, gays and bisexuals with disabilities in Dublin Castle on Friday June 29th as part of Dublin Pride 2001. Guest speakers included the Director of Outreach at the Policy, Ethics and Life Science Research Institute, Newcastle on Tyne, Tom Shakespeare. A well known broadcaster on genetics and disability, he addressed the seminar with his co-author of 'The Sexual Politics of Disability', Kath Gillespie-Sells. Ms Gillespie-Sells was Chair of Regard, an organisation for disabled lesbians and gay men in London and currently has a counselling and therapy practice for disabled people in Galway.

Over 90 people attended the seminar which was also addressed by Suzy Byrne, former Chair of GLEN; Declan O'Keeffe, a Director of the Centre of Independent Living, who are the convenors of Delicious, the first organisation to support and inform disabled lesbians, gays and bisexuals, and Niall Crowley, Equality Authority.

Addressing the audience, Tom Shakespeare stated, "There are contradictions and confusions between sexual and disabled minority status, which can render disabled lesbians, gays and bisexuals doubly disadvantaged, trying to resolve two contradictory identities, eternally seeking for a home. Not least of these is the dominant attitude that disability equals asexuality, that disabled people cannot possibly be sexual, let alone lesbian or gay."

This was a unique event in the Dublin Pride Calendar with its focus on cross cutting identities. The Gay, Lesbian and Bisexual community and the disability community were challenging society to have their needs addressed. It is important that we look to the needs of Lesbians, Gays and Bisexuals with disabilities. This was an event that had relevance to all the groups covered by our equality

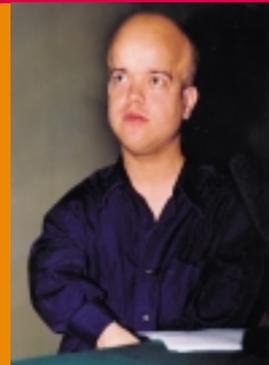
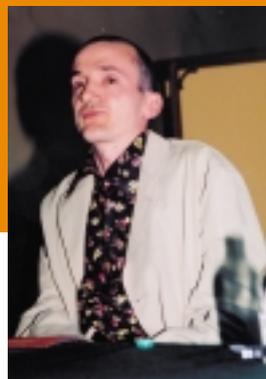


*Above: Declan O'Keeffe and
Suzy Byrne*

Left: Kath Gillespie-Sells

Below: Tom Shakespeare

Below left: Donal Toolan



legislation. The focus on the importance of identity and multiple identities makes new challenges to equality strategies.

The event was chaired by Donal Toolan, former broadcast journalist of the year and Co-ordinator of the Forum of People with Disabilities.

PRIDE & PREJUDICE

Homosexuals against Homophobia



By **Deaglán Ó Caoimh**

Dublin Pride 2001 ran this year for two weeks from Monday 18 June to Sunday 1 July. It included events ranging from a concert given by the Lesbian & Gay Choir

Glória, through the joint Forum of People with Disabilities / Equality Authority Public Meeting on Lesbians, Gays & Bisexuals with Disabilities to what has to have been the highlight, the Pride Parade on Saturday 30 June.

On one level, Pride originated internationally as a commemoration of the Stonewall Riots in New York in June 1969, which occurred after police raided a gay bar. So in a sense, it celebrates what was arguably the first time that gays and lesbians took direct action to shake off their centuries-old status as second class citizens.

However, on a more fundamental level, Pride is simply the gay and lesbian community's way of saying loud and clear that it does not accept what some may believe about gays and lesbians being "intrinsically evil" or even "objectively morally disordered".

Above all, it is the gay and lesbian community's way of firmly rejecting homophobia.

As a term, homophobia originated, it appears, in the United States around 1971. It's all about aversion and hostility towards, sometimes even hatred of, homosexuals. Just like xenophobia, racism and anti-semitism, homophobia is nothing more and nothing less than an irrational and arbitrary attempt to designate people who are different as inferior, abnormal, bizarre and perverse. It is indicative of a dysfunctional personality, based as it essentially is on one person validating himself/herself through the denigration of another.

Homophobia is, of course, a complex phenomenon and assumes many different forms. But in Europe it caused many homosexuals to be burnt at the stake during the Middle Ages and to be hanged up to well into the nineteenth century. Even in the quite recent past in Europe, it was expressed in the Nazi persecution and murder of gays. Regrettably, in a number of countries even today, it manifests itself in serious human rights violations against gays and lesbians. Worldwide, the legal systems of more than seventy countries regard homosexuality as being a crime and some even nowadays still punish it with the death penalty. And in case anyone thinks that criminalisation does not happen in Western



countries, it should be pointed out that some seventeen US states still outlaw gay sex.

At the other end of the spectrum, homophobia is to be seen in the attitude that grants tolerance to gays and lesbians in their "private lives" but that balks at allowing any kind of equivalence between homosexuality and heterosexuality in terms of equal marriage/partnership rights, for instance. It is also homophobia that motivates the remarks and jokes ridiculing homosexuals and is the root cause of the comparative invisibility and relative marginalisation of gays and lesbians in society here and elsewhere. Homophobia also, of course, lay behind the cries of "Queers" and "Faggots" that were hurled (admittedly by a small minority of onlookers) at marchers on the Dublin Pride Parade on Saturday 30 June!

In many ways, participation in Pride is for a large number of gays and lesbians the last stage in the long and arduous journey of "coming out". Generally, gay and lesbian people first tell those closest to them - typically friends and family - that they are gay. Often the next step, and frequently an extremely stressful - even dangerous - one, is to come out at work. This may be combined with (or followed by) coming

out to a wider group of social acquaintances. Taking part in Pride, however, is the ultimate means by which many gays and lesbians declare publicly that they accept themselves, that they are affirming their dignity, that they are asserting their identity and that they do not mind who knows it!!!

The committee which organised Pride this year performed a most valuable service. They made a tangible contribution to the liberation of lesbians, gay men, bisexuals and transgendered people from the guilt, shame and "sinfulness" that some maintain that they should feel. Furthermore, through the many Pride actions of mutual co-operation and support, the struggle against discrimination and inequality is advanced.



The Rainbow Flag, flown in lesbian and gay Pride marches around the world. For more information check out: <http://www.cs.cmu.edu/ass/cs.cmu.edu/user/scotts/bulgarians/rainbow-flag.html>

EQUALITY COMMISSION FOR NORTHERN IRELAND - SINGLE EQUALITY BILL

By Evelyn Collins,
Chief Executive,
Equality Commission
for Northern Ireland



Work is now under way to bring all the different pieces of equality legislation in Northern Ireland together in a Single Equality Act. The Equality Commission have been calling for such an Act since our formation. We welcomed, therefore, the commitment in the Northern Ireland Executive's Programme for Government, published last year, to consult on a Single Equality Bill, to be introduced in 2002.

The Commission believes that it is both unnecessary and undesirable to maintain separate and differing pieces of equality legislation. Indeed, the existence of so many laws sits uneasily with the creation of a single Equality Commission. A move to a single legislative framework would greatly assist us to achieve our mission of valuing and promoting respect for diversity, eliminating unlawful discrimination and achieving equality of opportunity for all.

The Commission believes that a single Act will advance equality in at least four ways. It represents an opportunity to simplify and clarify existing equality law, to the benefit of both those seeking to provide and those seeking to access jobs, goods and services. It allows the legislature to revisit and expand the grounds on which equality will be guaranteed, which will facilitate social inclusion. It will ensure that Northern Ireland's law complies fully with international obligations, especially those derived from European Union. It provides the opportunity to strengthen existing equality law and ensure that the lessons learned in one sphere can now be used to benefit all areas.

In preparation for publication of the consultation document, the Equality Commission commissioned an independent research study by Mary Coussey and Bob Hepple. They have produced a report with recommendations and discussion points for the Commission.

A single Act will not necessarily mean that all grounds are treated in identical fashion. There will remain occasions on which differences will be appropriate to ensure that equality goals are achieved. These can be reflected both in the

legislation and more fully in Codes of Practice. There should, however, be common ground for the core provisions of equality law such as definitions of discrimination, positive action measures, remedies or means of enforcement.

We also have to consider the scope of a Single Equality Bill.

- Should it go further than the issues covered now by European Union legislation to include issues such as 'other status' and past criminal convictions ?
- What should be the nature and extent of any exemptions ?
- What definitions of discrimination do we want to see in the legislation and how do these relate to each other ?
- How should we address under-representation and duties on employers and service providers ?
- What structures do we need to make sure the law and investigations, complaints and enforcement are effectively implemented ?

These are complex issues and we may take some time to conclude our thinking. We intend to produce a position paper by early August, indicating conclusions reached on the various issues, together with areas where further consideration is being given. We are also meeting a range of stakeholders soon and are planning to engage in further stakeholder meetings at the end of the summer.

Our aim is to ensure the best platform of rights and obligations is provided, with the best possible protection for individuals against discrimination and the most effective means of promoting equality of opportunity in a single piece of legislation.

Note

An initial consultation on the Single Equality Bill was launched by the Office of the First Minister and Deputy First Minister (OFMDFM). The consultation paper describes the present equality framework in Northern Ireland and seeks views on the scope and content of the proposed Bill. (<http://www.ofmdfmi.gov.uk/equality/>). It is a preliminary consultation and seeks to identify the issues to be addressed in the Bill. Consultees were asked to respond by 3rd August 2001. It is anticipated that a further consultation incorporating the draft Bill, equality impact assessment and regulatory impact assessment will take place in 2002.

INTEGRATING EQUALITY STRATEGIES IN IRELAND, NORTH AND SOUTH

A Report which analyses the challenge of delivering equality in Ireland, North and South was presented in Belfast by the Equality Authority and the Equality Commission for Northern Ireland. The Research report - "Charting the Equality Agenda" by Katherine Zappone was jointly commissioned by the two equality bodies to develop a framework for equality strategies reflecting the broad scope of the equality agenda in both jurisdictions.

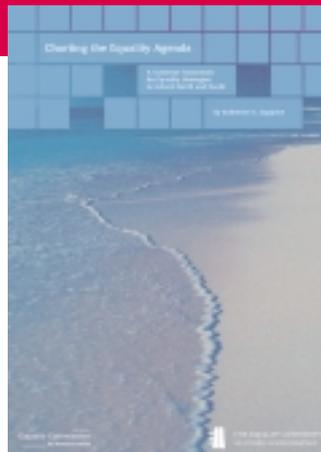
The Report's publication continues the co-operation between the two bodies which had made the project possible. This co-operation allows the search for new approaches to the multi-ground equality agenda to take place on an Island basis and presents a challenge to identify and define these. In particular we are now challenged to work on three levels:

- To take up issues relevant to the experience of discrimination by specific groups;
- To develop initiatives that enhance the equality agenda for a wide range of groups simultaneously, and
- To address the experience of people with multiple identities, such as women with disabilities, older Travellers etc.

The Equality Authority stated that "In this we have a shared framework to promote equality and to combat discrimination, which allows us to learn from each others experience. In particular we seek to learn from the experience in Northern Ireland of implementing the statutory duty to promote equality".

Joan Harbison, Chief Commissioner of the Equality Commission for Northern Ireland welcomed Ms Zappone and Niall Crowley to Belfast for the launch of the Report. "This important work is an example of effective practical cooperation between our two equality bodies", she said.

"This research clearly demonstrates that considerable inequality and discrimination exist both in Northern Ireland and the Republic. The Belfast Agreement of 1998 established a central and crucial role for equality of opportunity, and we share common ground in the types of equality



confronting us, and in our determination to combat them. The Equality Commission and the Equality Authority both have responsibilities for a wide range of equality issues. We need strategies which will enable us to combat

discrimination in whatever form it manifests itself and to promote a concept of equality which can contribute to the needs of all of the different groups which make up our diverse society on this Island".

The Equality Commission's Chief Executive, Evelyn Collins, also stressed the importance of the constructive working relationship which had developed between the two equality bodies in Ireland.

"Countering prejudice and combating inequality is an essential priority for all the people in Ireland, North and South" she said. In Northern Ireland we are now debating the contents of a Single Equality Bill which will bring together all our legislation dealing with discrimination and equality. The experience of the Equality Authority in operating comprehensive equality laws in the Employment Equality Act and the Equal Status Act is informative and helpful as we undertake such an immense task" she continued.

"As Katherine Zappone's work makes clear, bringing together different strands of a diverse equality agenda is a complex task. This Report presents a visionary approach to the task of re-organising our structures and laws, and points the way to the development of a common equality consciousness from all our diverse backgrounds and traditions" concluded Ms Collins.

Copies of Charting the Equality Agenda are available from the Equality Authority. Please contact Majella Walker @ 01/4173354 or email Majella_Walker@equality.ie

EUROPEAN LAW CONFERENCE REVIEW

The Equality Authority and the Irish Centre for European Law hosted a large gathering of legal and equality personnel at a conference in Dublin Castle on June 30th. Almost three hundred delegates heard inputs from speakers that included Professor Ivana Bacik, Mary Finlay SC, Adam Tyson EU Commission, Dr Lisa Waddington Maastricht University, Eilis Barry, Legal Advisor, Equality Authority, Cathryn Costello of the Irish Centre for European Law and Dr Chris Mc Crudden from Northern Ireland. Sessions were chaired by Mrs Justice Catherine McGuinness, Kate Hayes and Niall Crowley from the Equality Authority.

New EU Directives

The Conference heard that new equality directives on race and employment will have an important impact on Irish legislation. The Employment Directive covers sexual orientation, religion, disability and age. Both Directives will come on stream over the next two years. They should further develop our legislation, particularly in the following ways...

- extending positive action across all grounds covered by the Employment Equality Act (currently confined to four)
- enhancing the dissuasive nature of remedies particularly in the Equal Status Act (currently confined to £5,000 compensation per claimant).
- improving the reasonable accommodation of people with disabilities changing the exemption from 'nominal cost' to 'undue hardship'.
- addressing some of the more problematic exemptions in particular that relating to actions taken on foot of other legislation.

It is important that the work of transposing the directives would be ambitious in maximising the development of our legislation and in maintaining a leadership in this area in European terms. A coherence of rights and redress across all the grounds covered in our legislation must be ensured in the transposition process.

A limited number of sets of conference papers are still available on request from the Equality Authority.



EVENTS/DIARY

This year's Anti-Racist Workplace programme will be launched in Andrews Lane Theatre in Dublin on September 27th next. A week of events will take place from October 5th-9th next.

The Small Firms Association will host an exhibition entitled E Ireland, which will take place on the 28th-30th September at the RDS Simonscourt. To book a stand, contact Margaret Andrucetti on (01) 2957418.

The National Ploughing Championships will take place from the 2nd-4th October at Ballacolla, Abbeyleix, Co Laois. Further details are available from the National Ploughing Association of Ireland on (0507) 25125.

The Over 50's show, formerly known as the Third Age Expo is Ireland's lifestyle exhibition for the over 50's. It takes place between 14th-15th October at the RDS Main Hall.

Videos

The Equality Authority has produced two videos on the Employment Equality Act, 1998 and the Equal Status Act, 2000, copies of which are still available. For your free video, contact Patricia Kilcline at (01) 4173367; email Patricia_Kilcline@equality.ie.

Get in on the Act!

New Guidelines for Advertisers available

Arising from the provisions of the Employment Equality Act, 1998 and the Equal Status Act, 2000 the Equality Authority has produced guidelines for anyone or organisation who places advertising. Copies are available from the Equality Authority. Please contact Majella Walker
Tel: (01) 4173354;
email: Majella_Walker@equality.ie

The Annual Report of the Office of the Director of Equality Investigations is available from the ODEI
Tel: (01) 4173300; email: info@odei.ie