

equalitynews

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The Past, Present & Future of European Policy to Combat Discrimination

Equality & Diversity in Dublin Bus

VIEWPOINT: Care Alliance Ireland

Equality & the Proposed Bill of Rights for Northern Ireland

By Niall Crowley, CEO, Equality Authority



The Special Olympics provided an important moment for Irish society. This was a celebration of diversity in our society in terms of the presence and contribution of people with intellectual disability. Invisibility is all too often the experience of people with intellectual disability. As such it was dramatic to see this experience replaced by high profile and celebration around the country.

“Share the feeling” was the motto for the Special Olympics. The challenge now must be to turn the feeling into practical action and change in the situation of all people with intellectual disabilities. Attention must now focus on the long term legacy of the games.

Disability groups have highlighted inadequate funding for services to people with disabilities. Enhanced funding for these services must be part of the legacy just as enhanced standards in these services must be. Legislation with a capacity to create a new context for people with disabilities must also be part of the legacy. The promised Disabilities Bill must have an ambition and a capacity to sweep away the many barriers to participation experienced by people with disabilities.

Reasonable accommodation must be central to any approach to remove the barriers experienced by people with disabilities. Reasonable accommodation of people with disabilities means providing special treatment or facilities to a person to enable them to access a service or to perform their duties in the workplace. People with disabilities have a legally enforceable right to reasonable accommodation under the equality legislation where it would be impossible or unduly difficult for them to access goods and services and where it is necessary to do their job. This right is currently subject to a nominal cost exemption.

The Equality Authority has prioritised work on reasonable accommodation of people with disabilities in its current strategic plan. This has involved developing partnerships with the Library Council, An

Post and the Irish Bankers Federation. Each partnership is developing a range of initiatives to support a planned and systematic approach to making reasonable accommodation for customers with disabilities across these three different sectors.

On a wider front the equality legislation has been a focus for attention over the past period. The Equality Authority expressed concern at the decision to take discrimination cases involving licensed premises away from the ODEI – Equality Tribunal and place them under the jurisdiction of the District Court. The District Court will be able to provide additional types of redress including an order for temporary closure of premises. This should be a valuable deterrent in an area characterised by widespread discrimination. However, the change will involve a significant reduction in the level of protection available to those experiencing discrimination given the investigative role of the ODEI-Equality Tribunal, the mediation service it offers and barriers that will now arise in relation to costs and procedures. The change may run counter to the provisions of the EU ‘Race’ Directive.

The work on transposing the EU ‘Race’ Directive, Framework Employment Directive and Gender Equal Treatment Directive is currently being progressed by the Department of Justice Equality and Law Reform. A number of changes have already been flagged in relation to the Employment Equality Act. These include:

- the removal of the upper age limit in the age ground, which is currently set at 65;
- the extension of the positive action provisions beyond the gender ground, people with disabilities, older people and Travellers to all nine grounds;
- making the requirement on employers to reasonably accommodate people with disabilities subject to it not causing a disproportionate burden, as opposed to the nominal cost exemption; and,
- change in the current exemption in respect of employment in private households.

These changes on foot of the EU Directives would reflect an important advance for the potential of the equality legislation. The Equality Authority has prepared a detailed submission on the transposition of the EU Directives and it is hoped that further ambition in this transposition will become evident. Such ambition could usefully include a levelling up of

provisions across the nine grounds and between the two Acts, a simplification of the two Acts to enhance accessibility and an examination of the need for the wide range of exemptions in the Acts. It also provides an opportunity to make the legislation more accessible and coherent.

Another area of new work that has been opened up by the Equality Authority relates to the linkage between poverty and inequality. The Combat Poverty Agency and the Equality Authority have developed an important partnership in progressing this focus.

The first project in this was the publication of ‘Poverty and Inequality’. This seeks to support the emphasis on inequalities likely to lead to poverty in the current poverty proofing guidelines. This is an emphasis that policy makers have found difficult to apply. The publication sets out a simple approach to its application and provides wide ranging information to support policy makers in this work. (see p.10)

The new Office of Social Inclusion in the Department of Social, Community & Family Affairs has been very supportive in linking with the Equality Authority in relation to this poverty/inequality interface. This linkage has been developed on the basis of the diversity of people living in poverty and on the need for a particular targeting of groups where experiences of poverty and inequality coincide. This work is currently focused on the preparation of a National Action Plan on Social Inclusion.

A final development of note relates to the work of the City and County Development Boards. The Boards are currently working on the implementation of their strategy plans. Many Boards demonstrated an important and valuable commitment to equality in equality proofing these plans. Many identified the need to conduct equality impact assessments on key measures identified within these strategy plans. To support this work the Equality Authority has now published ‘Equality Impact Assessment: Initial Guidelines for the City and County Development Boards’. The application of these guidelines should provide valuable learning for the wider commitment to rolling out an approach to equality proofing at national level. In this the City and County Development Boards are giving valuable leadership.

Niall Crowley

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



THE EQUALITY AUTHORITY
AN tÚDARÁS COMHIONANNAIS

European Policy to Combat Discrimination: Past, Present and Future

By Barbara Nolan,
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Introduction

The European Union (EU) has long been active in the fight against discrimination on the grounds of gender and nationality, especially in the labour market field. It was, however, not until 1997 that the Heads of Government took a number of highly significant steps to reinforce the commitment of the Union to support and protect the fundamental rights of its citizens. New powers were granted at European level to combat discrimination for the first time on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The European Commission moved swiftly to use these powers, and succeeded, with the support of the European Parliament and non-governmental organisations in particular, in persuading the Council of Ministers to adopt in record time, a package of measures to combat discrimination on all of the new grounds. So we now have two strong and innovative European directives banning discrimination, as well as an EU-wide action programme to promote concrete measures to overcome discrimination in everyday life. Governments in all Member States of the European Union must now modify their own national legislation to bring them into line with these new European laws in order to meeting the deadlines which have been agreed for 2003. The ten Candidate Countries for membership of the EU must implement these new rules before they join the Union next year.

European law

The motivation behind these new directives is that everyone is entitled to equal treatment. A primary responsibility of the EU is to defend this fundamental human right. The first directive on equal treatment irrespective of racial or ethnic origin prohibits discrimination against people on the grounds of their racial or ethnic origin and covers most areas of everyday life in which discriminatory treatment might occur, either directly or indirectly. These areas include access to jobs, conditions at work, rates of pay and the rights and benefits linked to a job. They also include access to education and training, social security benefits and health care and to buy or rent goods and services, including housing.

Governments have agreed to introduce the measures necessary to comply with this directive by 19 July 2003. In some countries, this means passing new laws, in others such as Ireland, it requires amending existing ones. In all countries, governments also have to designate a body to provide practical and independent support and guidance to victims of race discrimination, to help them follow up their complaints and get a just settlement. This means creating a body to perform this role if one does not already exist. In Ireland, for example, several bodies (Equality Authority, ODEI, Labour Court) currently perform the various roles which are outlined in the directive.

The second directive on equal treatment in employment and occupation prohibits discrimination in employment and training on grounds of a person's religion or belief, disability, age or sexual orientation. In this case, Governments have agreed to make the necessary changes to their national laws by 2 December 2003, although they can ask for an additional period of up to three years to deal with disability and age discrimination. But if they do this, they will have to report each year on the steps they are

taking to tackle discrimination on these grounds and the progress they are making to bring their laws fully into line with the directive.

So this year we face a new challenge: to ensure that Member States deliver on the commitments they have made. We should never forget that the primary responsibility for fighting discrimination lies within the Member States – with national, regional and local authorities, with civil society organisations and with us all as individuals. Europe can provide strong support to the Member States in their efforts by ensuring that the rights and obligations contained in the directives are correctly and fully transposed. This means that victims of discrimination can defend themselves against discriminatory practices, rules or attitudes. It is not enough to get the legislation on the statute books – we need to make sure that it is enforced. This requires patience and readiness for what may be a long haul. We have to start by sensitising public and political opinion, by making people aware of their rights and by getting governments and employers to understand and respect their obligations. In this regard, the European Commission will launch in June of this year, a series of information campaigns in all EU countries to inform people – particularly employers and employees – of their new rights and obligations under European law.

Future policy

At the last Employment and Social Affairs Council which took place in March, the Commission sounded the alarm bell regarding the lack of progress in some Member States on integrating the two anti-discrimination directives into national law. Member States were informed that unless they took urgent action, it was clear that some of them would not be in a position to meet the deadlines. Failure to integrate these new rules, means that the Commission can take legal action against the Member States in question. So our current leitmotiv must be to consolidate and apply these ground-breaking rules which have been achieved in such a short space of time.

As to the future, the Commission intends to review its overall strategy and approach to fighting

discrimination in a Communication to be adopted in 2004. The intention is to take stock of the huge progress we have made and put forward policy objectives for the future.

As regards further legislation, the Commission has already announced for 2003, a new proposal for a directive in the field of equal treatment on the grounds of sex, in areas outside of employment. There is also considerable lobbying for more legislative proposals, notably from organisations representing people with disabilities which understandably want to capitalise on the momentum of the European Year of People with Disabilities to put forward their demands. The Commission however, considers that it is essential that the experience of implementing the existing directives is fully examined when assessing the pros and cons for further legislation. The political climate has changed considerably since 1999 when the Commission put forward the Anti-discrimination package. Any new legislative proposal will have to be based on an extremely solid case in order to gain the unanimous support required from the Member States.

It is also important to have some serious reflection on what is the most appropriate instrument to achieve change. Legislation alone does not solve all problems and there are alternative paths which can be taken.

Conclusion

We can be proud of what has been achieved at the European level in the fight for equality. But there is still a long way to go. Nearly thirty years after the directive on equal treatment of women and men in employment, we still cannot say that that we have achieved real equality, even though we have made a lot of progress. It is important that that we learn from the experience in the gender equality area to speed up the fight against discrimination on other grounds.

Equality is simple in principle, but can be complex in practice. The challenge for us all is to make sure that it becomes a reality.

Parliament resolution on equality of opportunity and the structural funds

The European Parliament has passed, by 381 votes to 40, a resolution on equality and the structural funds. The resolution was moved by Christian Democrat MEP Maria Antonia Aviles Perea and was a response to an earlier Commission Policy Document (COM 2002/748).

The resolution is based on a report called *On the objectives of equality of opportunities between men and women in the use of structural funds* (reference: A5-0059/2003). The report was called for from the women's rights and equal opportunities committee of the parliament last October, chaired by Anna Karamanou, vice chair Marianne Eriksson. Irish MEP's do not seem to have been prominently involved at the start. It is a report of 12 pages, with a short preamble, 15 points and an explanatory memorandum.

The report made a number of telling points about the failure of the structural fund programming documents to record the mandatory consultation of gender equality organisations. 80% of objective 1 programmes make no such mention, nor do 40% of objective 2 programmes. A gender balance was achieved on the monitoring committees only in Sweden, Germany, Austria, Denmark, Italy, Spain and Britain.

The main points:

- Equal Opportunities are not given any prominence in many important areas of the structural funds, such as infrastructure, transport, the environment, local and urban development, rural development, fisheries, enterprise policy, information society, research and technological development, and education. The Commission should draw up equal opportunities guidelines for these areas by end 2003.

- Little attention is paid in the structural funds to reducing horizontal and vertical segregation of the labour market or pay inequalities, promoting women in information and communication technologies, entrepreneurship, new employment opportunities and decision making. The Commission should take specific measures to rectify these shortcomings.
- The majority of the structural funds do not include an analysis of economic and social inequalities between men and women. Where they do, the actions pursued do not always conform to analysis.
- Equal opportunities statistics are insufficiently broad and are not sufficiently made available to programme managers at every level.
- No progress has been made on this round in establishing indicators, which are crucial to assessing the effectiveness of the funds.
- Member states are invited to ensure the systemic mainstreaming of equal opportunities at every stage of programming and implementation; to ensure the balanced participation of men and women in the bodies in and around the structural funds; and provide systemic training in the mainstreaming of equal opportunities for members of the managing authorities.
- Member states are invited to make more extensive use of the structural funds for the purpose of combining work and family life; by the development of childcare facilities; for the reorganisation of working time and to assist those returning to the workforce.
- Member states must ensure the use of relevant equal opportunities criteria in the selection of projects.
- The structural funds have an important role to play in combating the adverse effects of economic and social restructuring in the candidate countries.

Earlier, the Commission paper from 2002 made a number of specific recommendations, which included:

1. Managing the authorities of the structural funds to make specific use of gender equality expertise in their programme management
2. A high level representative in each state to promote national gender equality
3. Funding for gender equality activities to be retained and increased.

Other issues

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

The Minister for Justice, Equality and Law Reform, Michael McDowell T.D., announces the appointment of the new board of the Equality Authority

The new chairperson of the Authority is Karen Erwin. Mrs Erwin, a graduate of Trinity College, Dublin, is a Solicitor by profession and was the first woman partner in Ireland's largest law firm, A& L Goodbody. More recently Mrs Erwin was a Director and Group General Counsel of the Irish Times. In 2001 she was appointed by the Government to Chair the Interim Board of the Irish Auditing and Accounting Supervisory Authority, a body which is to oversee the auditing and accountancy profession in Ireland. The Companies (Auditing and Accounting) Bill 2003 has just been through the Senate. A Fellow of St Columba's College and a Director of the Irish Heart Foundation, she is also the current President of the International Women's Forum, Ireland chapter. She is married to John Erwin, a cardiologist, and has two teenage sons.

The 12 members of the Board are -

Ms Karen Erwin, Chairperson
Mr Leonard Hurley, Vice-Chairperson (Teacher). Mr Hurley was Vice-Chairperson of the outgoing Board of the Authority and was previously Vice-

- Discrimination and the European Convention;
- The European Commission mid-term review of its current social policy;
- Eurobarometer poll on discrimination; Commissions position on disability specific directive; and
- Funding programme related to equality and discrimination.

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 Nicola Twamley at 00 353 1 417 3354 or e-mail ntwamley@equality.ie**

- Chairperson of the Employment Equality Agency
Mr Tony Donohoe, IBEC nominee (Head of Research and Information, IBEC)
Ms Marie Moynihan, IBEC nominee (HR Manager, Dell Computers)
Ms Joan Carmichael, ICTU nominee (Assistant General Secretary, ICTU)
Mr Paddy Keating, ICTU nominee (National Secretary, IMPACT)
Ms Grainne Healy, NWCi nominee (Former Chairperson, NWCi)
Ms Carol Fawsitt (Solicitor)
Ms Mary Keogh (Director, Forum of People with Disabilities Ireland)
Mr Thomas McCann (Irish Traveller Movement)
Mr Cearbhall O'Meadhra (Architect, Institute for Design and Disability)
Mr Bob Quinn (Student in National College of Ireland; Former President of NCI Students Union).

"I would like to wish the new Board of the Equality Authority well in their work over the coming four years. The Authority has a lead role to play in contributing to a society where diversity is valued and where those experiencing discrimination can instead experience and enjoy equality and inclusion." Minister McDowell said.

Equality and the Proposed Bill of Rights for Northern Ireland

By Brice Dickson, Chief Commissioner

In September 2001 the Northern Ireland Human Rights Commission (the NIHRC) published a consultation document on what should be contained in a Bill of Rights for Northern Ireland.



Chapter 4 of the document was devoted to equality and non-discrimination. It proposed that nine clauses on these issues should be included in the Bill. These were intended to underpin the remaining proposals for the Bill, on the basis that the equal protection of human rights is a fundamental principle which must permeate all human rights documents.

The Belfast (Good Friday) Agreement had specifically required the NIHRC, when drawing up its advice to the government on a Bill of Rights, to consider the formulation of a general obligation on all public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland, as well as a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.

The Commission did indeed bear these requirements in mind when drafting its provisional proposals. It also, again as required by the Agreement, drew as appropriate on international instruments and experience. We looked in particular at other UN and EU documents on equality as well as at national documents such as the Canadian Charter of Rights (1982) and the South African Constitution (1996). The two recent Irish Acts on equality were also very helpful.

The NIHRC is quite clear that rather than just improving the law on discrimination, the Bill of Rights should proactively promote the concept of equality. Clause 4(2), which is drawn from UN models, therefore provides that “Everyone is equal before and under the law and has the right to equal protection and equal benefit of the law. Equality includes the full and equal access to and enjoyment of all rights and freedoms.” Enactment of such a provision has the potential to transform society in the North, not so much as regards relations between Protestants and Catholics or between unionists and nationalists, but between those who are relatively poor and marginalized and those who are relatively well off and protected.

The proposed clause 4(4) in the NIHRC’s document would prohibit discrimination on a much more extensive basis than that contained in Article 14 of the European Convention. To the grounds already mentioned there it adds (for example) disability, age, residence, possession of a criminal conviction and status as a victim. It omits, more by accident than design, two bases already in the European Convention, namely property and association with a national minority. The proposal goes on to define harassment as a type of discrimination (clause 4(7)) and authorises affirmative action (clause 4(8)) as well as discrimination based on genuine occupational requirements (clause 4(9)).

Generally the proposals have met with a good response from the general public and from political parties. Some experts, it has to be said, are sceptical about the breadth of the general anti-discrimination clause, querying its workability, while others are suspicious of the special sub-clause (clause 4(3)) we

included on women’s rights (“Equality between men and women must be ensured in all areas. The State shall take all necessary measures to promote the equal enjoyment, benefit and protection of all human rights and fundamental freedoms for women and girls.”). There is a view that women’s rights would be better protected by being mainstreamed throughout the Bill of Rights rather than given special attention like this, in a way which obviously antagonises some men and boys.

A particularly problematic area is that of affirmative action. The NIHRC presented two options in its paper. One would require affirmative action on the part of the state to adopt laws, policies, programmes and activities aimed at reducing inequalities affecting groups disadvantaged on any of the grounds mentioned in the non-discrimination clause or on socio-economic grounds. The other would simply make the adoption of such laws etc. lawful. There may not, in practice, be much to choose between these two options because there will often be reasonable cause for argument over whether a proposed measure would in fact have the effect of reducing inequalities. What is more important, perhaps, is an efficient monitoring mechanism to ensure that steady progress is made towards making society in Northern Ireland less polarised in income terms. The South African Human Rights Commission has a duty to report annually to Parliament on the state of social and economic rights in that country and perhaps the NIHRC could usefully follow that example.

Even the proposal to make affirmative action lawful, rather than mandatory, would go beyond the existing requirements of the relatively new section 75 of the Northern Ireland Act 1998 (in force from 1 January 2000), which places a (practically non-enforceable) duty on public authorities (not private ones) (a) to “have due regard to the need to promote equality of opportunity” between nine different sorts of groups in Northern Ireland and (b) to “have regard to the desirability of promoting good relations” between

persons of different religious belief, racial group or political opinion. The inclusion of a proposal to make socio-economic grounds one of the bases for affirmative action is quite revolutionary, especially if it were to be made enforceable even in a progressive manner.

Churches and some educational authorities in the North have complained about the proposal to remove from public or private bodies the right to discriminate against people on the basis of their sexual orientation and the right to reject applications from persons wanting to be school-teachers on the basis of their religion. The NIHRC’s view, however, is that if employing bodies can convincingly demonstrate that being of a certain sexual orientation or religion is a genuine occupational qualification for the position in question then they need have nothing to fear when defending their approach in a tribunal if a disappointed job applicant later sues for compensation. The EU’s Framework Directive on Employment Equality contains an Article which preserves the existing exemption for teacher appointments from the anti-discrimination laws in Northern Ireland (as well as the even more controversial rule which requires 50% of new recruits to the Police Service of Northern Ireland to be Catholic and 50% non-Catholic).

The Commission is still, believe it or not, receiving responses to its consultation document more than 18 months after its publication. It will be publishing a summary of the responses received and before the end of the year it may well be producing a further “interim advice” document to the Secretary of State prior to preparing its final advice to him for submission in 2004. If any reader of this short article has views he or she would like to contribute to the debate, please do send them to the Commission by e-mailing information@nihrc.org or ringing 048 9024 3987.

Inequality Highlighted As A Cause Of Poverty

By Patrick O'Leary, Equality Authority



Mary Coughlan, TD, Minister for Social and Family Affairs recently launched a report on 'Poverty and Inequality' in Dublin Castle. The report was prepared jointly by the Combat Poverty Agency and the Equality Authority. It is part of their ongoing cooperation to support a wider understanding of the links between inequality and poverty and to contribute to a capacity to assess the impact of policies on poverty and inequality.

These links are reflected in the National Anti Poverty Strategy and it is evident that parallels can be drawn between the groups identified in the strategy as being vulnerable to poverty and exclusion and the various grounds covered under equality legislation.

The report on 'Poverty and Inequality' highlights specific experiences of poverty by groups covered by the equality legislation. These include the experiences among:

- Older people of uneven access to health services due to low incomes, poor transportation, lack of information and poor coordination between service providers;
- Women of employment barriers where they tend to earn less than men and to work in both lower level and lower paying jobs;
- People with disabilities, of income poverty due to the extra costs associated with disability;
- Travellers of housing and accommodation conditions that are dramatically worse than the majority population;
- Black and other minority ethnic people of employment difficulties where academic or professional qualifications are not always recognised; and
- Gay and lesbian people of vulnerability where there is no legal recognition of their relationships.

Speaking at the launch Niall Crowley, CEO of the Equality Authority highlighted that "discrimination is a major cause of poverty. Eliminating poverty

requires the elimination of discrimination and inequality. People from across the nine grounds covered by our equality legislation experience poverty. This diversity needs to be targeted in terms of resources and needs to be taken into account in developing new anti-poverty policies. The National Anti Poverty Strategy increasingly reflects this situation – the challenge is to turn good policies into real change for people across the nine grounds".

The report has a particular focus on poverty proofing. This is an important innovation of the National Anti Poverty Strategy. It requires policy makers to assess the impact of their decisions on people experiencing poverty. In this way new policy in all fields can contribute to eliminating poverty.

The report provides policy makers with an approach to poverty proofing that will include a focus on inequalities likely to lead to poverty. This should assist policy makers to take account of the particular situation and experience of young people, older people, women, people with disabilities, gay and lesbian people and Black and minority ethnic (including Travellers) people as policies are put together.

Speaking at the launch of the report, Helen Johnston, Director of the Combat Poverty Agency stated that "it is important that all policies are designed to have a positive impact on people experiencing poverty and inequality. This report provides guidance and supporting material to assess the impact of policies on specified groups at risk of poverty such as people with disabilities or minority ethnic groups. We look forward to supporting Government Departments, state agencies and local authorities in applying these new ideas and supports in their policy making."

The Combat Poverty Agency and the Equality Authority will be developing a number of projects to test and support this approach to policy making.

Intercultural Schools

By Ann Dinan, Education Development Officer, Joint Managerial Body

Back in early 2001 a new concern surfaced in schools...the increasing numbers of migrant workers and asylum seekers coming into Ireland meant that many children and young people arriving into schools had little or no command of English.

One secondary school principal recalls the arrival of an African woman with two daughters for enrolment. Their passport ages were fourteen and fifteen. They spoke Waloof, a language as foreign to the school as English was to the newcomers. In sign language and with much warmth and courtesy the girls were enrolled, but how little the African mother understood about absentee notes, school rules, dates of parent/teacher meetings, curriculum content and exams. It was left to the girls to learn how things were done by some process of osmosis in their strange new situation.

Queries, concerns, started flowing into the Joint Managerial Body (JMB) – the management body for all denominational schools. Where could schools find supports and resources? Who was going to provide language classes? Where was the money for books and uniforms to be found? What was the legal situation for schools, particularly where young people arrived without parents or guardians...the 'separated children'? Who was responsible for their welfare? Had they state guardians, and where could these people be contacted?

LYNS – Learning for Young Minority Ethnic Students – was born in the Education Office of the JMB out of a decision to bring together a small group of concerned and committed school principals to work collaboratively towards finding support for schools. Alone we can only achieve the best from ourselves. Together, with commitment, everything comes within our reach. Gradually



L – R: Breda Naughton, Sr. Frances Murphy, Ann Dinan, Sr. Eilis McGrath, Vivienne Dunne, members of the LYNS Executive Committee

LYNS began to winkle out the sources of support for intercultural education, the funding, the key agencies and the key people in the key agencies.

The LYNS team was joined by education officers from the Christian Brothers and from the Presentation Order. The Department of Justice, Equality & Law Reform and the Department of Education & Science representatives came on board, as did the managerial body of the Community and Comprehensive Schools (ACCS). A seminar for school principals was moved from a venue that could hold sixty to a venue for eighty, and was finally overbooked in a venue that could accommodate one hundred and forty. Momentum was gathering. The Christian Brothers and Presentation Congregations extended LYNS intercultural support to their primary schools, running seminars for teachers and school principals.

LYNS meetings were noisy affairs. The good noise of ideas and argument and debate, without political agendas or egos that needed polishing. Many representatives from key education agencies met in Emmet House, the JMB head office, to define areas where they could offer intercultural learning support. There was nothing in this for any of the people involved, other than their true commitment

Close Encounters of a Financial Kind: Mainstreaming Gender Equality in Budgets

to improving learning outcomes and opportunities for our students. All the work was voluntary and un-resourced. There is this great giving, this great spirit of willingness in Irish schools and among Irish educationalists, that needs to be acknowledged by society and to be valued by society. It is remarkable. And largely invisible.

In schools something new started to reveal itself. With their different languages, their darker skin, their diverse cultures, these young people began to highlight the un-met needs of all marginalised young people – Travellers, dislocated rural people in urban ghettos, those on the cold margins of society – schools began to see diverse learning needs with a fresh eye. And, to see too how quickly over a period of two to three years many of these new-Irish students could acclimatise themselves to the Irish school situation and get better grades – even in Irish language! – than the Irish themselves. And schools began to find positive effects on ethos, a questioning of what it is to be Irish, and an alertness in pupils to these new arrivals starting to pass them out. The learning, the discovery of opportunity in difference was becoming apparent.

The Intercultural Education Guidelines for Schools intends to be a nutshell of information, a little gem on the school principal's shelf that makes it easy to find sources of help for curriculum needs, for school policy development, for teacher professional learning...support for urgent new educational, developmental and administrative requirements.

Ultimately what happens in schools impacts profoundly on the sort of society we will have in the future. This is not a time to dither over whether there is money to fund the good work of schools in developing intercultural education. The energy and commitment of school managers and school teachers, their professionalism and their generous giving, must be matched by resources that acknowledge that good work and bring it to a fine fruition.

**By Rona Fitzgerald,
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Scotland**



Gender Responsive budgeting or Gender Budget Analysis

Introduction

Gender budget analysis, gender responsive/sensitive budgeting are terms used to describe the process of analysing the differential impact of revenue raising and expenditure on women and men. A gender budget initiative aims to *analyse any form of public expenditure, or method of raising public money, from a gender perspective, identifying the implications and impacts for women and girls as compared to men and boys. The starting point is that the implications and impact are likely to differ because of the different social and economic positioning of males and females.*¹ The question is not whether the expenditure is the same for women and men but whether it meets their needs and situations.

Link with Mainstreaming

While many governments in the European Union and the wider international environment have expressed a commitment to mainstreaming – notably with regard to gender equality – there is often a gap between this policy statement and the way in which governments raise and spend money.

Currently there are over 50 countries throughout the developed and developing worlds where there have been gender budget initiatives of some kind.² Such activity is representative of recognition that government budgets are a key mechanism for making governments accountable for their gender equality commitments. Adopting a gender perspective in national budgeting practices is considered integral in furthering a strategy of mainstreaming in that both proposed and existing spending allocations are assessed with reference to actual impacts on both men and women.

Applications and scope

Initiatives can take place at a number of levels:

- National – this can involve the whole budget or certain sectoral areas. The scope of the initiative is wide as it can involve considerations of revenue raising as well as that of expenditure; and
- Regional – this can involve the whole of the policy sectors that the regional government control and is likely to be an analysis of expenditure; and
- Local – this can focus on spending by local authorities and can include all or part of their budget.

Getting Started

While there is much to be gained from shared experiences the sustainability of gender budget initiatives are dependent upon being developed and owned by national stakeholders. In the Irish context, a number of strengths exist that would provide a good basis for starting the process of gender budget analysis. These include the commitment to mainstream gender equality in the National Development Plan (NDP) – crucially linking sectoral policy interventions with gender equality objectives and the recognition of how gender as a factor structures access to services and the labour market. In addition, the impressive national machinery for promotion and enforcement of equality through the Equality Authority and the contribution of the social partners to agenda setting and policy-making in respect of equality means that useful groundwork has been done in mainstreaming gender equality in policy development and practice.

Among the tools outlined by and codified by the Commonwealth Secretariat is the notion of a Gender Aware Budget Statement – an undertaking to disaggregate projected expenditure into gender relevant categories and to indicate where expenditure is specifically targeted at reducing existing gender inequalities.³ This represents a useful starting point for gender budget analysis.

Gender neutral v gender blind

Gender mainstreaming is not easily accommodated in a 'neutral' and objective approach to economic policy making. Whilst decisions taken and strategies adopted may appear to be gender neutral, in practice they can have very

different impacts on the lives of men and women. Gender divisions lead to different socially determined responsibilities and role expectations. These different situations and resources have consequences in terms of men and women being faced with different sets of constraints and value structures. Women therefore are affected by and respond to public policy interventions in different ways from men. If government commitments to promoting gender equality are to be meaningful gender blindness in the allocation of resources must be replaced with gender responsive approaches.⁴

Lessons and guiding principles

A number of initiatives are underway in EU countries including Spain, Italy, UK – including Scotland and Wales, Belgium, Germany, Netherlands, France and Sweden. While experience has not produced a simple and uniform model for application in the production of gender sensitive budgets, lessons have been learned and a number of crucial ingredients have been identified:

- **Transparency** – In embarking upon a programme of reform aimed at equality proofing the national, regional or local budget it is vital that greater transparency of, and accountability for budget processes, becomes an established feature of the political process.
- **Participation** – Equally important is a commitment to engage in more participatory methods of governance and initiatives should take steps to incorporate as wide a range of views as possible, specifically including the views of those whose needs are often neglected in the policy design, implementation and evaluation process.
- **Sustainability** – The development and application of tools should build on existing budgetary mechanisms to ensure sustainability. A necessary first step in the process would be to establish how the budget is prepared and presented at national, regional or local level depending on the initiative.
- **Long Term Strategy** – The programme of reform should be viewed in the longer term with review and reporting mechanisms set in place to ensure continuous improvement.

- **Country Ownership** – As already mentioned, it is considered essential that countries develop their own specific set of procedures and case studies in implementing a gender sensitive approach to the national budget.

Conclusion

There are a number of lessons that Ireland could draw from Scotland. The Scottish Executive have begun the process of developing gender impact analysis of the budget. The project is at an early stage focusing on understanding the budget process and suggesting how gender could be built in to budgetary process, including the tri-annual spending review and the annual expenditure report or budget. The next stage is to select a Department and undertake a pilot around the expenditure of all or part of the Department.

The initiative is a participative one – the Executive have included women's organisations and other equalities groups in the process. The initiative is being spearheaded by the Equality Unit and the Finance Department and has had the support of Ministers. These are crucial elements in sustaining the momentum of a process that is ultimately about transforming the way that budgets are constructed.

Further information from Rona Fitzgerald, Equal Opportunities Commission, St Stephen's House, 279 Bath Street, Glasgow G2 4JL, Scotland
Tel: 0141 2451805 **Fax:** 0141 2485834
email: rona.fitzgerald@eoc.org.uk
website: www.eoc.org.uk

End notes

¹ Elson, Diane (2000) Gender Budget Initiatives as an aid to Gender Mainstreaming, paper delivered to the Ministerial Conference on Gender Mainstreaming, Competitiveness and Growth, OECD, Paris 23-24 November 2000.

² Budelender, D. and Hewitt, G (2002) Gender Budgets Make More Cents, Commonwealth Secretariat

³ Commonwealth Secretariat (1999) Gender Budget Initiative: A Commonwealth Initiative to Integrate Gender into National Budgetary Processes. London, Commonwealth Secretariat.

⁴ McKay, A and Fitzgerald, R. (2002) Guidance prepared for EMAKUNDE on gender responsive budgeting in the Basque Country.

EQUAL AT WORK CONFERENCE TO EXPLORE A NEW VISION OF WORK

Dublin Employment Pact will host the first Equal at Work one day conference in Ireland on Thursday, 25 September 2003 in Croke Park Conference Centre. Entitled Access & Diversity – A New Vision of Work, this national conference will convene delegates from around the country employed in the public, private and community and voluntary sectors. It will focus on the challenges and opportunities facing organisations in adapting positively to the rapid evolution in current Irish employment practices.

Access & Diversity – A New Vision of Work will explore and debate:

- the cultural and practical changes necessary for employers to implement goals of equality, inclusion and diversity in the workplace;
- new approaches to recruitment, training and career progression;
- strategies in human resource development being piloted through Equal At Work;
- how healthy organisations in the future will be ones with dynamic, creative, diverse workforces;
- what equality legislation means for employers.

The conference will be opened by An Tánaiste and Minister for Enterprise Trade and Employment, Mary Harney, T.D. Keynote speakers include well known business consultant, Padraic White and Frank Brennan of the Chartered Institute of Personnel and Development. The Chair on the day will be Professor Ciarán Benson of the Department of Psychology, UCD. Places at the conference are limited so individuals and organisations wishing to attend are encouraged to book early.

Further information from:

Mary Folan, Communications Officer, Dublin Employment Pact
 Tel: 01 878 8900; email: mfolan@dublinpact.ie

ESB Website Achieves New Standard www.esb.ie is made more accessible for people with disabilities

As and from July 1st, ESB's website has become easier to access for people with disabilities after the site achieved a key international milestone in terms of improved accessibility.



Gemma Cowley, (left) shows Freida Murray, ESB's Equal Opportunities and Diversity Manager and John Campion, Executive Director, HR & Corporate Affairs, how ESB's website has now become easier to access for people with disabilities after the site achieved a key international milestone in terms of improved accessibility.

Specialist consultants, Ennis Information Age Services, have now confirmed that **www.esb.ie** is WCAG 1.0 Level-A compliant in accordance with the accessibility standards set out by the Web Accessibility Initiative (www.w3c.org/WAI/). Web accessibility is the principle that seeks to ensure internet users with disabilities can locate, navigate, read and understand web content.

This development is part of ESB continued commitment to Equal Opportunities and Diversity and was one of the initiatives to support the European Year of People with Disabilities 2003. It is also a further step in endorsing the company's Code of Practice for People with Disabilities.

Improving the access to the ESB site is in line with Government guidelines to enhance web accessibility for Irish persons with disabilities through design and usability.

ESB has 1.6 million customers and therefore the company is committed to enhancing the level of access to information for its customers with disabili-

ties. It is estimated that between 10%-20% of the population of any given country experience some web access impairment.

John Campion, ESB Human Resources and Corporate Affairs Executive Director said: "Improved access is particularly important because of the wide range of information available on our website, including application forms for electricity connections, details of appliances for sale in Shop Electric outlets, emergency telephone numbers and wide range of educational material."

A recent study (WARP: Web Accessibility Reporting Project Ireland 2002) found that of over 159 separate web sites operated by Irish organisations, and spanning a wide range of activities, information and services, 94% failed to meet the WCAG-A standard.

According to Tim Berners-Lee, the inventor of the World Wide Web, "*The power of the Web is in its universality. Access by everyone regardless of disability is an essential aspect.*"

Issued by ESB Press Office on 01-676 5831

Equality and Diversity in Dublin Bus

By Pat Normanly, Equality Officer, Dublin Bus



*Michael McDowell T.D., Minister for Justice, Equality & Law Reform and Dr. Alan D. Westwell, Managing Director, Dublin Bus
Pat Normanly, Equality Officer, Dublin Bus*

The Equality & Diversity Programme in Dublin Bus was established in 2001. This was an initiative by senior management who were responding to a number of emerging concerns. Dublin Bus, like all public transport companies, is a traditionally male-dominated workplace. There is a low percentage of women in the workplace and a low-representation of women in certain grades in the organisation.

There have been changes in the age profile of employees, as well as changes in terms of different family and work-life balance needs, and needs in relation to employees with disabilities. There has been dramatic change in the cultural diversity of the workforce. We now employ people from 45 different countries of origin.

Under equality legislation the company has obligations both as an employer and as a service provider.

An Equality Officer was appointed in January 2001 and, with the co-operation of the trade unions, an equality committee was established. An Equality Review was carried out in 2001- 2002, by an external consultant who worked with the Equality Officer and the equality committee. The equality committee, who broadly represent the various trade unions, grades and locations in the company, had an essential role in the process of carrying out the review. The Review gave an understanding and analysis of the current position of Equality and Diversity issues in Dublin Bus, and demonstrated the Company's commitment to addressing such issues.

"The review is the first of its kind in Dublin Bus and was commissioned in response to the growing diversity and needs in the workplace, and to meet the challenges of developing and maintaining a workplace where there is opportunity for each individual to fulfil their potential, where each person is treated with dignity and respect and where discrimination does not occur". (Gerry Maguire, Manager Human Resources, Dublin Bus)

It also enabled us to move to a stage of planning for the future and developing a comprehensive and systematic approach towards identifying where we go from here. An Action Plan was developed which sets out the key areas, which will be the focus of the Equality and Diversity Programme for the period of 2003 – 2006. By setting goals within a timeframe we can ensure that issues arising from the Equality Review are translated into practical action. The Action Plan, which was launched by the Minister for Justice, Equality & Law Reform, on 23rd May, 2003, has drawn up specific actions to be taken in the areas summarised as follows:

Policies & Procedures

Key policies will be reviewed, developed and communicated to all staff, and included in training and development programmes.

Such policies will include Equality & Diversity Policy; Dignity & Respect Policy and Equal Status Policy.

Recruitment & Selection

One of the essential strategies used to promote employment equality is to ensure that policies underpinning the recruitment, selection, training and promotion of staff are designed so that they neither discriminate against individuals nor hinder their advancement. Standards will be established to determine best practice in all aspects of the process.

Positive Action

Under equality legislation employers may take measures to encourage people from certain under-

represented grounds to apply for jobs in positions and areas in which they are under-represented. Positive action provision in advertising posts will be used to encourage more applications from under-represented groups, and attention will be given to assuring the inclusion and representation of employees from under-represented groups in training and staff development programmes.

Work-Life Balance

Pressures associated in dealing with the conflicting demands of work and personal responsibilities has generated increased interest in the issue of work-life balance and more flexible working arrangements. Dublin Bus, as a member of the Work-Life Balance Network, will explore work-life balance policies and promote models of good practice in the organisation. (The Work-Lie Balance Network is a project funded under the European Union EQUAL Community Initiative Programme).

Cultural Diversity

Dublin Bus employ staff from 45 different countries of origin and acknowledge that multiculturalism can enrich both the workplace and society. A working group is in place to explore issues of anti-racism and multicultural awareness, and events are organised to promote and celebrate such issues in the workplace.

Disability

The Company promotes a workplace that includes people with disabilities and a policy in relation to the employment of people with disabilities will be developed. Guidelines will also be developed to ensure that reasonable accommodation is made for employees and customers with disabilities. 40% of the fleet are low floor accessible buses and the company will continue to honour its commitment to purchase only low floor accessible buses.

Equality & Diversity Training

Training plays a major part in the promotion and integration of Equality & Diversity in the workplace, and such issues will be integrated into all general training programmes where appropriate.

Monitoring

To ensure that policies in relation to Equality & Diversity are working and are applied equitably and fairly, monitoring systems have been

established. They include the collection and analysis of data on a regular basis, identifying any potential blocks to equality, developing measures to overcome any inequalities and reviewing the Equality & Diversity Programme.

Participation

The Action Plan includes a number of actions to be taken to ensure that everybody in the workplace has a responsibility for ensuring that it is effective.

In launching the Action Plan, Minister Michael McDowell commended Dublin Bus on "their ongoing promotion of equality and diversity in the workplace, and in particular those who contributed to the development of the Action Plan. Dublin Bus is clearly a pace-setter as one of the small number of enterprises which have undertaken equality reviews and action plans at their own expense and who deserve congratulations for your initiative and leadership."

The Equality Review and Action Plan have been valuable projects in terms of the promotion and progression of equality issues in the workplace. Management have been reassured that this work has a value and that there are benefits to be achieved by taking a proactive approach. Staff have been reassured that the Company are committed to the Equality and Diversity Programme and that this commitment can be measured and reviewed in the future.

Speaking at the launch of the Action Plan, the Managing Director of Dublin Bus, Dr. Alan D. Westwell, confirmed that

"there is commitment from our Board from myself and from our management team to this Action Plan with the intention of embedding this work into all aspects of Dublin Bus and integrating it into our mainstream everyday business."

The positive outcome of this Action Plan will depend on two key elements – the continued support and commitment of management and trade unions and the participation and involvement of staff at all levels.

Justice Review

By Cathal Kelly, Development Section, Equality Authority

The Irish Prison Service and the Probation and Welfare Service aren't organisations that many people immediately think of when the subject of equality in dealing with customers is mentioned – but a study of statutory bodies that operate under the aegis of the Department of Justice, Equality and Law Reform shows they have taken a number of interesting leads.



The study – **A Review of Equality Initiatives in the Justice and Equality Sector** – analyses the responses of seventeen statutory bodies to an equality template that assesses how effectively they are meeting their equality-related responsibilities.

One of the initiatives the Prison Service has identified is positive action in relation to family-friendly arrangements. The Prison Service records its commitment to a review of visiting hours and of the possibility of increasing the level of telephone contact between prisoners and their families. And the Probation and Welfare Service named the need to hire translators to meet the needs of non-English speakers referred to it as an initiative it has identified.

These initiatives demonstrate that equality is not exclusively the responsibility of those statutory bodies with a specific 'equality brief' like the Equality Authority, the National Disability Authority and, indeed, the Department of Justice, Equality and Law Reform itself.

The study was conducted among the seventeen members of the Justice and Equality Sector. Some of the other organisations that participated in the study

were the Film Censor, an Garda Síochána, the Forensic Science Laboratory and the Land Registry. The review was undertaken at the request of the Justice and Equality Sector Steering Group – the heads of the agencies and services in the sector – in 2001, and the findings were published earlier this year. The first stage of the review consisted of identifying the responsibilities that the organisations in the sector have under both legislation and policy commitments such as the **Programme for Prosperity and Fairness** and the **Strategic Management Initiative**. From this, a benchmarking template was developed. This template was applied to the member organisations in the Justice and Equality Sector. The research was conducted by Tom Martin & Associates and supported by the Equality Authority. Commenting on the template, Sean Aylward, Director General of the Irish Prison Service, said: 'One of the most helpful aspects in conducting the review was Tom Martin's prior consultation with us on the design of the template and possible approaches to completing it'.

The benchmarking template looked at how the organisations addressed equality issues, in terms of both the employment and the equal status – or customer service – aspects. The broad headings in the template addressed the policies, practices, planning and positive action in the organisations. Some of the specific issues that were covered include training for staff (including senior management), consultation with organisations representing people who experience inequalities across the nine grounds named in the equality legislation, and the collection of data.

Although summarised data on the responses to questions in the template have been published, the identities of individual organisations are not disclosed. For example, on the question about

collecting disaggregated data on the equality outcomes of policies, it is not possible to identify which specific organisations do, which do not and which said the question was not applicable to them.

Given the range of responsibilities of the organisations in the Justice and Equality Sector, it is not surprising that the understanding of equality issues and key concepts varied across the sector. The study found that within the organisations there was a lack of information on equality proofing both as a concept and how it might apply in practice. 'This is apparent in terms of equality proofing of both national and organisational policy development', the report stated.

The reviewers noted that there is a need for follow-through on statements and objectives identified in strategic plans. This need for follow-through has been acknowledged by Sean Aylward of the Prison Service: 'The review highlighted the need for a mechanism to monitor progress in implementing equality measures'. He said that since the review, the Prison Service has adopted a more co-ordinated approach to equality issues. The study is being used by the Service in preparing its action plans to implement equality commitments in **Sustaining Progress**.

The Minister for Justice, Equality and Law Reform, Michael McDowell, also identified a need for stronger outcomes: 'There remains room for improvement in areas such as positive action initiatives and the provision of equality training'.

Despite the concerns with aspects of the outcome, Minister McDowell noted: 'I am encouraged by much of the review's findings. There has been substantial progress in the application of initiatives such as customer service provision while real progress has also been made in the workplace, making it more accessible to all'.

This view was echoed by the reviewers: 'The survey findings point to examples of good practice among some respondent organisations'. Four key achievements they identified were the number of organisations that had set equality objectives in their strategy statements, the large percentage that had implemented equality-related initiatives in customer service, the high percentage that had a human resource management strategy containing equality objectives, and the fact that the majority had set timetables for ensuring buildings are accessible.

The review was the first study of its kind in the Irish state sector. In light of the success of the review, the Equality Authority has set an objective, in its Strategic Plan 2003–2005, of developing similar initiatives in the wider state-sponsored sector. This proposal has been endorsed by Minister McDowell who said it is a useful model for use by other government departments and public sector organisations. 'The Government remains committed to progressing the equality agenda in our society', he said. 'The focus should not only be on preventing discrimination through legislation but on promoting positive actions and attitudes on accommodating diversity across the nine grounds and achieving equality outcomes.'

The template developed can be applied to other government departments, and the Equality Authority would be willing to assist in this work. Departments that would like to discuss the possibility of undertaking a review should contact Cathal Kelly, Development Section, Equality Authority at (01) 417 3363 or email ckelly@equality.ie

The report **A Review of Equality Initiatives in the Justice and Equality Sector** can be downloaded from the web site of the Department of Justice, Equality and Law Reform: <http://www.justice.ie>, using the 'Publications' link on the home page and is available from the Equality Authority.

Frequently Asked Questions on the Maternity Protection Act 1994

By staff of the Public Information Centre, Equality Authority



What are my basic entitlements regarding maternity leave?

The Maternity Protection Act, 1994 entitles a pregnant employee to 18 weeks' paid maternity leave and eight weeks unpaid maternity leave.

Am I entitled to the benefit of the public holidays that occur during my maternity leave?

Yes. You are entitled to be credited for any public holiday during your paid maternity leave of 18 weeks. This should be granted to you in the form of either an extra day's pay, an agreed paid day off within a month or an extra day's annual leave for each public holiday that occurs during your paid maternity leave.

Is my ordinary annual leave affected by maternity leave?

No, maternity leave is regarded as being time spent at work. You therefore carry on accruing annual leave at your normal rate. However, during the eight weeks additional maternity leave, an employee does not accrue annual leave (unless there is a separate entitlement under the Organisation of Working Time legislation).

Is my husband entitled to paid paternity leave?

No, there is currently no entitlement under the legislation to paid paternity leave although a number of employers provide this as part of their conditions of employment.

Am I entitled to time off without loss of pay for ante-natal and post-natal doctor's visits?

Yes. However, you should notify your employer in writing of your doctor's visits when you know of them in advance and notify your employer as soon as possible when you do not know them in advance.

What about ante-natal classes?

You are not entitled to time off for ante-natal classes under the Maternity Protection Act.

I have just returned to work after my 18 weeks on maternity leave but my employer is refusing to give me my old job back – what are my rights?

You are entitled to return to the same job that you had before you went on maternity leave. If it is not reasonably practicable for the employer to re-instate you in your old job, you are entitled to suitable alternative work which should not be substantially less favourable to you as regards terms and conditions, responsibility or remuneration. In the event of disagreement in this matter between you and your employer, you may submit the case for decision to the Rights Commissioners (see address below).

I am on maternity leave but have heard that my firm is downsizing. Is it possible for my employer to make me redundant whilst I am on maternity leave?

No, it is not legally possible for your employer to make you redundant as the Maternity Protection Act postpones any redundancy until maternity leave has ended. Therefore, if an employee is, for example, threatened with being made redundant at the end of the third week of her 18 weeks paid maternity leave, that redundancy must be postponed for a further 15 weeks.

“To be entitled to maternity leave, you must give written notice of your intention to take maternity leave at least four weeks before the leave begins.”

What notice must I give of my return to work after maternity leave?

You must give written notice if you intend to return to work after your maternity leave or additional maternity leave. This notice must be given to your employer at least four weeks before your maternity leave or additional maternity leave is due to end.

What happens if I don't plan on returning to work after the end of my maternity leave?

You are entitled to your maternity leave and all other rights under the Act whether or not you intend to return to work.

When do I have to tell my employer that I am pregnant and must take maternity leave?

To be entitled to maternity leave, you must give written notice of your intention to take maternity leave at least four weeks before the leave begins. You must also submit a doctor's certificate confirming your pregnancy. There may be circumstances in which a pregnant employee may be at risk in the workplace or cannot be required to perform night work. Employers may need to carry out risk assessments.

I am on maternity leave but have just fallen seriously ill – may I now go on sick leave and take the rest of my maternity leave after the end of my sick leave?

No, there is no provision for postponing maternity leave until after sick leave.

Do I have to take the full maternity leave of 18 weeks?

Although this is, of course, a matter for your own decision, if you decide to take less than 18 weeks maternity leave, you will no longer be covered by the Maternity Protection Act and you will not enjoy the protection of the Act in any respect.

Do I have the right to work part-time after I return from maternity leave?

The Maternity Protection Act does not confer any right to work part-time after you return from maternity leave. However, you are entitled to take unpaid parental leave totalling 14 weeks after you return from maternity leave and this may, with the agreement of the employer, be broken up over a period of time into individual days or weeks off or be taken in the form of reduced hours of work. Employees may avail of part-time work with the agreement of their employer, of course.

Do I have to be working for a minimum period of time before I am entitled to take maternity leave?

No minimum period of employment is required in order to be eligible for maternity leave.

Does the Equality Authority have any role in disputes regarding maternity leave?

No, if there is a dispute regarding maternity leave, the matter must be referred to the Rights Commissioners, Tom Johnson House, Haddington Road, Dublin 2 – Telephone: (01)6136700.

Is there a time limit for the referral of disputes to the Right Commissioners?

Yes. A dispute must be referred in writing to the Rights Commissioners within six months.

I am pregnant and am wondering if I am entitled to Health and Safety Leave?

If it is established that some element of the workplace represents a risk to a pregnant employee, the employer must, if possible, take steps to remove the risk or, if this cannot be done, must provide suitable alternative work in a safe environment. If it is impossible to transfer the employee to suitable alternative work, then she must be granted health and safety leave by the employer.

The Public Library Service: A Space for All?

By Brendan Teeling, Assistant Director, An Chomhairle Leabharlanna.

**“It is where we can learn not just to be readers, but to be the authors of our own destiny.”
(Fintan O’Toole, on the public library.)**



The first public libraries in Ireland were opened 150 years ago, and since then the public library has become one of the most popular services provided by Irish local authorities. There are over 12 million visits to Irish public libraries every year. People use the public library for all sorts of things: borrowing a bestseller or a classic; finding out about a holiday destination or a prospective employer; using the internet; learning a language ... the list goes on. In 1998 a major report on public libraries, called *Branching Out: a new public library service*, was published by the Department of the Environment and Local Government. Since then extra money has been invested in libraries right around the country and this has paid dividends in better library buildings and a wider range of books, CDs, and other materials.

Public libraries come in all shapes and sizes: from the small library serving the people of Sherkin Island in West Cork, to the 2200 square metres Blanchardstown library, the largest in the country, serving the population of North-West Dublin. There are libraries in rural villages and in the major cities, in historical market towns and in modern suburbs. Modern libraries reflect the different ways that people use them, and so spaces are provided for serious study; for casual browsing; for lectures and exhibitions. There are bright and colourful areas for children, and IT areas for surfing the web; there are study booths for language and computer-based

learning, and comfortable chairs for relaxation. Libraries have been at the forefront in making the World-Wide-Web more widely accessible. There are now over 1,400 Internet PCs in public libraries in every corner of the country and 20% of library users use the Internet in the public library. Public Libraries are refining their Internet services: running introductory sessions for new users; researching and evaluating web sites; digitizing materials, and providing online access to library catalogues and resources over the web. Public library services are putting their catalogues online, enabling users search for and reserve or renew items over the Internet.

Public libraries have a great record in providing an excellent service to the public. The first Public Library User Survey (PLUS), carried out last year, showed that users are very happy with the service they receive. Satisfaction rates for the knowledge, expertise and helpfulness of library staff were over 90%. However, the same survey suggests that library users with disabilities make up only around 3% of library users, a very low number compared to the estimated 10% in the population generally. It is clear that libraries need to do more to attract users with disabilities.

Public libraries want to be a space for all, but whereas all modern libraries are fully accessible, some older buildings are not suitable for access for people with disabilities. These physical access problems must be overcome, but in the meantime public libraries, like other public services, must review how accessible their services are for those who are able to avail of them physically, and, increasingly, remotely.

An Chomhairle Leabharlanna, the national advisory body on public library development, was delighted when the Equality Authority approached us to look

at how the concept of reasonable accommodation, as set out in the Equal Status Act, 2000, might apply in public libraries. An Chomhairle Leabharlanna has agreed to work on a joint project with the Equality Authority which will examine how services within the library, and remotely, are best delivered in a manner that includes people with a disability. This initiative has a number of elements, and includes:

- Research into, and publication of, approaches to and examples of good practice in making reasonable accommodation for current and potential library users with disabilities for library managers and staff;
- The development, publication, and delivery of a training resource, for public library staff, on facilitating reasonable accommodation of people with disabilities in the provision of library services; and
- The development of a menu of pilot programmes/initiatives which may be undertaken by participating libraries.

The first stage of the project, research into good practice has been completed, and we look forward to launching this in September. Discussions on the development of the training resource are well underway, and we are on target to deliver the first of the pilot training sessions for public library staff in September also.

All thirty-two public library authorities in the country have been invited to participate in the project, and we are delighted with the enthusiastic response received from county and city managers and county and city librarians. Public librarians believe that the provision of reasonable accommodation for people with a disability is an important part of delivering a socially-inclusive library service. This project with the Equality Authority will enable us ensure that the public library does indeed provide a space for all.

Brendan Teeling, Assistant Director, An Chomhairle Leabharlanna. www.librarycouncil.ie

Equality Reviews and Action Plans Scheme

By Peter FitzPatrick, Development Section, Equality Authority



The Equality Authority is currently implementing an Equality Review and Action Plan Scheme, involving the active promotion of equality and diversity in the workplace, in accordance with the Employment Equality Act 1998. Funding for the Scheme has been secured under the Equality for Women Measure of the Regional Operational Programmes of the National Development Plan, the Equal Opportunities Framework Committee established under the ‘Sustaining Progress’ agreement, and the EQUAL Community Initiative, to carry out equality reviews and action plans in a number of organisations throughout the country.

Reviews by trained equality auditors are currently ongoing/about to commence in organisations as diverse as Aer Rianta (Dublin, Cork and Shannon), Waterford Crystal, University College Dublin, Dublin Port Company, Dublin City University, Exchange House Traveller Service (Dublin), and Galway City Partnership. As there will be in excess of 7,000 employees involved in these seven reviews, there is clearly great scope to expose this number of employees to the benefits of equality-proofed work policies, procedures and practices, as well as reaping the rewards that can be gained through the potential positive knock-on effects.

The projects in Aer Rianta, Waterford Crystal, University College Dublin and Dublin City University are already at advanced stages, and it is anticipated that all four projects will have completed and published their review stages of the process by the end of 2003.

At that stage, these four organisations will also have put in place their equality action plans for the following 12–18 month period. When that time period has elapsed, their assigned equality auditors will return to carry out a review of the implementation of the action plans. The Scheme, which is a voluntary initiative, involves the full co-operation of the employer and employee/trade union representatives within these organisations. Reviews are carried out with a view to identifying initiatives, changes in practice, and where appropriate, positive actions that can lead to the promotion of best practice and equality outcomes in recruitment and employment processes.

One of the methodologies employed by the equality auditors is the application of a template, which was developed following extensive consultation with employers, trade unions and representative organisations from the nine grounds covered by the Employment Equality Act 1998. This template poses a number of key questions that assist the auditors to examine the organisation's work environment and culture, as well as helping to identify the policies and procedures that may affect the work practices relating to access to employment and promotion within the organisation.

Employee involvement in the process can include the capture of quantitative data through the completion of confidential questionnaires that collect policy, procedural, practice and perception-related data from the employees' perspectives. Equality auditors also use qualitative methods with senior management and employees, which can include one-to-one interviews, and focus or discussion groups to elicit equality - relevant information.

The equality auditors carrying out the reviews in each of the organisations work in conjunction with an Equality Steering Committee formed from within the organisations. The committees are comprised of the following members: senior management representatives, employee/trade union representatives, as well as representatives from the

human resource function and personnel with responsibility for equality matters. While the Equality Steering Committee oversees the work of the equality auditor, and is also responsible for ensuring that the agreed action plan arising from the review is implemented, the Equality Authority provides quality assurance of the process itself, and of the work of the equality auditors.

In addition, the organisations involved have committed to working in full support of the review process, agreeing an action plan, and working to implement that action plan from its own resources over an agreed time-scale. Each organisation will also publish the final review, action plan and review of its implementation, and circulate these documents to all employees.

Employers from all sectors may apply to the scheme, and small and medium sized enterprises as well as larger organisations are eligible. In order to qualify for the scheme, organisations must meet certain criteria which include a clear and demonstrable commitment at the most senior level to support and resource the review, action plan, and its implementation, as well as actively developing and promoting best practice in the accommodation of equality/diversity within the organisation.

While the budget for 2003 has been allocated at this stage, applications to the scheme are still welcomed by the Equality Authority, as it may be possible to facilitate further projects later in the year. It should be noted that in order to broaden the coverage of the scheme, applications from private-sector organisations are particularly welcomed at this stage. Applications from organisations in the Border Midland and Western Region are also encouraged.

For further information on the Equality Reviews and Action Plans Scheme please contact: **Ann Butler, Equality Authority, Clonmel Street, Dublin 2. Telephone: (01) 4173360 or e-mail: abutler@equality.ie**

VIEWPOINT:

Care Alliance Ireland – The National Network of 75 Voluntary Organisations For Family Carers

By Stan Evans – National Development Officer



A short time ago I attended a Carers meeting in Castlebar. I had asked to meet as many family carers as possible for a 'listening evening'. This was one of my earliest encounters at the coal-face as part of a

fact finding exercise in my new post as National Development Officer with Care Alliance Ireland.

My first observation was that I had an audience of some forty people, thirty eight of them were women. My second realisation was that this was their 'quality' time. Precious off-duty time from their timetable of care; time to talk; time to share; time to be angry.

I briefly explained that I was not there to talk to them but to listen to their concerns, their fears and their aspirations. I wanted to listen and then hopefully be their voice when meeting those who would have the power to change their lives, even in some small way. One woman brimmed with emotion and anger. With tear filled eyes she asked me to try and help her. She was a single amputee. She had cared for her husband following his disabling stroke for over twenty-five years. He used a wheelchair, and she had to care for him seven days a week, 24 hours a day. She explained how she failed to qualify for the carers allowance as she already had a disability payment and she pleaded for me to do something to change her life. She didn't want words, she wanted action.

In February I attended the National Respite Residential Week-end at the Silver Springs Hotel in Cork, organised by Caring for Carers Ireland.



Presentation of Carers' Charter to Dr. Garcia Barbero, Head WHO European Office for Integrated Care Services, Barcelona. From left: Mary McMahon, Dr. Barbero, Judith Ironside, President Caring for Carers Ireland and Brigid Barron.

Sitting at my table that evening for dinner was the woman from Castlebar. She beamed a smile as she recognised me and then she burst forth into telling me that this was her very first time away in twenty-five years. She sat in total amazement at all that was happening around her. The meal, the speeches, the music and the dancing. She then admitted that she had forfeited her rights to these joys and life itself the day she became a full time carer! What a commitment. What a sacrifice.

In 1993 a Joint Committee on Women's Rights report was commissioned by the Oireachtas. The findings of that committee were published in 1996 entitled 'A Long-term Support framework for Female Carers of Older People and People with Disabilities: 1996-2011'. It was that report which identified the need for a White Paper which should be based on existing and forthcoming reports such as the Carers' Charter, and should indicate a clear commitment to providing community care services

which compliment rather than substitute for informal care. So what is this Carers' Charter?

The Carers' Charter was compiled some nine years ago by Professor Joyce O'Connor, Director of the National College of Industrial Relations with the support of Soroptomist International. Often seen as aspirational it provides a clear statement of the rights of carers. For Carers do have a right to lead a full and independent life and continue to provide care without undue cost to their own way of life.

Dr Fergus O'Ferrall, Director of the Adelaide Hospital Society, delivering the Irish Times Public Lecture in February 2003 refers to 'community and voluntary healthcare organisations operating from an 'ethic of care'. He recalls that Dr Maureen Gaffney of the National Social and Economic Forum has recently called for a 'revaluing' of the 'ethic of care'. She distinguishes an 'ethic of care' from an 'ethic of justice' in thinking about how societies structure the relationships between individuals and the larger community. He continues 'all citizens should have choice, fairness and justice, empowerment and equality'.

The unique contribution of community and voluntary organisations is that they are able to facilitate people in their own homes, their own communities to provide high quality caring and are able to foster the kind of social relationships essential to such caring.

The strength of many within the network of voluntary organisations represented by Care Alliance Ireland is that they are composed of persons, very often, who have faced or face a specific type of problem or issue. The Carer support groups are usually made up of those who are or have been carers in their own right. They have a clearer knowledge of the problem and research shows that they can usually support others who are experiencing a problem or who are in need of care.

Dr Ferrall concluded his lecture by reiterating that

'at the heart of healthcare is caring and by releasing the potential in people for this caring, we will develop the social processes which will build the 'social capital' essential for good health outcomes.

A community of caring implies that the carer does not find her or himself caring for a person in isolation, as that experienced by the woman from Castlebar.

A central element in a community of caring is the provision of services from formal, informal and voluntary sources which will address the different needs of the carer and the people for whom they care at each stage of the caring process. A Carers' Charter recognises and acknowledges the value of the carer. It sets out the support required to enable the carer to continue to care in a way that ensures a high quality of life.

The 300,000 family carers are the very backbone of community care, providing an informal infrastructure of care. Without them the State would have to bear the greatly increased costs in health, social, personal and family support services. The family continues to be the strongest and most reliable source of care for older people, those with disabilities and those who are chronically ill.

The Employment Equality Act and the Equal Status Act are new to the scene and cover many areas of provision of services. This is a start. Some of the needs and rights of family carers are addressed under the Family Status ground of this new legislation.

There is an urgent requirement for a Carers' Act which must be coherent with existing equality legislation. The Carers' Charter may be aspirational but it is a resource which would provide the very bedrock vital to carers as they strive for equality. The publication of the 2002 Census figures on carers in the home, and the circumstances they are in, will provide the data to get a picture of things changing as legislation improves. Carers' rights must be enshrined in law – otherwise we will be just blowing hot air!

Care Alliance Ireland is committed to unite the voice of all carers and caring organisations as we move forward in partnership with the Equality Authority to recognise Carers rights and needs. The Carers' Charter, based on the UN Charter of Human Rights has already been presented to the Minister for Health & Children, An Taoiseach, the EU Commissioner for Social Affairs in 1994 and to the EU Women's Rights committee, and to a string of conferences throughout Europe and the United States. It has recently been presented to a World Health Organisation Conference on Integrated Care in Barcelona in February 2003.

At last the rights of family carers are on the agenda to stay. With 300,000 unheard voices, we have the potential to be part of a huge equality movement – and not one moment too soon!

Bibliography:

Aspirations of Women: National Plan for Women 2002: Towards a National Women's Strategy: Genesis Europe

Carers' Charter: Caring for Carers: Professor Joyce O'Connor

Supporting Carers: July 2002 A Social Policy Report by Comhairle

A Long-term Support Framework for Female Carers of Older People and People with Disabilities: 1996 – 2011: Houses of the Oireachtas

People Centredness: The Contribution of Community and Voluntary Organisations to Healthcare: Dr Fergus O'Ferrall, The Adelaide Hospital Society, Tallagh, Dublin February 2003

Carers Charter presentation to WHO/IJIC Conference in Barcelona 2003: Brigid Barron, Director, Caring for Carers

GRANT SCHEME FOR SMALL AND MEDIUM ENTERPRISES

The Framework Committee for the Development of Equal Opportunities at the Level of the Enterprise is now seeking applications for grants from individual enterprises with less than 250 employees to buy in equality expertise to put in place equality policies, or develop and implement equality training, on foot of guidelines published by the Framework Committee.

Conditions of Funding are:

1. Funding for up to a maximum of five days for a consultant to be hired to deliver any or all of the above;
2. Each consultant will be required to attend a half-day session with the Support Project to discuss the Guidelines;
3. The Framework Committee is interested in supporting projects that apply the partnership approach bringing together employer and employee/trade union representatives to implement projects.
4. Feedback will be welcome to support the further development of this scheme.

A leaflet and application form, and the Guidelines on Employment Equality Policies and Equality & Diversity Training are available from Fiona in the Equality Authority at 01-4173341. The Guidelines are also available on the Equality Authority website www.equality.ie

If there is any adjustment required to accommodate people with disabilities in completing an application form or taking part in the scheme, we will endeavour to facilitate you.

Events/Diary

Irish School of Ecumenics

Trinity College Dublin

Applications are invited for the:

- Ph.D. & M.Phil. in Ecumenical Studies (Dublin), email: ecumsec@tcd.ie
- Ph.D. & M.Phil. in International Peace Studies (Dublin), email: peacesec@tcd.ie
- Ph.D. & M.Phil. in Reconciliation Studies (Belfast), email: reconsec@tcd.ie
- Evening Postgraduate Diploma in Conflict and Dispute Resolution Studies (Dublin), email: cdrssec@tcd.ie

The Irish School of Ecumenics offers a unique opportunity for students to belong to an international student body, where they are encouraged to learn from one another as well as from a panel of expert lecturers. In addition to having access to the library of Trinity College, Dublin, students also have access to our own important specialist library, where the result of their own researches will in due course be made available to future researchers. Ireland's only centre for reconciliation studies, since 1970 the Irish School of Ecumenics has promoted research and education in the field of ecumenism, peace and justice in an interdenominational context.. Our courses reflect the

breadth of these concerns: ecumenical dialogue, interfaith relations, international affairs, European security, human rights, conflict resolution, peace, and gender studies. Our graduates are well positioned to bring their expertise and practical skills to bear on situations of conflict, misunderstanding and prejudice, whether in local community development, educational, interdenominational and interfaith settings in Ireland and abroad. For information, please visit our website at www.tcd.ie/ise/degree_diploma/index.html.

Please quote Ref. No. EPRC11062003 with your request for an application form and information:

For our Dublin based programmes, please contact: Irish School of Ecumenics (Trinity College Dublin), Bea House, Milltown Park, Dublin 6, Rep. of Ireland; Tel: +353 (0)1 260 1144, Fax +353 (0)1 260 1158.

For our Belfast based programme, please contact: Irish School of Ecumenics (Trinity College Dublin), 683 Antrim Road, Belfast BT15 4EG, Northern Ireland; Tel: +44 (0)28 9077 0087, Fax: +44 (0)28 9037 3986.

Completed applications for admission to the above programmes are welcomed as soon as possible.

Technology & Disability Exhibition – the Largest Exhibition of Technology & Technical Devices for people with disabilities to be held in Ireland will take place on 31st August from 12pm – 5pm and 1st September from 9am – 7pm at the O'Reilly Hall, UCD. This will be of interest to Therapists, Engineers, Teachers, Trainers, End Users & Carers. Tickets to this exhibition are free. For further details check: www.atireland.ie/aaate or email info@atireland.ie

Conference to celebrate European Year of Disabled People – The UK Disability Rights University of Leeds Commission in Partnership with the Dept. of Law & the Centre for Disability Studies at the University of Leeds are holding this conference at the University of Leeds from the 25- 26th September. For further details & booking forms see www.disability-europe.info/lawconference

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

2003 International Healthy Cities

Conference – this conference will demonstrate the power of local action for health and sustainable development by building, designing, tackling and creating. It takes place in the Waterfront Hall, Belfast from 19th – 22nd October. For information contact Belfast Healthy Cities, 22-24 Lombard Street, Belfast BT1 1RD. Tel: +44(0)2890328811; fax: +44(0)2890328333; email: info@belfasthealthycities.com www.belfasthealthycities.com

'A Sense of Place' – this four day international event will investigate, question and shed light on 'displacement' and 'integration' in Europe, through the intellectual focus of the role of the arts, culture & media. 24th – 27th November, 2003
Bookings made before 30th July will receive a 10% discount. For further information: www.asenseofplace.org.uk

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