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The Approach to Equality – *Turlough O'Sullivan*

VIEWPOINT: The Challenge of Family Diversity

Implementing Equality for Older People

Implementing Equality for Lesbians, Gays & Bisexuals

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By Niall Crowley

The new Government has published its Programme for Government. A range of valuable equality commitments are threaded through the programme. These include commitments:

- To publish regular reviews of the operation of equality legislation and ensure that the enforcement authorities are in a position to effectively carry out their duties.
- To addressing imbalances in gender representation in management positions in the public sector.
- To older people in terms of access to work, of access to a personal pension entitlement for pensioner spouses and of the development of community facilities.
- To implement local authority Traveller accommodation Plans.
- To strengthen the parental leave scheme.
- To complete a review of the laws on incitement to hatred.
- To bring an amended Disabilities Bill through the Oireachtas with provisions for right of assessment, appeals, provision and enforcement.
- To expand the income limits for the carers allowance.

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. All our contact details are listed on the back page.



These commitments hold significant potential and we look forward to, and hope to contribute to as appropriate, the realisation of this valuable potential.

The Equality Authority is currently preparing its own plan for the future – our Strategic Plan 2003 – 2005. This is an important moment to reflect on work done and consult with the wide range of interests that our work touches on. A review of the implementation of our first strategic plan is being carried out and we are currently studying a wide range of submissions that have been made in relation to the Strategic Plan. Regional consultation meetings have taken place in Kerry, Sligo and Wexford with further meetings planned for Cork and Galway.

It is clear that the new strategic plan will need to move beyond the relatively open approach we adopted to the work under our first strategic plan. A new strategic enforcement approach will involve focusing our attention and resources on key areas of life where our work is needed and could make a positive impact. This is no easy task and yet it is crucial if we are to maintain a quality to our work in the face on what is really an overwhelming demand.

Significant developments over the past month have been the publication of two reports prepared with the

assistance of our two advisory committees. The first to be launched was 'Implementing Equality for Lesbians, Gays and Bisexuals' with the report 'Implementing Equality for Older People' launched shortly after. These reports provide detailed agendas for change necessary if equality is to be progressed for these groups. They complement a body of work in developing equality agendas including the reports of the Commission on the Status of People with Disabilities and of the Task Force on the Traveller Community as well as the forthcoming National Plan for Women.

A valuable initiative is being taken by the National Economic and Social Forum to assist the implementation of the recommendations made in these reports. This reflects a commitment made by the social partners in the Programme for Prosperity and Fairness. The work of the NESF will be invaluable in establishing the most effective and appropriate means of progressing the recommendations made. It should also provide an important model as to how most effectively to move through the policy cycle from policy thinking to policy making to policy implementation. Such a model will obviously have a value that goes beyond the two reports.

Finally, the Equality Authority is developing a programme of work to prepare proposals in relation to the Employment Equality Act 1998 and the Equal Status Act 2000. This is in the light of the forthcoming amendment of the equality legislation to incorporate the new equality Directives of the European Union. This will be an important opportunity to realise the maximum benefit from these Directives, to bring to a conclusion the review of the grounds covered by the legislation, and to introduce improvements to the legislation that address any issues that have arisen in the implementation to date of the legislation.

Niall Crowley

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 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. For business and other services, please contact 01 4173336

E.U. UPDATE

By Brian Harvey

Barcelona summit

The spring European heads of government summit in Barcelona took place on 15 and 16 March but was a disappointment for groups working against poverty and social exclusion. In its paper for the summit, called The Lisbon Strategy – making change happen, the Commission pressed heads of government to give a commitment to the near-halving of poverty from 18% below the poverty line at present to 10% below the poverty line in 2010. It also sought commitments for the higher participation of women in the labour force (from 54% to 60%); the higher participation of older people (from 38% to 50%); and improved childcare facilities (to be available for 90% of children between 3 and the school starting age and 33% for children under 3) In the event, the summit agreed that:

In order to fight against poverty and social exclusion, member states are invited to set targets, in their national action plans, for significantly reducing the number of people at risk of poverty and social exclusion by 2010.

Member states should remove disincentives for female labour force participation and strive, in line with national patterns of provision, to provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3; Early retirement incentives for individuals and the introduction of early retirement schemes by companies should be reduced. Efforts should be stepped up to increase opportunities for older workers to remain in the labour market, for instance through flexible and gradual retirement formulas and guaranteeing a real access to lifelong learning. A progressive increase of about 5 years in the average age at which people stop working in the European Union should be sought by 2010.

Member states should ensure that all citizens are well equipped with basic qualifications, especially those linked with ICTs and in particular groups such as unemployed women.

The childcare targets were agreed, but not the targets on poverty and social exclusion.

In the run-up to the summit, the Commission published its biennial scoreboard of progress under the European social policy agenda. European social policy is governed by a series of multi-annual documents, the current one being called The Social Policy Agenda.

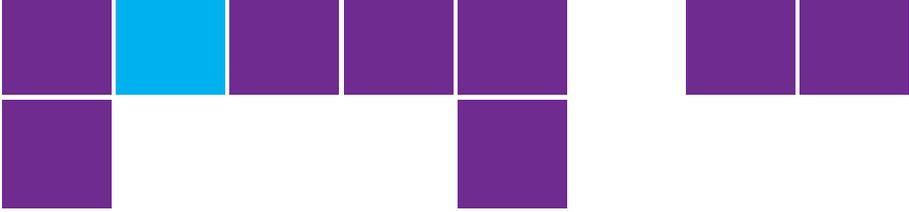
Key points: There remain significant gender gaps in the European labour market. Women's employment lags 18% behind men's employment, while women's pay lags 14% behind men's pay.

The employment of older people in the labour force is far behind the average, with only 38% of older workers in the labour market.

The Commission itemised a series of measures to address inequality and discrimination. The proposals now in train are:

- The new social exclusion programme
- Modifications to the directive 76/207
- The action programme to combat discrimination, now well under way
- Mainstreaming equal opportunities into the broad economic policy guidelines
- European year for the disabled in 2003
- Preparation of an action programme in the area of parental leave
- Preparation of a directive to ban discrimination on grounds of gender in areas outside the labour market

In a footnote to the Spanish presidency, Spain came up with some fresh measures to address the situation of women in the EU. At the 7 March council of social affairs ministers, Spain drafted conclusions in the name of the presidency though without consulting the council. Spain's solo run might, in part, have been a response to the criticism that it was not taking the social dimension to its presidency seriously. In the event, the presidency suggested that



future presidencies tackle the following issues: 2002: domestic violence; 2003: trafficking; 2004: violence in the workplace (this will coincide with the Irish presidency).

The agreement at the Barcelona summit to intensify progress on childcare is of course important for states like Ireland where levels of childcare have been low. It will provide additional impetus for an acceleration of childcare programmes in Ireland. The failure to reach agreement on the issue of poverty and social exclusion is disappointing, targets being referred back to each country's national action plan on social exclusion.

Other issues

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

- Draft decision on racism under fire from Britain and Denmark at European Council of Ministers.
- Convention on the future constitution of Europe opens with criticism from the European Women's Lobby concerning gender balance
- European Commission takes legal action against Belgium for ordering an Irishman to leave because his employment documentation was not in order.
- Italy has been found in breach of the treaties for requiring particular qualifications of lawyers wishing to practice there.
- Women's Rights Committee of the European Parliament draws up resolution on the relationship between women and religious fundamentalism.
- The Benes decrees of 1945-6, which evicted 30,000 Hungarians and 2.5m Germans from Czechoslovakia immediately after the war, have been condemned by Hungarian prime minister as incompatible with Czech membership of the EU.
- Opposition in Slovenia to a gay transvestite group representing Slovenia in the Eurovision song contest prompts warning from Dutch MEP that discrimination against sexual minorities is unacceptable if Slovenia is serious about joining EU.
- Situation of women in European labour market highlighted in three reports: the action plan on skills and mobility, the high level task force on

skills and mobility and a report on increasing labour force participation.

- EQUAL programme now running in all member states with 1503 projects (14% dealing with equal opportunities) approved including 21 in Ireland.
- European leaders react with alarm to success of Jean-Marie LePen in first round of French Presidential Election.
- European Parliament and Commission yield to pressure from EU Ombudsman and abolish 45 years age limit for applying for jobs in those institutions.
- MEPs criticise Bulgaria, Cyprus and Hungary for failing to act on discrimination against gays and lesbians and appeal for release of 23 men jailed in Egypt for their sexual orientation.
- European Commission under fire for lack of ethnic minority groups in its staff.
- AGE, the new lobbying network for older people in Europe, formulates policy.
- EUROSTAT, the EU statistical office, publish figures showing that men are more than twice as likely to suffer an accident at work than women.
- EU social partners sign an agreement to combat age discrimination in the workforce.
- EU Commissioner for Employment and Social Affairs appeals to people to get involved in the 2003 European Year of People with Disabilities.
- Latest EU public procurement directives, including their equality provisions, go to conciliation between the European Parliament and Council of Ministers.
- Greece and France have been taken to the European Court of Justice for discrimination on grounds of nationality.
- European Commission publishes rules on the employment of temporary workers.
- European Commission seeks proposals for the first 60 projects under the Social Exclusion Programme.

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

THE APPROACH TO EQUALITY GREATER FOCUS ON COMPETITIVENESS REQUIRED

By Turlough O'Sullivan,
Director General of IBEC

Creating an environment that provides equality of opportunity for full economic and social participation is an essential building block of a modern, progressive and equitable society. IBEC supports the objective of equality of rights and opportunities for all of the groups covered by the Equality legislation. The full and active participation of all individuals in employment and economic life will broaden the labour market, increase the skill levels of the workforce and contribute to increased economic activity in a wide range of areas. Furthermore, it is neither socially desirable nor defensible that any person should be discriminated against on the basis of their gender, marital status, family status, sexual orientation, age, disability, religion, race or membership of the Traveller community.

One of the biggest changes in the Irish workplace in the past decade is that it has become increasingly diverse due to a variety of demographic, competitive and legislative factors. Strong employment growth over recent years has driven unprecedented increases in labour market participation by women and the female participation rate in the labour force has increased from 35.5% in 1990 to 47.2% in 2000. There has also been a dramatic rise in European Economic Area (EEA) and non-EEA immigration. At the same time as female participation in the labour market is peaking, population trends show a decline in the number of school leavers. Increased immigration, bringing a greater ethnic, religious and cultural mix to Irish society, will continue to be a feature of the Irish labour market.

The Current Strategy

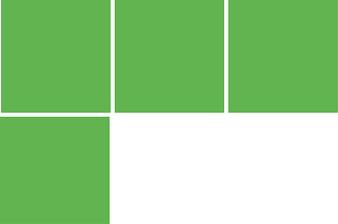
Government intervention in relation to equality has mainly been legislative in approach. This reliance on legislation to address what is an extremely complex



problem reflects a narrowly-focused approach which is not likely to deal with the underlying sources of the problem. Discrimination does not begin or end in the workplace.

Legislation is by its nature a blunt instrument. It can help to protect individual rights and it does act as a deterrent against discrimination on particular grounds. For these reasons it can be a useful tool in combating overt discrimination and there is no doubt that it will continue to be a part of the necessary body of measures aimed at tackling the problem. But there are serious limitations on what can be achieved by legislative action alone. From a government perspective, it is a simple and convenient method of intervention. From an employer perspective, it can help to remove barriers to equality but it can also result in an increased regulatory and administrative burden. The complexity of its implementation can cause significant difficulties in the workplace.

Although the 1998 Employment Equality Act was the first time that most of the nine discrimination grounds were dealt with under Irish law, gender discrimination has been covered in legislation for the past 25 years. The experience over this time demonstrates that a more imaginative way of addressing the issues faced by the various groups now covered by anti-discrimination law is required. It is essential that any initiatives or developments put in place are compatible with the objective of maintaining and increasing competitiveness.



Without a competitive enterprise sector the resources to deal with social issues will not be available. Also, in order to ensure that inequality in the labour market is effectively addressed, the involvement of a number of groups is required. Employers cannot progress this issue in isolation. A practical approach will be required from government agencies and others to effect change.

IBEC considers that codes of practice are a very useful way to promote equality in the workplace and hopes this approach proves successful in the bullying/harassment area where three such codes have just recently been launched.

Irish legislation in the equality area is the most comprehensive in the EU. IBEC is very active in advising its members, in this area through the provision of reports and guidelines to members in addition to training programmes on all aspects of equality in the workplace.

Employers who have faced claims under the legislation, most of which have been successfully defended, will testify to the rigorous nature of the investigation which takes place and to the time, commitment and high costs involved in defending claims. Given the comprehensive nature of our legislation, IBEC does not support any further extension to the groups covered by legislation.

Employers Role in Promoting Equality

Employers clearly have a key role in promoting equality in the workplace. Good leadership can inform attitudes and shape the emergence of a culture that respects and embraces diversity. IBEC recognises its responsibility in this regard.

Accordingly, IBEC is involved in a variety of projects and initiatives – a number directly with the Equality Authority, which are dealing with various aspects of equality and diversity within the workplace.

One such initiative is the Anti-Racist Workplace Week (IBEC, ICTU, CIF and the Equality Authority) which is a particularly good example of where leadership by the social partners is so important. Another project that has just got underway is “Workway”, which is an ambitious project with ICTU, to raise awareness and increase

employment opportunities for people with disabilities (supported by the Department of Enterprise, Trade and Employment under the National Development Plan).

The “Leadership Initiative” brings together a number of organisations and individuals including IBEC, IBM Ireland and the International Women’s Forum with a view to developing a set of programmes targeted towards future women leaders, existing women in senior positions and current leaders. The development phase of this programme has been funded through the PPF Equality at the Enterprise Framework Committee, funded by the Equality Authority through the Department of Justice Equality and Law Reform.

IBEC is also involved in a number EU funded “EQUAL” projects, including a project with Interact which aims to improve the integration of migrant workers, a project with Pavee Point looking at barriers to the employment of Traveller men, and an initiative with Trinity College, “The National Flexi-Work Partnership”.

As such projects evolve, they will help to improve both knowledge and experience, and hopefully, the achievement of equality and diversity in the workplace.

Conclusion

IBEC supports a proactive approach to equality in the workplace.

The changes in the labour market, which are likely to intensify in the years to come, combined with the growing competition created by an increasing global market have changed the focus in this area from one of preventing discrimination to creating diversity in the workplace.

Ireland is now facing increasingly international competition for jobs and markets from lower cost economies. Increasingly, employers are viewing diversity management as an important strategy to obtain an advantage over our competitors in the marketplace.

It is therefore important that all policy approaches in the equality area be relevant, voluntary and have regard to their impact on competitiveness.

LGB REPORT LAUNCH

By Ailbhe Smyth, WERRC, UCD



This report is a landmark in the history and status of lesbian, gay and bisexual people in Ireland, and a crucial step forward on the path to creating a truly equal and more open society.

A landmark for all LGB, and indeed transgendered people too, because it is a very public affirmation of our presence as equal citizens of this country (as LGBs!), and a careful and specific statement of the changes that need to occur as a minimum for equality to become a reality for us, in legislative and policy frameworks, and very importantly in a whole range of practices in the public and private sectors.

Its very existence makes that statement. And the decision of the Equality Authority to focus on LGBs for its first major overview report is highly significant. It says, firmly and unambiguously: LGBs are full citizens, and to achieve equal citizenship, this is what needs to happen. This is what must happen.

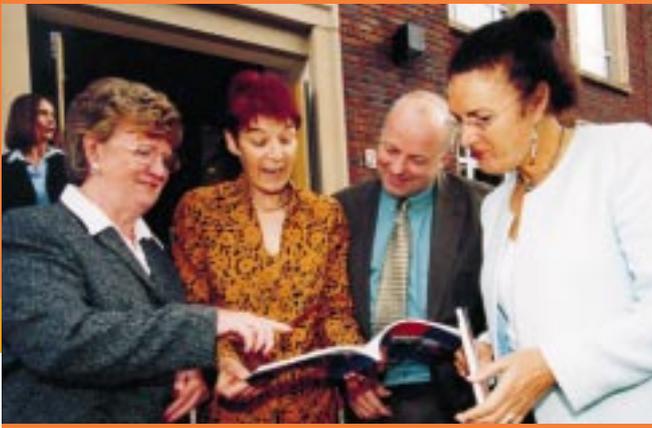
It provides the legislature, policy and decision-makers, employers, service providers, educators, with a clear and unavoidable set of measures that must be implemented in order for the principle of equality to be translated into living reality, everyday, everywhere, for everyone.

It spells out very precisely what the making of equality requires of us as a society, because indeed an egalitarian society is not (sadly) a given - it is something that has to be made, and worked for.

Equality is no use if it is only an aspiration, a slogan. It is of no value if it is merely symbolic – something we congratulate ourselves on, at home and abroad. Equality doesn't 'occur' with the passing of a law - it's not a one-off, once-and-for-all, now-you-have-it event. This report makes absolutely clear that stating the principle of equality and enshrining it in law is a basis, a foundation, a first step - but that it is not the thing itself.

It takes the vital step of saying: we have the principle, now we have to move on to the action, and implement the laws we have made. It details actions in a whole host of areas - from community development through health, partnership and parental rights, young people, violence, education, employment, housing and other services, and so on.

In doing this, it challenges us as a society in fundamental ways. It challenges how we think about social organisation and power systems, personal relationships, sex and sexuality, and about key institutions such as 'the family' and parenting. It obliges us to question our assumptions, and to shift from being a society where heterosexuality is the norm to one which fully validates and respects homosexuality (ie, same-sex sexuality and relationships). A society which values and respects equality has to establish diversity as the norm.



Pictured the launch of the 'Implementing Equality for Lesbians, Gays and Bisexuals' report are: Kate Hayes, Chair, Equality Authority; Ailbhe Smyth, WERRC, UCD; Niall Crowley, CEO, Equality Authority and Dr. Maureen Gaffney, Chair, NESF

Diversity needs to be the central structuring principle – not heterosexuality, or whiteness, or middle-classness, or the absence of a disability, or youth - or any one identity or value system.

Making (and achieving) equality means putting diversity at the centre of how we think and behave. It means this society cannot stay the same - it cannot function in the same ways, with its traditional, narrow norms and assumptions. Now this doesn't mean assimilation – equal rights does not mean we all have to be the same, and ending homophobia does not mean homogenisation. It requires that we think about how an egalitarian and diverse society can be structured, how it can function, how we can be both different and equal.

This report says: LGBs matter and these are their legitimate human, social, economic and civil rights and needs, which require to be implemented, fully and without delay. It says, in effect: We have no right, as a society, to claim to be egalitarian, unless and until we provide for these citizenship rights and needs. We have nothing to boast about until we deliver on our principles.

Very importantly, I think that the report will serve as a model, or template, for the making of equality for a whole range of social groups. It helps us to see how we can now proceed to bringing about (creating) equality across the board.

It is altogether humanly possible for us to make a society that respects differences between social

groups, that integrates these into its concept and practice of equality (a society that refuses to conceive of difference as a basis for inequality). This is not a vague aspiration - it's feasible and legitimate.

This country has the material resources and the infrastructure (through the Constitution, our legislative and governing structures, our democratic political system, a highly educated and sophisticated young population, and so on) to achieve equality. I firmly believe we have the capacity for empathy and understanding. The key question now is: is there the will? Do we want to do this? Are we serious about it? And have we elected politicians who will be brave enough to move beyond individualism and materialism (personal gain and greed) to say: Equality is a primary goal, to which we commit our energies and ample resources?

There have been very few situations I can remember (in fact, I can't remember any) where a huge initiative has been taken, voluntarily, by a state or semi-state body in relation to LGBs. These have usually come about as a result of long and strategic pressure. The Equality Authority's initiative is therefore both exceptional and an inspiring example for other bodies and agencies. The Authority is truly fulfilling its role, to the letter, and generously in spirit.

And I most wholeheartedly congratulate the Board, Niall Crowley, Barbara Cashen, Marie Mulholland, and all of the Committee members who worked so hard to produce this key report. It means a great deal symbolically. Even more importantly: it sets out an agenda for real and concrete change, and will have a powerful effect not only on the lives of LGBs, but on this society as whole.

ADVOCATING EQUALITY

THE TALLAGHT TRAVELLER COMMUNITY DEVELOPMENT PROJECT

By Damien Peelo

Introduction

This article will outline the experiences of Tallaght Traveller Community Development Project, (TTCDP) in supporting Travellers who took cases of discrimination to the office of the Director of Equality Investigations. Prior to any training, and with very little experience of formal hearings, the organisation supported Traveller families to take cases and represented them at the hearings.

Working with a Traveller organisation that supports the human rights of Travellers, it seemed a natural progression to support Travellers to take cases under the Equal Status legislation. Initially, the support was simply informing Travellers in the Tallaght area of their right to challenge discrimination using the Equality legislation.

This progressed to supporting Travellers to challenge discrimination by assisting Travellers in filling in ODEI5 forms. The next stage involved representing Travellers at Equality hearings. This article will focus on the latter experience and trace the steps taken. We hope it will encourage other organisations to take up the challenge and advocate for equality.

Case studies

In the early days of the new legislation, when we were unsure of the process of taking cases, we sent copies of all the ODEI5 forms to the Equality Authority for advice and support. We expected the Equality Authority to take the cases from that point on.

It was not until the first cases were due to be heard by the office of the Director of Equality Investigations that we realised the Equality Authority had not the resources to support every case.

There are two cases where TTCDP was directly involved in representing Travellers at the hearing stage.

Case number one:

In the first instance TTCDP supported a couple who had been refused service in a local pub. After filling in the ODEI5 form, we sent a copy to the pub in question and to the Equality Authority. When after one month we had not received a reply from the owner of the pub, we filled in the next form, ODEI 2 and sent it to the Director of Equality Investigations. The Director of Equality Investigations then contacted us with a date for a hearing.

In the absence of legal representation, Tallaght Travellers Community Development Project had to make a decision with the couple whether or not to represent them at the hearing, taking into account that we have no formal training in this regard. Believing that the hearing was not as formal as a court, we were encouraged by the couple to represent them.

The case was heard over the course of the morning and was certainly less formal than a court room. The couple stated their case and the representative from the pub replied. The Equality officer directed questions to both parties and allowed each side to cross examine. The experience was nerve-wracking for all concerned. In this particular case the publican had only one representative acting on his behalf. The couple's case was strong and there were witnesses to support their claims of discrimination. Needless to say having won the case it was a great experience for all concerned.

Case number two:

The second case was processed slightly differently. This case involved a Traveller man who alleged that he had been discriminated against by being refused service at a pub. This time we sent ODEI5 form to the Equality Authority and the publican, and within



Pictured at the recent Equality Authority / Irish Traveller Movement Training session for Traveller Advocacy were:

First row, left to right: Geraldine Hanley, Kathleen Sweeney, Mary Connors, Anne Costello, Orla McCaffrey and Marie Joyce.

Back row, left to right: Tomas McDonagh, Martin Mongan, Grainne O'Toole, Margaret Tumbleton, Clare Keanelly, Caoimhe McCabe and Tom Callahan.

Not in picture: Jennifer Lloyd, Sarah Benson and Damien Peelo.

one month received a reply from the respondent. The claimant was unhappy with the reply, so we contacted the Equality Authority for advice on how to proceed. An appointment was made with a solicitor of the Equality Authority, who went through the details of the case and highlighted the weaknesses and lack of evidence.

As the time neared to lodge the complaint with the Office of the Director of Investigations, the claimant decided to go ahead with the case.

In the absence of legal representation TTCDP took on to represent the claimant. The day before the hearing a solicitor from the Equality Authority gave some very helpful guidance on how to represent the case and the importance of taking notes.

The hearing took place over the course of the morning. Essential items for the hearing were a note book, pens and the file on the case, with all the details we had gathered.

The publican had brought all their witnesses and as we entered the room we were sitting opposite 5 people. The presence of five people on the opposing side was quite intimidating. As the case was about to start, I asked the Equality Officer if it was necessary to have all the witnesses in the room as we would need to cross examine and test the evidence of each witness. The Equality Officer asked that those not directly involved leave the room and wait to be called. This meant that there was only one person opposite us – a far less intimidating situation.

The claimant gave his evidence and the Equality Officer asked for clarification. The publican gave his account of the incident and again the Equality Officer asked for clarification. At this point it was

very important to write down as much as we could of the publican's evidence, as during the course of the hearing we would be returning to what was said. As each witness was called, we went through the same procedure and continued to take extensive notes of what was said. The notes were very useful to compare each witness's account of the incident and glaring differences were exposed in their accounts.

We were not successful in this case but a vital point was that the claimant had the opportunity to have his case stated and heard.

Conclusion

The whole experience of supporting Travellers at hearings is worth going through to give people the opportunity to challenge the discrimination they experience. The importance of being prepared, confident and taking clear notes cannot be stressed enough. Since our experience, we are glad to say that the Irish Traveller Movement and the Equality Authority have established a Community Advocacy Programme which provides training that will empower Traveller organisations to support Travellers in taking cases of discrimination. The training will provide information on the process from filling in ODEI5 forms to representing Travellers at the hearing of the case. It will also provide ongoing support to community advocates in carrying out their advocacy role.

“WE NEED MORE BOOKS LIKE CHARLIE BARLEY”

Unheard voices – a children’s publishing project in Ireland

By Mary Branley Visiting
Teacher for Travellers, Co.
Sligo and Victoria Ryle, Kids’
Own Publishing Partnership

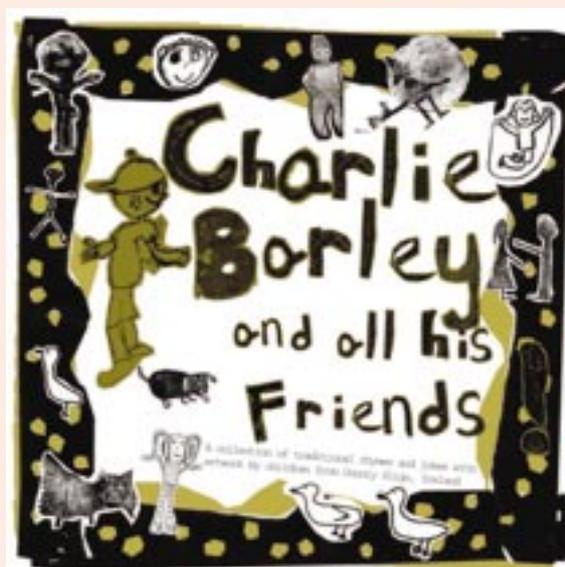
*“Charlie Barley scittery legs
Sold his mother two duck eggs
One was rotten good for nothing
Charlie Barley scittery legs”...*

From Charlie Barley and all his Friends, A collection of traditional rhymes and jokes with artwork by children from County Sligo, Ireland

At the beginning of the 21st Century, why has the nomadic life of hundreds of ethnic minorities come to a virtual halt? Many who have survived genocide on a worldwide scale are confined to reservations, ghettoised or dispersed and prevented from moving, herding, hunting or migrating. We need only to think of Native Americans North and South. Similarly in Australia, Aborigines have met the same fate. Millions of Roma Gypsies were killed in Nazi concentration camps. Today the governments of Turkey, Iran and others persecute Kurds.

This is the background against which Irish Travellers face discrimination on all fronts, with recent opinion polls showing that while most Irish people have never spoken to a Traveller, few would be happy to live next to them. Current legislation threatens to criminalise Travellers for roadside camping or trespassing, even though local councils have failed to provide halting sites as recommended by the 1996 Task Force. We live in a society with little appreciation of unique Traveller culture, and where Travellers remain outsiders despite official recognition of the problems.

In this context, last year, with the support of The Arts Council/An Chomhairle Eala’ón, we published ‘Charlie Barley and all his Friends’ – a book for young children that celebrated irreverent and humorous rhymes collected from the Traveller community in Co. Sligo. ‘Charlie Barley’ began as a hotch potch of rhymes and jokes that Mary Branley, VTTS, Sligo, had collected over a period of a year or so. Knowing they were deserving of a wider audience, she approached Kids’ Own Publishing Partnership, a not-for-profit arts organisation who specialise in publishing work by children, with



children and for children, through unique arts workshops. The resulting project brought children from the Traveller and settled community together in three Sligo schools to recite, draw, print and design their own book.

For us, the ‘Charlie Barley’ project has become a metaphor for all that is best about giving young people access to the process of publishing: Seeing them grow taller at each stage, building confidence as they take on new skills, learning to work together

towards a common goal, and share in the celebration of a successful achievement.

We were determined to follow this with a new publication, and thanks to an Early Years Arts Award from The Arts Council of Northern Ireland, 'A-Z and Back Again', a visual feast of a book for the very young was launched in May 2002. This project focussed on the Traveller community in two schools, in Derry and Sligo working alongside settled children in family groups based around the youngest members. With their older siblings and parents they explored a variety of print techniques, borrowing on the style of artist Andy Warhol, to produce a book of



rhymes and sayings rooted in the two localities. In addition, this project brought the benefit of a cross border link, culminating in exchange trips to each other's launch events.

For the makers, participating in a collaborative publishing project was an enriching process that built self esteem. For the reader, the resulting high quality publications raise the status of the children's work, specifically in this case, a marginalized group. As well as appealing to children, both publications are a great teaching resource and provide a model for making books that can be adapted into good classroom practice to support and enhance delivery of the revised curriculum.

We see these two books as the launch pad of a new long term project called 'Unheard Voices', that will utilise publishing as a powerful tool to address inequality. Becoming an intercultural human is a journey that begins with exploration of ourselves and our culture, and this exploration will be at the heart of 'Unheard Voices'.

Publishing with young people is a powerful force of democratisation. The books we make with children are real books, with ISBN numbers and bar codes – normally the preserve of the 'professional' few... Yet these books can sit on the same shelf as 'Ulysses' or any of the greats. In this way they contribute to the culture of the country on an equal basis with the dominant culture. Kids' Own Books fill a gap that cannot be met by commercial publishers, they are driven by a rich educational process, not by the need for sales. Therefore, they are often quirky, and these very qualities make them more accessible to other children, forming a bridge between their own creative work and adults' writing and illustrations for children.

There is a huge gap of Irish-generated intercultural materials in Ireland. Rather than importing English and American materials we need to make resources for children specific to Irish culture. This project targets young people, for they have the capacity to change. We need to provide a platform for children's unheard voices in our society, and simultaneously involve disadvantaged young people in rich arts experiences that enhance their capacity for learning.

The authors would be interested to hear from anyone who is interested in participating, funding or contributing ideas to this project in development. Contact details below.

Mary Branley is the visiting Teacher for Travellers in Sligo.

Victoria Ryle (Victoria@kidsown.ie) is a director of Kids' Own Publishing Partnership, a not-for-profit arts organisation supported by The Arts Council. More information on Kids' Own at www.kidsown.ie

The school involved in the publications mentioned were: St Edwards' NS, Sligo; Carraroe NS, Sligo; Our Lady of Mercy NS, Sligo and Nazareth House PS, Derry.

Publications mentioned here are available from admin@kidsown.ie or good bookshops nationwide Charlie Barley and all his friends, ISBN number: 1-902432-14-2

A-Z and back again, A Little Bit of This and a Wee Bit of That, ISBN number: 1-902432-1-16-9

IMPLEMENTING EQUALITY FOR OLDER PEOPLE IN IRELAND

THE PERSPECTIVE OF THE NATIONAL COUNCIL ON AGEING AND OLDER PEOPLE

By Bob Carroll, Director, National Council on Ageing & Older People



The publication of the Equality Authority's Report *Implementing Equality for Older People* marks a major milestone in the affairs of older people in Ireland. In pointing to a fairer and more inclusive society, one in which every older citizen will enjoy full and equal rights, there can be little doubt that it will be of crucial importance, not only for the current generation of older people but also for those of our population who are now middle-aged and younger who will reach later life in the years ahead.

The need for an equality strategy for older people is all too apparent. Many older people continue to experience poverty, poor health or disability, educational disadvantage, sub-standard housing and inadequate or even non-existent transport facilities. The inferior situation of some of our older citizens is further emphasised by unequal access to the health, social care and welfare services which they require to live in dignity and independence.

Regrettably, too, there is evidence of a widespread 'ageism' in Irish society. This is manifested in the form of attitudes based on inaccurate images of older people, attitudes that portray them as marginal, dependent, in decline, or a burden on society.

The importance of *Implementing Equality for Older People* is that it seeks to examine and expose the issue of ageism, while at the same time putting forward an equality agenda that will have the capacity to change the overall situation and experience of older people in Irish society.

Towards a society for all ages

The Equality Authority is to be commended for adopting a holistic approach, that recognises that age discrimination extends to all aspects of civic life. The National Council on Ageing and Older People also welcomes the Report's recognition of the need to move beyond negative prohibitions of direct and indirect discrimination to positive action to promote equality. Positive action is required to address a past history of discrimination and to address the need for changed institutional practices to ensure benefit to older people from services provision

Policy-making

Many aspects of age discrimination in policy and practice interact and reinforce each other. In this regard, the Report finds that the present generation of older people and their organisations are not sufficiently represented in the policy making process and that often the concerns of older people are addressed without the direct input of those affected directly. The Council endorses the Report's contention that older people should be afforded the opportunity of direct representation in the national social partnership negotiations

Positive Ageing

Older people have repeatedly stated that their independence constitutes the most important component of their quality of life. In this context, the Council fully supports the Report's recommendations on the creation of an enabling environment that will facilitate active ageing.

Work

The Council's recent research study *Older People's Preferences for Employment and Retirement in Ireland* reveals the need for retirement policies that would both acknowledge that older people are a heterogeneous group of people with diverse abilities, skills and preferences about work and retirement and that these abilities, skills and preferences do not disappear at 65 years of age. Accordingly, the Council believes that one of the most effective means of promoting the well-being of older people is to enable those who so wish to remain active in employment and strongly supports the Report's recommendation that obstacles to employment after the age of 65 should be identified and removed.

The same Council research study on older people's preferences for employment and retirement suggests the need for flexible work arrangements in order to facilitate older workers who may wish to work part-time or in other atypical ways. This view is also reflected in the Report which emphasises that the solution to the problem of creating a new work-life balance lies with government, employers, trade unions and employees.

Upper-age limits

The Council supports the Report's proposal that, as a general principle, upper age limits should not apply unless there is objective justification, including those which currently apply in relation to jury service, driving licences, access to health insurance, motor and travel insurance. The Council is of the view that an effective approach to the problem would be to stipulate that all public institutions wishing to justify the imposition of an upper-age limit in policy or practice should be required to submit their proposal to a democratically elected scrutiny group.

The Employment Equality Act, 1998 allows for positive action to be taken on behalf of those over 50, but as the Council has consistently emphasised

since the Act came into force, the designation of 65 as the upper age limit has meant that people of 65 and over do not have the same protection at work as people under that age. In the Council's view, and as the Report strongly recommends, the removal of this age-limit would ensure that that older people over the age of 65 would could choose to work after the general retirement age if they so wished and that this choice would be protected by anti-discriminatory legislation.

Income security

Inadequate income is a primary cause of social exclusion among older people (as among other groups), leading to a generally poorer quality of life, poorer accommodation, ill-health and in some cases, earlier death. Citing the Council study *Income, Deprivation and Well-being among Older Irish People* (1999), the Report notes that older Irish people are heavily reliant on social welfare pensions, pointing to the fact that social welfare pension rates in this country have lagged behind average income levels. In this context the Report recommends that older women and older men should have an adequate income from their pensions after the age of 65. In addition, the Report reflects the Council view that the Retirement Pension should be abolished and that the qualifying age for the Old Age Pension should be reduced to 65.

Access to Health and Community Care Services

Older people sometimes experience both direct and indirect discrimination in accessing health care. Such age-discrimination in health care is also manifested in less-favourable treatment for older people than other groups and a shortfall or lack of certain services designed to meet their particular needs. The Council is of the view that discrimination in access to health care constitute a denial of equal respect and is therefore not acceptable.

As noted earlier, older Irish people regard their independence as the most important component of their quality of life. Independent living is possible when older people have adequate resources, including income, social networks and personal coping skills. The other vital components of independent living include community-based health and social care services such as home help, day-care and social activity centres, social work centres for

TOWARDS A NEW GENDER

By Niall Crowley

Introduction

A valuable commitment is currently being progressed at European Union level to put in place a new European Directive on Gender Equality. The new Directive is to be based on the non-discrimination article 13 of the European Treaties. It should focus on gender equality and on the prohibition of gender discrimination in a range of areas outside the workplace.

There is an ambition evident that this new Directive should break new ground and set new standards in the field of equality legislation. This ambition is given very detailed and challenging expression in a recent opinion of the EU Advisory Committee on Equal Opportunities between Women and Men.

The Advisory Committee was established by the European Commission to serve as a source of advice on gender equality issues. It is composed of

representatives from the member states, gender equality bodies and the social partners at a European level. The Advisory Committee provides advice to the European Commission in the form of regular opinions. These are available on the Internet at http://europa.eu.int/comm/employment_social/equ_opp/index_en.htm

Definition

A recent Advisory Committee opinion sets out a range of valuable recommendations to be taken into account in the preparation of the new gender equality directive. The opinion sets out a new approach to defining discrimination. It recommends that the definition should meet the standards set out in Article 21 of the Charter of Fundamental Rights of the European Union.

The opinion suggests a unified and inclusive definition of discrimination which incorporates all

Continued from page 15

older people, community and domiciliary paramedical services, especially chiropody and day-hospital care. The Report reflects the Council position that community care should be underpinned by clear legislative entitlement and the dedicated funding that will ensure the delivery of these services.

Life-long learning

Unlike their younger counterparts, many older Irish people have not benefited from free secondary or third level education. Any strategy for equality for older people must try to redress the inequalities in educational attainment which have affected so many of our older citizens. Firmly of the view that age is no barrier to learning, the Council fully endorses the

Report's recommendations on Lifelong Learning, in particular its recommendations in relation to formal education, education/training for work, recognition of qualifications, literacy, and information technology

Conclusion

Clearly, *Implementing Equality for Older People* represents a major development in the affairs of older people in this State. In pointing to a fully-inclusive society, in which older citizens are enabled to live their lives in fulfilment, dignity and independence, its publication will be welcomed, not only by older people themselves, but by all concerned with their well-being and advancement.

EQUALITY DIRECTIVE

elements of discrimination, which moves away from reliance on a comparator and which focusses on the causes and effects of discrimination.

The definition proposed by the Advisory Committee is: 'For the purpose of the Directive, the principle of equal treatment should mean that any discrimination (including discrimination by impact, effect, association or imputation) should be prohibited on the grounds of gender or family status unless:

- it is rationally connected to the performance of the service or function and
- it is necessary to the fulfillment of the legitimate service related purpose.

To show that it is necessary, it must be demonstrated that it is impossible to accommodate individuals sharing the characteristics of the claimant without imposing undue hardship on the service provider'.

This definition has the further innovation of bringing the reasonable accommodation approach, which has been important in relation to the disability ground, into the gender and family status grounds. This would require service providers to accommodate specific characteristics such as caring responsibilities.

Scope

The opinion of the Advisory Committee suggests a broad scope for the new Directive. It recommends a focus on goods, services and facilities. In relation to the public sector it recommends the new Directive should cover both services and functions (that is powers and duties) exercised.

The opinion further suggests the Directive should cover areas of healthcare services, education and training. Commercial advertising, membership in associations, gender based violence and sexual

harassment and the balanced participation of women and men in decision making are all areas that are recommended to be addressed under the Directive.

Purpose

The opinion suggests that the aim of the directive 'should be the realisation of defacto equality for women and men and the elimination of all forms of discrimination based on sex'.

It is recommended that the Directive should include an obligation on 'all public authorities and other public and private bodies and institutions to promote gender equality in all sectors of society'. This mainstreaming duty is recommended to cover the preparation of legislation, budgeting, policy making and programmes.

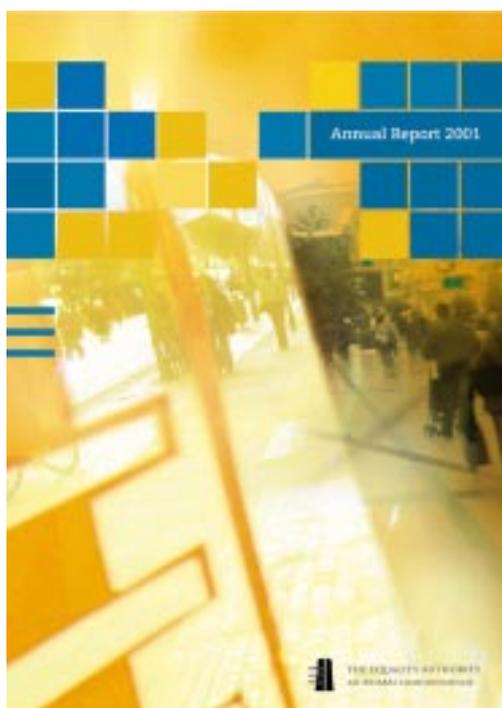
Positive action is also highlighted as an important mechanism to realise equality in the opinion. It recommends that 'effective positive action should be required where imbalances exist'.

Conclusion

This opinion reflects a remarkable consensus in relation to the need for stronger equality legislation and for innovation and ambition in the design of such legislation. The opinion introduces a range of new ideas that could lie at the heart of the new equality legislation. Such new thinking is urgent if gender inequality, a persistent feature of our societies despite existing legislation, is to be eradicated.

LAUNCH OF 2001 EQUALITY AUTHORITY ANNUAL REPORT

By Patrick O'Leary



Huge Increase in Discrimination Claims

The 2001 Annual Report of the Equality Authority was launched on Wednesday 26 June 2002 by the Minister for Justice, Equality and Law Reform, Mr Michael McDowell, T.D. It reveals an 800% increase in casework from 119 cases to 1,066 cases – a dramatic increase in people wishing to bring discrimination claims.

At the launch, which took place in the Equality Authority, Minister McDowell stated “ Considerable progress has been made to date in relation to the promotion of equality in Irish society through legislative changes and other initiatives. However, my colleagues in Government and I recognise the need to build this progress and are committed in the new Programme for Government to supporting equality initiatives and enhancing the existing statutory foundation for equality. Our aim is to promote greater respect for the individual and for the diversity, equality and cultural difference in Ireland, to develop and pursue equal opportunity

and equal access policies and to support the reconciliation of work and family responsibilities. As Minister with responsibility for equality, I look forward to translating these objectives into reality and to consolidating on the progress achieved to date. In this regard I look forward to working with the Equality Authority in the coming months and years to support it in its work towards the promotion of equality in Irish life.”

Kate Hayes, Chair of the Equality Authority remarked that in 2001 there was an almost overwhelming demand on the services of the Equality Authority. “Widespread discrimination is evident and requires persistent initiative both legally to enforce the legislation and developmentally to harness what is a widespread interest in preventing the emergence of such discrimination”. In fulfilling its role, she stated that the Equality Authority had made a significant contribution in “responding in a strategic way to individuals who felt they had been discriminated against, generating awareness on equality issues and the new legislation, grappling with controversial issues and advancing them effectively, and building relationships at local and national level with business, trade unions and the community and voluntary sectors”.

Employment Equality Act: The Equality Authority had 405 files dealing with employment discrimination in 2001. Gender discrimination remains the largest issue taking up 41% of these cases with a large proportion of these concerning pregnancy related discrimination. Despite over twenty four years of protective legislation, women are still regularly and almost routinely discriminated against and even dismissed on account of being pregnant.

In 2001, 12% of the caseload referred to incidents of sexual harassment and harassment on the newer grounds of race, sexual orientation and disability in particular. The age discrimination files highlight difficulties in accessing employment and promotion.



Pictured at the launch of the Annual Report 2001 are Niall Crowley, CEO, Equality Authority; Kate Hayes, Chair, Equality Authority and Michael McDowell TD, Minister for Justice, Equality and Law Reform.

A total of 16% of the dismissal cases related to race followed by disability, age and sexual orientation.

A number of significant judgments were obtained from the Labour Court and the Office of Director of Equality Investigations relating to sexual harassment and the newer grounds of disability, age, race and membership of the Traveller community.

Equal Status Act: The refusal to serve by publicans, hotels and restaurants constituted an unprecedented and almost overwhelming number of claims in 2001. Claims have been made by Travellers, Black people, older people, young people, parents with children, gay people, people with disabilities and women. Particularly disturbing is the number of claims made by members of the Traveller community. The number and variety of claims in this area must be indicative of persistent, sustained and endemic discrimination and a profound reluctance to make this arena of social interaction more inclusive. Other issues of discrimination have emerged in relation to claims of discrimination in denial of access to schools on grounds of disability, race and membership of the Traveller community. The provision of accommodation and welfare has also arisen. Allegations of discrimination based on the age and gender ground in relation to providing insurance, as well as claims relating to discriminatory golf clubs, have also been the focus of complaints under the Equal Status Act.

Niall Crowley, Chief Executive Officer of the Equality Authority, highlighted the development of “valuable partnerships in and establishing a

commitment to eliminating discrimination and securing the benefits that flow from effective equality strategies. Of particular significance in 2001 included:

- Work with the social partners in developing a Code of Practice on Sexual Harassment and Harassment, supporting good anti-racist practice, and encouraging family friendly flexible working arrangements and publishing guidelines for employment equality policies.
- Work with the statutory sector to support a focus on equality and the requirements of the Equal Status Act within quality customer service and the 3% target for the employment of people with disabilities.
- Work with the Department of Justice, Equality and Law Reform in making proposals for the review of the grounds covered by the Employment Equality Act 1998, developing an equality proofing framework, contributing to the debate on the Disability Bill, and assisting the transposition of the EU equality directives into Irish legislation.”

Niall Crowley stated that the experience of 2001 “poses a range of challenges for the Equality Authority in the future. These include the challenge to:

- Manage high levels of demand through new criteria for deciding on which cases to support and through developing alternative supports for those experiencing discrimination.
- Further evolve an equal status infrastructure to assist enterprises to meet their obligations under the Equal Status Act.
- Develop a more detailed understanding of the specific experiences, situations and identities of people across the nine grounds and of the implications for policy and practice to realise equality of opportunity and the elimination of discrimination.”

The promotion of equality inevitably requires changes and this can be controversial. “However when we look at the experience of earlier equality legislation, we can see history repeating itself in terms of accompanying controversy and we can therefore be reassured that the controversy is for the short term, while the benefit to be realised is for the long term” concluded Mr Crowley.

AN ABSOLUTE DUTY

by Kate Bennett,

Director of the Equal Opportunities Commission, Wales

The Equal Opportunities Commission has recently collaborated with the Commission for Racial Equality and the Disability Rights Commission to commission a new report – *An Absolute Duty*. It focuses on the effects so far of the clause in the Government of Wales Act that requires the National Assembly for Wales to have ‘due regard to the principle that there should be equality of opportunity for all people’. This is the first published analysis of the impact of this unique legal duty. The scope and potential of the legislation is outlined, its impact so far examined and recommendations are made for increasing its effectiveness. The report also concludes that a duty along these lines could usefully be extended to the rest of the UK.

The Assembly’s equality imperative applies to all devolved functions of government in Wales, including education, economic development, health, local government, social services, planning, transport, housing and industry.

The research, which was primarily based on an analysis of key documentation and interviews with politicians and policy-makers in Wales, examines the origins and nature of the statutory equality duty and describes its key features. It is argued that the ‘Welsh model’ equality duty:

- is unique because of its non-prescriptive phrasing and all-embracing scope;
- requires government to be proactive in all equality matters;
- confers legally enforceable “positive rights” on the citizens of Wales;
- facilitates a holistic approach to the promotion of equality.

The Assembly’s equality imperative applies to all devolved functions of government in Wales, including education, economic development, health, local government, social services, planning, transport, housing and industry.

The study explores the practical impact of the Assembly’s approach to equality matters between July 1999 and March 2002 across a range of themes, including:

- equal pay
- contract compliance
- diversity in public appointments
- equality and the policy process
- equality reforms in NHS Wales and Welsh local government
- social inclusion
- legislation covering children and young people
- European Structural Funds
- education and economic development
- the work of the Assembly’s equality committee and the conduct of its business.

The researchers conclude that the equality duty has resulted in equality of opportunity being addressed in a systematic way at an all-Wales level of government for the first time. While noting that it is

too early to assess the overall effectiveness of the policies introduced in response to the equality duty, they argue that as a result of the duty:

- the Assembly is undertaking a thorough examination of its policies and practices in order to assess whether they cause disadvantage to some groups;
- equality reforms have been initiated that would either not have taken place, or would have taken much longer to be implemented;
- resistance or obstruction to the promotion of equality of opportunity has been overcome;
- the Assembly is playing a key role in promoting equality and monitoring progress in the public sector.

A distinctive equality agenda is already emerging in Wales. In some initiatives, such as the annual equality audits, the equal pay campaign and the funding of consultative equality networks, Wales can be seen to be leading the way.

But what are the reasons for this? At this early stage we must be circumspect, and certainly there are a number of contributory factors, but our research concludes that the statutory duty is the most significant factor driving the equality agenda in Wales. To build on this our report puts forward some ideas for amending Assembly Standing Orders to focus attention even more sharply on equality and

to embed equality considerations more deeply into Assembly policy-making and implementation.

The report concludes that there would be benefits in a positive duty to promote equality across the UK. In framing this legislation it would be useful to build upon the non-prescriptive, all-embracing approach of the Welsh equality duty model as well as the approach of the Race Relations Amendment Act 2000, which places a positive duty on public authorities to promote racial equality and establishes specific enforceable duties. The researchers argue that the 'Welsh model' equality duty has the potential to rectify the present shortcomings in contemporary equality law applying elsewhere in the UK.

The report will be of particular interest to policy-makers, equality specialists and the research community within Wales, but should also be read by all those interested in equality legislation across the UK and beyond.

AN ABSOLUTE DUTY: Equal Opportunities and the National Assembly for Wales – A Study of the Equality Policies of the Welsh Assembly Government and their Implementation: July 1999 to March 2002 by Paul Chaney and Ralph Fevre, of Cardiff University School of Social Sciences, was published in June 2002. It is available from the Institute of Welsh Affairs, T Oldfield, Llantrisant Road, Llandaff, Cardiff CF5 2YQ or can be downloaded from the EOC website, www.eoc.org.uk

A STRATEGIC FRAMEWORK POLICY FOR EQUALITY ISSUES - NEW NESF REPORT

Niall Crowley

Introduction

The National Economic and Social Forum (NESF) has just released another ground breaking report on equality. The report is entitled 'A Strategic Framework Policy for Equality Issues'. It is part of work done by the NESF on equality which stretches back to 1996.

This new report is in the tradition of its first report on equality in 1996. It establishes key frameworks to shape policy thinking on the achievement of a more equal society. The first framework looks to what we want to achieve – equality objectives. The second framework looks to how we are to achieve the objectives – a strategic framework for action on equality.

Equality Objectives

Four inter-linked equality objectives are established – redistribution, representation, recognition and respect.

Redistribution emphasises the economic dimension to inequality. It requires initiative to identify and address the interactions between equality and poverty. It emphasises labour market exclusion and imbalances in health status and education status. It poses challenges to ensure economic development strategies have clear objectives and to address imbalances in income.

Representation raises issues of empowerment and having a say in decision making. It emphasises the role of participative democracy and seeks to address limitations in both representative and participative models of democracy. It poses challenges to ensure that political arenas are more representative of diversity and that participative decision making is more inclusive.

Recognition explores the arenas of culture. It raises issues of how difference is treated and recognised in society and establishes the importance of group

identity. It poses challenges to establish a political culture supportive of change, to look to the role of the media and the education system in establishing a value base for a more equal society, and to ensure difference and diversity is valued and accommodated.

Respect raises issue of dependence and independence and focus attention on the unequal distribution of loving and caring relationships and of solidarity. It poses challenges to address the needs of dependents and carers, to end experiences of isolation and to build social capital in communities.

Such a framework of objectives provides a valuable means through which to build equality agendas. The Equality Authority applied this framework to the situation and experience of women in its submission on the National Plan for Women. It would be valuable if this Plan and the forth coming plan of action on racism were to adopt and build this framework.

Action Framework

The report also establishes a strategic framework for action on equality. This addresses a need apparent since the Partnership 2000 National Agreement where commitments were made to developing such a framework without actually defining what would be in such a framework. The NESF establish seven elements to framework:

- 1) Legislation where it suggests a number of new developments. These include expanding the grounds covered to include socio-economic status, political opinion, criminal conviction and trade union membership. It recommends a statutory duty on the public sector to promote equality.
- 2) Institutions to implement rights established in legislation and to drive forward the equality agenda. The report recommends an Equal Status Equality Unit in the civil service and identifies

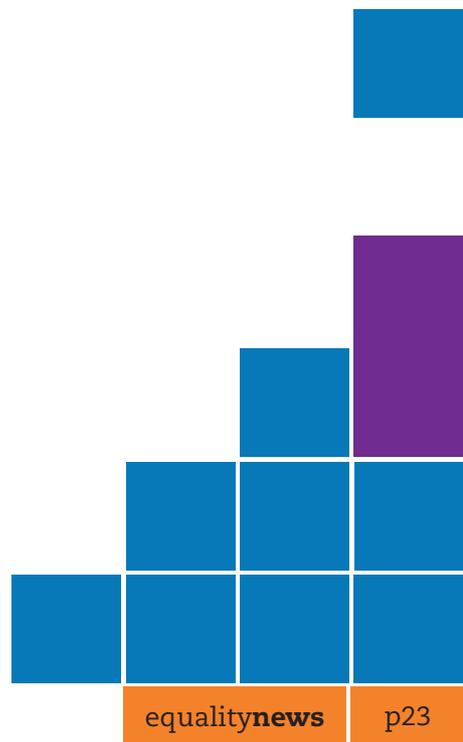
challenges for the Strategic Management Initiative to bring forward an equality agenda.

- 3) Mainstreaming which involves setting equality objectives for policy, assessing the impact of policy on the nine ground equality agenda, participation by equality interests in this impact assessment and monitoring outcomes. The report emphasises the importance of a successful conclusion to the working group on equality proofing set up under the Programme for Prosperity and Fairness.
- 4) Targeting resources on those experiencing inequality with specific focus on the equality dimension to the Employment Action Plan and Social Inclusion Action Plan which are prepared to EU guidelines.
- 5) Participation by those within the nine grounds equality agenda and their organisations is emphasised particularly within the social partnership processes.
- 6) Agenda setting through applying the model of the Commission on the Status of People with Disabilities and of the Task Force on the Travelling community to grounds where clear agendas have yet to be established.
- 7) Monitoring so that outcomes across the nine ground equality agenda can be assessed. The report recommends action to develop the collection and analysis the equality data.

Conclusion

In this NESF report the social partners have served us well. The social partners have given important leadership in our search for more equal society. This report continues that trend.

Important opportunities will arise over the coming year to bring forward the thinking and the practical recommendations of the report. In particular work to be done on our Equality legislation to transpose the EU Equality Directives will provide one such opportunity. Others include the preparation of the National Plan for Women and of the National Plan to Combat Racism. It is to be hoped that these opportunities can be seized.



[CASE REPORTS]

by Patrick O'Leary

POSITIVE RESPONSE TO TRAVELLER DISCRIMINATION CASE

The Equality Authority welcomes the decision issued by the Office of the Director of Equality Investigations (ODEI) in the case of Nora Barrett vs Menlo Park Hotel.

The claimant maintains that when she went to purchase tickets for a New Years Eve function in the Menlo Park Hotel, she was initially given tickets but these were then taken back on the grounds that the function was already sold out. The respondents admitted at the hearing that they had misrepresented the position to the claimant at that time, and in subsequent correspondence, because of their concern that a large number of Travellers were planning to attend a function. At the hearing, an apology was made on behalf of the hotel to the claimant.

The Equality Officer found in favour of the claimant and ordered €1,000 compensation. He was mindful of the fact that the Hotel had now put in place procedures to ensure that all staff are fully aware of the provisions of the Act. The steps described by the Hotel include:

- The production of a policy document and its circulation to all staff.
- Liaison with a Traveller organisation to assist staff in gaining an understanding of Traveller traditions and customs.

This demonstrates what service providers can do without difficulty to seek to prevent discrimination occurring. It sends a timely and important message across the wider sector of hotels, pubs and restaurants. Simple steps can be taken to reduce the growing equal status caseload in this area.

The ODEI Equality Officer in the judgement also highlighted that had an early acknowledgement of the incident been made a settlement might have been possible without recourse to a hearing. In highlighting this, the Equality Authority points out all too often hoteliers and publicans fail to respond to the initial complaint thus removing the possibility for easy and early resolution of incidents.

AGEISM SUCCESSFULLY CHALLENGED

The Equality Authority welcomes the decision by the Office of the Director of Equality Investigations (ODEI) which upheld that, a man aged 72 years who was refused entry to the Q Bar, was the victim of age discrimination. This is the first successful case by an older person on the age ground under the Equal Status Act, 2000.

Active ageing is now deemed to be the policy priority for older people. This is about valuing their contribution and securing their participation in economic and social life. The direct exclusion evident in this case makes a mockery of any ambition for greater participation by older people. It is this pervasive ageism that marginalises and isolates older people and deprives society of their contribution.

The claimant, along with family members, went to the Q Bar to celebrate his wedding anniversary. He was refused entry by the doorman and was informed that only regulars were being admitted. This caused embarrassment and humiliation and the claimant subsequently witnessed people in their 'twenties and thirties' entering the Q Bar. The ODEI equality officer found that the refusal of service was based on age and therefore amounted to discrimination under the Equal Status Act.

Publicans have made much of their opposition to the Equal Status Act. Findings continue to be made against them in relation to discrimination. Cases have been won by Travellers, young people, a parent with children and now an older person. Cases on a number of other grounds are pending. A vigorous campaign by publicans to ensure management practices do not discriminate on any of the nine grounds would be a more effective response in decreasing the caseload in this area. Such a campaign would usefully prioritise staff training in this area and the preparation and dissemination of equality policies.

A COMPLAINANT V A DEPARTMENT STORE

This dispute concerned a claim by a complainant that she was penalised by a department store in circumstances amounting to victimisation occasioned by her having, in good faith, sought redress under the Employment Equality Act, 1998 for alleged discrimination on the ground of disability. The complainant made several applications for employment with the respondent, and also sought the advice of the Equality Authority regarding her allegation that the respondent had discriminated against her on the ground of disability - because of the fact that she attended a school for children with learning disabilities - in rejecting her application. In March 2000, she received a letter from the Manager of one of the respondent's branches which stated "in view of the untrue and unfounded allegations you have made to the Employment Equality Authority...we are not for the foreseeable future going to accept any application from you for employment in our store or indeed any other branch of [the department store]". The respondent denied that it had victimised the complainant, saying that it was satisfied that the alleged incident of discrimination, about which the complainant had contacted the Equality Authority, did not occur. It was therefore of the opinion that the complaint was not made in good faith, as required by the 1998 Act.

The Equality Officer said she could not accept that the respondent was the appropriate person to decide whether a complainant was acting in good faith. She was also persuaded that the success or otherwise of a complainant's case was not relevant to the determination of good faith. In the event, the complaint of discrimination had not been upheld. On the basis of her investigation the Equality Officer was satisfied that the complainant believed she had a genuine grievance and therefore acted in good faith. The

Equality Officer emphasised the seriousness of victimisation, and said to permit victimisation would be to subvert the legislation. She was satisfied that the complainant should be awarded significant compensation for the actions of the respondent.

The Equality Officer found that the department store penalised the complainant in circumstances amounting to victimisation, contrary to the provisions of section 74 (1) of the Employment Equality Act, 1998, and she ordered that the respondent pay a sum of €12,700 to the complainant in compensation for the victimisation suffered by her. The Equality Authority believes that the level of the award reflects the importance in exercising one's rights and seeking redress, without fear of penalty or victimisation.

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Hotel must pay for discrimination

A Traveller in Galway has won a discrimination case against a local hotel which refused to sell her tickets for a New Year's Eve function.

The Menlo Park Hotel has been ordered to pay €1,000 compensation to Mrs Nora Barrett for "embarrassment, humiliation and loss of amenity".

In a written decision, the Office of the Director of Equality Investigations found Mrs Barrett was discriminated against contrary to the Equal Status Act 2000 because she was a Traveller.

Mrs Barrett called to the hotel to purchase tickets for a New Year's Eve function on December 27th, 2000, two months after the Equal Status Act came into force.

She was initially handed tickets by the receptionist but these were taken back from her by the assistant manager, Mr Donall Carroll. Mr Carroll told her the function was sold out as he had that morning taken a corporate block booking for all remaining tickets.

In a separate decision issued yesterday, the director's office found in favour of Penneys of Mary Street, Dublin, in a discrimination claim by

VIEWPOINT:

The Challenge of Family Diversity

By Frances Byrne & Penny Cairns of
One Parent Exchange and Network (OPEN)

In Ireland the idea of 'the family' has commonly been based on the model of a married couple raising their children together. However, in Irish society today the notion of an archetypal family is bogus, as a growing number of families in Ireland no longer fit into this category. Irish families in the 21st Century consist not only of the traditional model but also of heterosexual couples who opt not to marry, women and men parenting alone, and gay or lesbian parents, to name but a few. Also, in a society, which is slowly, and at times painfully becoming more multi-ethnic, culturally specific family structures are also becoming more prominent.

One Parent Exchange & Network (OPEN), as an anti-poverty network, is an organisation for local lone parent groups throughout the country. As such our members include men and women who are parenting alone due to a variety of circumstances: following relationship breakdown; because they have never married; because the other parent is absent due to institutionalisation or for some other reason. At the heart of our work is the recognition that lone parents, like all parents, hold their children's care and welfare at the top of their priorities. We are mindful that while we, within OPEN, regard one-parent families as different but equal, that this view is not shared across most communities and is not reflected in society in general. This is most apparent in the way that "the family" is regarded in Ireland. One of OPEN's aims is to promote the concept of family diversity. This is difficult in both policy and practical terms.

We are not in any sense trying to belittle the traditional view of family, indeed we would be most mindful that all families need recognition and support and believe that the Equal Status Act, 2000 has made the first tentative steps in creating an equal society for all families by making unlawful, discrimination on the grounds of marital and family status. However, more needs to be done, as being a

lone parent in Ireland means that one is at a high risk of poverty, vulnerable to deprivation and very likely to experience social exclusion.

The Equal Status Act, 2000 deals with discrimination in the context of education, provision of goods and services, facilities, and accommodation, yet our members report difficulties when accessing a range of services; for example:

...the Equal Status Act, 2000 has made the first tentative steps in creating an equal society for all families by making unlawful, discrimination on the grounds of marital and family status

- Housing lists across the country show disproportionately high levels of families headed by a lone parent. A national figure shows that 43% of those on Local Authority housing lists are one-parent families; yet, lone parents head 13% of Irish families. Furthermore, it should be noted that in some urban areas one-parent families make up 60% of the local housing lists;
- Approximately 47% of the lone parent population has either no formal education or primary level only and the lack of good quality, affordable, flexible childcare means that lone parents can make very limited choices regarding education and training. Lack of childcare impacts in a particular way on those who have no partner



OPEN

representing lone parent groups in ireland

and therefore are the sole parent and sole breadwinner.

- Access to 3rd level education is limited for young lone parents as they are assessed as dependants of their parents when applying for grants although many independently support themselves and their child. This is a gross anomaly within the system, as the Department of Social, Community and Family Affairs consider these young parents independents in relation to assessment for income support.
- One-parent families who receive Rent Allowance are also discriminated against within the private rented sector according to widespread anecdotal evidence. It appears that landlords are refusing to rent their properties to recipients of this payment, especially when they have children and no partner.

While the Equal Status Act outlaws unequal treatment on the ground of family status, more needs to be done to promote family diversity within key policy arenas. OPEN welcomes the National Economic and Social Forum's (NESF) Report No. 23, A Strategic Policy Framework for Equality Issues, as it proposes four contexts of inequality: the economic sphere; the socio-cultural sphere; the political sphere; and the affective domain. While all four contexts are important the affective domain is of particular interest as it recognises that:

All human beings have the capacity for intimacy, attachment, and expressive relations with others. We all recognise and feel some sense of affiliation and concern for others; and we define ourselves in terms of them. Solidarity bonds, be they ones of friendship or kinship are frequently what give meaning and purpose to life. Being deprived of the capacity to develop such supportive affective relations, or of the experience of engaging in them when one has the capacity, is therefore a serious human deprivation (2002, p.54)

As an organisation campaigning for Family Diversity in Ireland we recognise that any relationship that gives meaning and purpose to an individual's life should be allowed to develop without the hindrance of discrimination or inequality, no matter what form that relationship takes. Therefore, affective inequalities need to be tackled because as the NESF points out, individuals who are gay or lesbian can suffer from loneliness and isolation due to negative societal sanctions, while individuals with a disability may lack an opportunity to develop relations of intimacy (2002, pp.58-59).

As for lone parents it is not all bad news... members of our groups who in spite of the bleak picture facing one-parent families, are dealing with the reality of their lives in the most awe inspiring ways. These individuals, many of whom have become leaders in our groups, are using community development methods and OPEN's self-help ethos to empower themselves and others to provide information, support and training to lone parents in their local areas. These groups in turn also make a positive contribution to their communities. Our members also play a key role in bringing to the national level the experiences of lone parents on the ground, which in turn informs OPEN's policy agenda. With that in mind OPEN introduced the second phase of our Family Diversity Campaign on May 15th, which appropriately was the United Nation's International Day of Families. We launched our Fact Sheet, which informs people about the reality of lone parenthood in Ireland. Our intention is to dispel some of the common myths that surround one-parent families. Hopefully this will bring us another step closer to the full recognition of all family types within Irish society and the equality challenges they face.

EVENTS/DIARY

If you feel left out of the picture, you're not alone

Every year, thousands of people who feel discriminated against contact us at the Equality Authority

Discrimination in employment, goods, services and facilities is prohibited on nine grounds: gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community.

The Equality Authority deals with equality issues in the workplace and the provision of goods, services, facilities and other opportunities to which the public have access. In partnership with the Citizen's Information Centre, we can advise you of your rights under the Employment Equality Act, 1998 and the Equal Status Act, 2000 at the Sligo Equality Clinic.

Sligo Equality Clinic, Wednesday July 10th 10am – 12pm & 2pm – 4pm
at the Citizen's Information Centre, 8 Lower John Street, Sligo.

Or contact our Public Information Centre on Lo Call: 1850 245545
www.equality.ie



Equality Clinics

The Equality Authority is committed to serving as a truly national institution by developing a presence throughout the country. As part of this outreach programme, and in conjunction with the Citizens Information Centres, a series of Equality Clinics have been held in a number of CICs over the last eighteen months.

This is a free, confidential service whereby people who feel they have been discriminated against, or have a query under equality legislation can discuss it with a member of our legal team.

Equality Authority legal staff hold a clinic in Cork CIC on a monthly basis and on an eight-weekly basis in Sligo CIC.

Equality Clinics are held from 10–12 & 2–4 at the Citizen's Information Centre. Details are also advertised in local press and on local radio. Contact the Equality Authority's Public Information Centre at 1850 245 545 for further information. The next clinic is scheduled to be held in Sligo CIC on July 10th.

Contact details:

The Equality Authority, 2 Clonmel Street, Dublin 2, Ireland **Business Tel:** +353-1-4173336

Information Lo Call: 1890 245545

Tel: +353-1-417 3333

Fax: +353-1-417 3366

Text Phone: +353-1-417 3385

Email: info@equality.ie **Web:** www.equality.ie

Annual Report 2001

The Equality Authority's Annual Report 2001 was launched on Wednesday 26th June 2002 at the Equality Authority offices. You can obtain a free copy of this Report by contacting our Public Information Centre or from the website.

Implementing Equality For Lesbians, Gays & Bisexuals Report launch & seminar

The Equality Authority hosted an information seminar on the new report 'Implementing Equality for Lesbians, Gays and Bisexuals' in the Project Arts

Centre in Dublin on Monday June 24th. Speakers at the event included members of the Equality Authority's Lesbian, Gay & Bisexual Advisory Committee (see article on page 8 for more information on the Report itself).

Implementing Equality For Older People Report

You can obtain a free copy of both the LGB Report and 'Implementing Equality for Older People' (see article on page 14) by contacting our Public Information Centre by phone on (01) 417 3333 or by post at 2, Clonmel Street, Dublin 2. Both are also available to download on our website, www.equality.ie

Equality News will publish information about events or diary notices which we think may be of interest to our readers. Please send details to Patrick O'Leary at the Equality Authority, at 417 3386 or via email to pat_o'leary@equality.ie