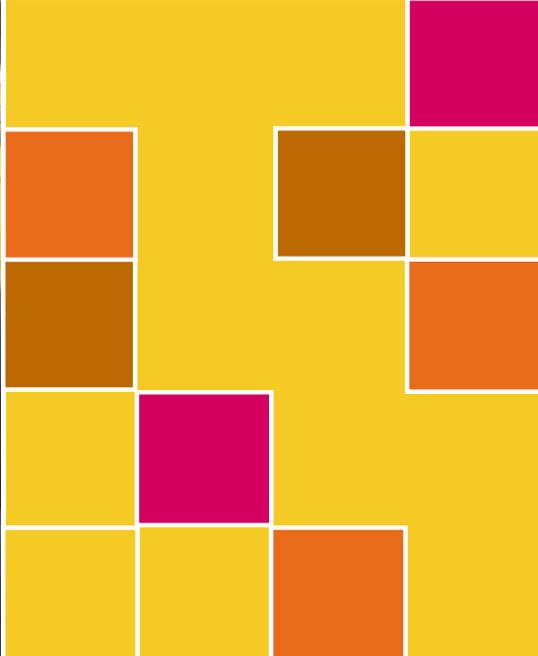
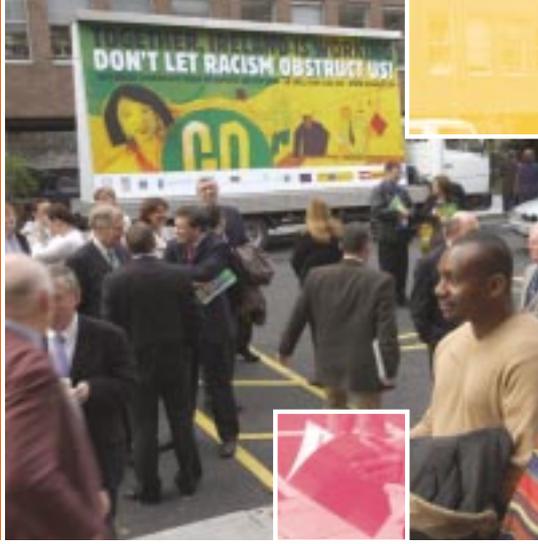


Equality News

Winter 2004



Anti-Racist Workplace Week 2004
Equality in Practice at Silver Springs
Caring, Working and Public Policy
Update: Disability Bill



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

Update

By Niall Crowley, Chief Executive, Equality Authority

Disability Bill

The Dail has begun its consideration of the Disability Bill (2004) and the Comhairle (Amendment) Bill (2004). These two Bills form part of the National Disability Strategy which also includes a commitment to preparing sectoral plans in key areas of policy and provision and a promise of additional funding through the estimates and budget process.

The Disability Strategy includes a focus on evolving systems for the inclusion of people with disabilities. These include sectoral plans, needs assessment and advocacy services. These are important developments for service provision that better responds to the needs of people with disabilities. Another key factor for an enhanced inclusion of people with disabilities is increased investment in services to meet their needs. The forthcoming estimates will establish to what extent this increase will be adequate to current needs.

The Disability Bill and the Comhairle (Amendment) Bill should underpin and guarantee the development of such systems and the commitment of investment. However issues identified by the Equality Authority suggest that the legislation limits rather than underpins and guarantees new systems and investment and that there are tensions between the new legislation and existing equality legislation.

The Equality Authority has made a submission on the two Bills raising issues in relation to

- the narrow definition of disability used;
- the manner in which resources are dealt with which would appear to limit services envisaged under the Bill to a residual situation where funding is made available only after all other responsibilities of the public body are met;

- the limited extent of the needs assessment;
- the lack of coherence with the reasonable accommodation provisions of the Equal Status Acts of the provisions in relation to access to building and to services;
- ensuring there is no reduction in the level of protection afforded by the Equal Status Acts;
- the complicated processes surrounding compliance which mark a move away from the enforcement model established under the equality legislation; and,
- limitations in the provisions for access to advocacy services.

Equality proofing

Equality proofing has been a particular focus in the current work of the Equality Authority. The Equality Authority, the Office for Social Inclusion (Department of Social and Family Affairs), the Department of Justice Equality and Law Reform and the Combat Poverty Agency developed and piloted an integrated approach to poverty and equality proofing two policy initiatives.

The two policy initiatives for the pilot were the National Action Plan Against Racism and the Back to Education Allowance Expenditure Review. The integrated proofing process drew from gender proofing developed as part of the National Development Plan, poverty proofing developed under the National Anti Poverty Strategy and equality proofing developed by the Equality Authority across the nine grounds covered under equality legislation.

The proofing exercise sought to test the capacity of the policy initiatives to accommodate differences. Difference is defined in terms of the identity, experience and situation of the groups covered by the exercise. It further sought to test the capacity of the policy initiatives to address barriers. Barriers were defined in terms of access, psychological, information, cost and institutional barriers.

The exercise suggests that equality proofing and poverty proofing will need to be pursued

as separate but linked strands in the short term as further work is done on integrated proofing. It highlighted important learning for the roll out of the commitment to equality proofing policy initiatives that was made in the Sustaining Progress national agreement.

It is clear that external support to Government Departments and to the participants from the NGO sector will be key to implementing this commitment. Expertise and confidence in the equality proofing process needs to be built. Data products need to be developed to assist the equality proofing process. A facilitation service within the proofing process needs to be provided. This is an area that the Equality Authority is now looking to develop as part of the Equality Proofing Working Group established under Sustaining Progress and convened by the Department of Justice, Equality and Law Reform.

Legislative Change

Finally, the Equality Authority is currently working in a context of significant legislative change. The Equality Act 2004 introduced amendments into the Employment Equality Act and the Equal Status Act. Maternity legislation and adoptive leave have been further developed. Work is ongoing in amending the parental leave legislation.

This legislative development is important for equality and needs to continue. It poses significant challenges to the Equality Authority as information and guidance materials need to be revised and further developed. Legislative change does however generate a new energy around a focus on the legislation. The Equality Authority will seek to take advantage of this and support new ambition across organisations in promoting equality and combating discrimination.





European briefing

By Brian Harvey

The New Progress Programme

Details of the PROGRESS programme have now been published. PROGRESS was announced as a new European programme in July. PROGRESS, in effect, brings together a number of existing European programmes under one heading, including the gender and anti-discrimination programmes. The PROGRESS programme will run concurrently with the next round of the structural funds in the new financial perspective, 2007-2013.

The justification for PROGRESS is the need for greater simplicity in the Community's financial instruments. The terms 'simplification' and 'rationalisation' are used repeatedly. Instead of separate programmes, there will be one, with one

PROGRESS, in effect, brings together a number of existing European programmes under one heading, including the gender and anti-discrimination programmes.

budget line, one legislative proposal and a coherent management. The communication points out that 28 budget lines are involved and the new system will lead to greater 'visibility, clarity and coherence'.

There will be five strands, as announced in July. The details of the financial proportion allocated to each are:

- Employment, 21%
- Social protection and inclusion, 28%
- Working conditions, 8%
- Anti-discrimination and diversity, 23%
- Gender equality, 8%

Under strand 4, the objectives will be:

- Improving the understanding of the situation in relation to discrimination, in particular through analysis and studies and the development of statistics and indicators as well as assessing the impact of existing legislation, policies and practices;
- Supporting the implementation of EU anti-discrimination legislation through reinforced monitoring, training of practitioners and networking amongst specialised bodies dealing with discrimination;
- Raising awareness, disseminating information and promoting the debate about the key challenges and policy issues in relation to discrimination and the mainstreaming of anti-discrimination in EU policies; and
- Developing the capacity of EU networks to pursue EU policy goals.

Under strand 5, the objectives will be:

- Improving the understanding of the situation in relation to gender issues and gender mainstreaming, in particular through analysis and studies and the development of statistics and indicators as well as assessing the impact of existing legislation, policies and practices;
- Supporting the implementation of EU gender legislation through reinforced monitoring, training of practitioners and networking amongst specialised equality bodies;
- Raising awareness, disseminating information and promoting the debate about the key challenges and policy issues in relation to gender equality and gender mainstreaming; and
- Developing the capacity of EU networks to pursue EU policy goals.

The PROGRESS programme permits the funding of the following types of activities:

- Analytical activities - statistics, methodologies, studies, evaluations, guides, reports;
- Learning, dissemination and awareness - best practice, peer review, Presidency conferences, Community conferences and seminars, media campaigns and events, materials; and
- Support to main actors - EU networks, working groups, training seminars, networking among specialised bodies at EU level, EU networking, experts, observatories, exchanges between national administrations.

“The normal financial level of support from the programme will be 80%.”

The programme is open to member states, local and regional authorities, specialised bodies, social partners, non-governmental organisations, universities and research





institutes, evaluation experts, national statistical offices and media. The normal financial level of support from the programme will be 80%.

The PROGRESS programme is a radical consolidation and tidying up of existing funding programmes into one, with five strands. In reality, the nature of existing programmes is largely unchanged. Strand 5 is a continuation of the present gender action programme while strand 4, anti-discrimination, continues to apply many of the principles of the present anti-discrimination programme. The social protection and inclusion strand is, in effect, an extension of the present Social Exclusion Programme.

Equality bodies are considered to be target participants in PROGRESS: both strand 4 and strand 5 will provide opportunities for the Equality Authority to participate in networking, seminar and conference work, research and awareness-raising with other equality bodies in the European Union over 2007-2013.

The PROGRESS programme is a radical consolidation and tidying up of existing funding programmes into one...

In terms of the financial priorities, strand 4 (discrimination on multiple grounds) is given an allocation of €158m. The gender (strand 5) allocation is €54m. A high value is placed on training in the implementation of EU equality law, as seen by the budget of €18m allocated to training seminars. There will be a high level of allocation to media campaigns, €37m and national conferences and seminars, €26m. The level of funding for European networks appears to be static, permitting the funding of seven large and seven small anti-discrimination networks, the same number as at present. These networks will now cover a much wider range of member states.

Along the lines of the green paper on discrimination published earlier this year, the thrust of the funding is on the implementation of existing Community law and systems. It will however be important that PROGRESS adequately engages with anti-discrimination and equality organisations at member state level. This will be all the more important once the EQUAL programmes winds up in 2006.



The experiences of national and non-national nurses in the Irish health care system

By: Margaret Mc Adam. MA in Adult and Community Education. Lecturer, Dept of Nursing and Midwifery Studies, TCD;

Frances O'Brien. MA in Adult and Community Education. Lecturer, Dept of Nursing and Midwifery Studies, TCD;
and

Frances Ryan. MA in Adult and Community Education. Lecturer, Dept of Nursing and Midwifery Studies, TCD.

Introduction

The Irish Health Service has undergone dramatic change over the past number of years as the cost and demand for health care continues to escalate. The delivery of quality health care is directly related to an adequate supply of nurses, who comprise over 36% of all public health service employees in the republic (Department of Health and Children, 2001). After the nursing crisis culminated in a strike in 1999, the Irish health care system embarked on a

recruitment initiative in an attempt to address staffing shortages. In the year ending October 2001, 5, 159 non-national nurses were recruited in Ireland (HSEA, 2001). This proved to be a new phenomenon for Irish nursing and the delivery of health care. A case study explored the experiences of both the Irish and non-national nurses involved in the change. It examined the lived experiences of those people involved. It sought to provoke discussion and dialogue while opening channels of communication for migrant nurses in Ireland. The theoretical framework underlying the case study draws from

“The delivery of quality health care is directly related to an adequate supply of nurses, who comprise of over 36% of all public health service employees in the republic (Department of Health and Children, 2001).”



sustainable development theory and systems theory. Sustainability is about solidarity between participants in our society and between other countries (The Government of Ireland, 1997). This work explored the concept of creating and maintaining sustainable communities within the context of the nursing recruitment strategy.

Background to the case study

The authors were acutely aware of the impact of staffing shortages on patient care and staff morale. They also had experience of the hospital as a hierarchal political organisation that heretofore in Ireland had not witnessed cultural diversity in relation to migrant workers. Morgan (1998) asserts that all organisations are political systems that contain groups of departments and individuals within them that act as sub-systems. Similarly, O'Connor and McDermott (1997) postulate that a system maintains itself and survives through the interaction and interdependence of its constituent parts. This case study was undertaken in a large teaching hospital in Dublin. Irish and non-Irish nurses agreed to partake in a discussion about their experiences.

Themes arising from discussion

The following themes formed the basis of the dialogue that took place and represent the perceptions of those involved. The

themes related to competency, education, and racial and social integration issues.

“Better screening methods, longer induction programmes and more education for Irish staff were viewed as being essential to the whole process, yet were noticeably lacking from it.”

1. Competency

It emerged that the level of competency required for the provision of quality nursing care was not standard between Irish and foreign nurses and the scope of practice varied between nationalities. This problem was linked to a fault in the recruitment and selection process. The Irish staff, particularly in specialist areas, found it difficult to integrate and orientate nurses due to varying levels of expertise, competence and language fluency. It came across forcibly that language, communication and differences in formal training were some major stumbling blocks in ensuring the smooth integration of immigrant nurses. Better screening methods, longer induction programmes and more education for Irish staff were viewed as being essential to the

“Language, communication and differences in formal training were some major stumbling blocks in ensuring the smooth integration of immigrant nurses.”

whole process, yet were noticeably lacking from it. The Irish Nursing Board has subsequently produced a document to provide an assessment framework and information for those involved in working with nurses from overseas. This framework facilitates and enables non-national nurses to work effectively within the Irish health services (An Bord Altranais, 2003).

All involved felt the issues of competence and language were closely connected and posed huge problems for the hospital as a system. It appeared that while migrant nurses were integrated into the system, the overall functioning of the system had become imbalanced. This exemplified the concept of dis-equilibrium between the sub-sets of a system, with negative side effects for the system as a whole due to a lack of convergence between individual and organisational needs. While it could be safely argued that language difficulties were a potential problem of the recruitment initiative, the problem was not prevented from becoming a reality, thereby failing to recognise the interdependency between the system and its sub-systems.

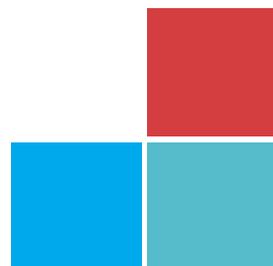
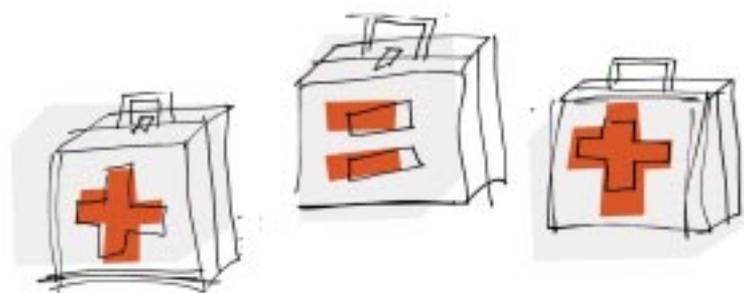
The short-term success and sustainability of the project was therefore threatened.

2. Education

The discussions indicated educational needs were not adequately addressed. Language and communication not only formed major stumbling blocks in ensuring the smooth integration of the non-national nurses, but also differences in formal training, longer induction programmes and more education for Irish staff were viewed as being essential to the whole process, yet were noticeably lacking from it. The orientation package was considered inadequate by Irish staff who felt it was unfair to “land” the nurses in the system without adequate orientation or support. However, initiatives involving a preceptorship program appeared to have helped matters somewhat.

“The discussions indicated educational needs were not adequately addressed.”

Irish nurses were frustrated and worried, as they had to monitor their foreign colleague’s caring practices. Some resigned as a consequence of this or pursued less stressful job-sharing options, further contributing to staff shortages. Ironically, it appears that this ‘quick fix’ solution to the original problem had recreated the same problem.



“Sustaining the non-national nurses as a community within the hospital involves facilitating their integration into our culture, while accommodating diversity.”

3. Racial and social integration issues

Sustaining the non-national nurses as a community within the hospital involves facilitating their integration into our culture, while accommodating diversity. Although most non-national nurses felt welcome in the hospital, problematic areas such as lack of social integration still remained contentious issues. The Irish nurses expressed some discomfort with differences that related to their varying cultural perspectives on touch, gender and interpersonal relationships.

Non-national nurses felt nursing in Ireland had been a positive experience for them. However, all believed that there was not enough understanding or respect for their culture. Many felt the hospital should organise social gatherings to facilitate integration with colleagues, as many immigrant nurses are restricted on religious grounds or by virtue of gender to engage in the Irish social scene.

“...understanding cultural differences in the workplace and developing skills in conflict resolution, will become all the more important in the future, as trans-cultural nursing becomes more commonplace.”

There was some evidence of racism from Irish patients as reported by a few individuals. One patient completely refused to let an immigrant nurse partake in any aspect of care. Muslim staff experienced a particularly harsh time after 9/11. However, it appears management dealt with the situation well by engaging speakers to talk about Muslim religion and Islamic culture. Andrews (1999) suggests that efforts to alter staff attitudes on cultural diversity should focus on communication and instruction, and states that it is not enough to expect staff to embrace diversity as a moral imperative. The author asserts that understanding cultural differences in the workplace and developing skills in conflict resolution, will become all the more important in the future, as trans-cultural nursing becomes more commonplace.

Conclusion

The information that emerged is solely representative of the experiences of those involved. It cannot therefore be an accurate representation of the larger picture. However, issues that emerged warrant highlighting and would suggest that the recruitment initiative was devised as a stopgap measure, rather than a long-term sustainable solution. While these nurses had been integrated as a group into the hospital in order to perform a particular function, it appears that the overall functioning of the system had become disjointed. The experience of the grass roots health care providers indicates that this project requires fine-tuning in order to meet the needs of the patient and the health care worker. The provision of language training needs to be recognised by the health service providers as an essential pre-requisite to the recruitment of non-national nurses to our Irish hospitals. The workplace needs to engage in a process of cultural self-assessment to ascertain its strengths and weaknesses, and to promote effective cross-cultural communication, and a stronger commitment to multi-culturalism. It is important that Irish nurses



“The provision of language training needs to be recognised by the health service providers as an essential pre-requisite to the recruitment of non-national nurses to our Irish hospitals.”

learn from those who belong to minority ethnic groups to endeavour to eliminate racism within the health care setting. The case study concurs with the assertion by Glassel-Brown (1998) that immigrant nurse recruitment might address a short-term need but repetitive temporary nurse migration programmes create long-term consequences, which are not necessarily in the best interests of the profession. A recognition and appreciation of the contribution made by immigrant workers to our health service is required if the recruitment project is to be sustainable and successful. This can be operationalised by a thorough assessment of trans-cultural issues and the provision of practical supports at the coalface to facilitate sustainable and successful practice, rather than merely finding a short-term solution to a long-term problem.

References

An Board Altranais (2003) Competence and Assessment Tool for Nurses Educated and Trained Overseas in non-EU countries. Dublin: An Board Altranais.

Andrews, M., & Boyle, J. (1999). Transcultural Concepts in Nursing Care. Philadelphia: Lippincott.

Department of the Environment (1997). Sustainable Development: A Strategy for Ireland. Dublin: Government Publications.

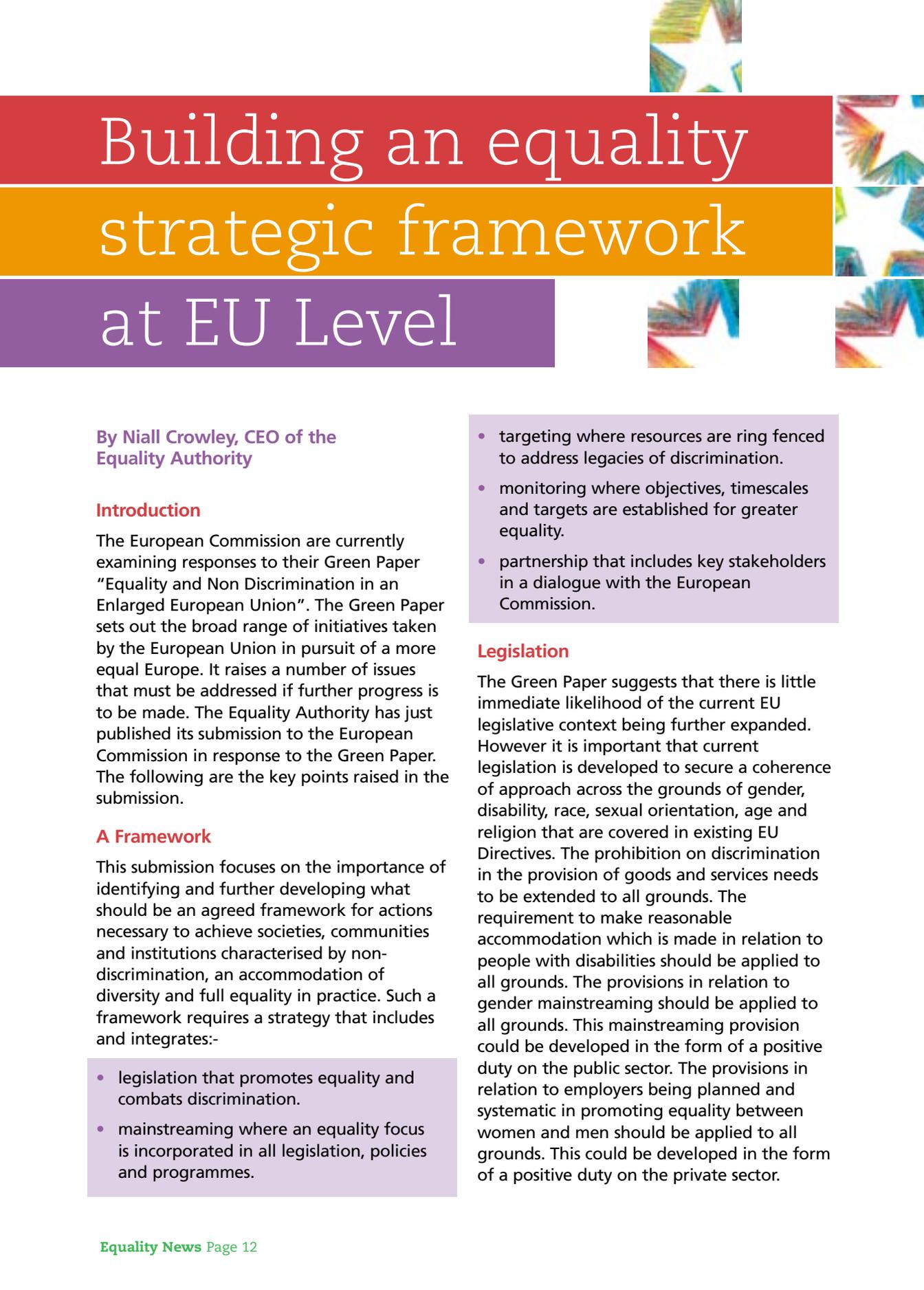
Department of Health and Children (2001). Guidance for Best Practice on the Recruitment of Overseas Nurses and Midwives. Dublin: Department of Health and Children.

Glaessel-Brown, E.E. (1998). Use of immigration policy to manage nursing shortages. Image - The Journal of Nursing Scholarship. 30 (4).

Health Service Employers Agency (2001). National Survey on Nursing Resources. Dublin: Health Service Employers Agency.

Morgan, G. (1998) Images of Organisation. The Executive Edition. San Francisco: Berrett-Koehler Publishers.

O'Connor, J., McDermott, I. (1997). The Art of Systems Thinking: Essential Skills for Creativity and Problem Solving. London: Thorsons.



Building an equality strategic framework at EU Level

By Niall Crowley, CEO of the
Equality Authority

Introduction

The European Commission are currently examining responses to their Green Paper “Equality and Non Discrimination in an Enlarged European Union”. The Green Paper sets out the broad range of initiatives taken by the European Union in pursuit of a more equal Europe. It raises a number of issues that must be addressed if further progress is to be made. The Equality Authority has just published its submission to the European Commission in response to the Green Paper. The following are the key points raised in the submission.

A Framework

This submission focuses on the importance of identifying and further developing what should be an agreed framework for actions necessary to achieve societies, communities and institutions characterised by non-discrimination, an accommodation of diversity and full equality in practice. Such a framework requires a strategy that includes and integrates:-

- legislation that promotes equality and combats discrimination.
- mainstreaming where an equality focus is incorporated in all legislation, policies and programmes.

- targeting where resources are ring fenced to address legacies of discrimination.
- monitoring where objectives, timescales and targets are established for greater equality.
- partnership that includes key stakeholders in a dialogue with the European Commission.

Legislation

The Green Paper suggests that there is little immediate likelihood of the current EU legislative context being further expanded. However it is important that current legislation is developed to secure a coherence of approach across the grounds of gender, disability, race, sexual orientation, age and religion that are covered in existing EU Directives. The prohibition on discrimination in the provision of goods and services needs to be extended to all grounds. The requirement to make reasonable accommodation which is made in relation to people with disabilities should be applied to all grounds. The provisions in relation to gender mainstreaming should be applied to all grounds. This mainstreaming provision could be developed in the form of a positive duty on the public sector. The provisions in relation to employers being planned and systematic in promoting equality between women and men should be applied to all grounds. This could be developed in the form of a positive duty on the private sector.

Mainstreaming

The Green Paper raises the issue of mainstreaming in its focus on ensuring complementarity with other areas of EU policy. Equality mainstreaming should be developed with a focus on all grounds covered in the EU Directives. Equality mainstreaming should be integrated with and learn from gender mainstreaming. A programme of work will be required to provide training on equality mainstreaming and to develop support materials for this approach to policy making. Equality mainstreaming should be developed within the Broad Economic Policy Guidelines, the European Employment Strategy and the Guidelines developed for this, the Streamlined Process of Coordination in the Area of Social Protection and Inclusion Policies and the common objectives established for this, and the EU Structural Funds and the regulations that govern these.

Targeting

The Green Paper identifies a significant emphasis in European policies and funding programmes on targeting groups experiencing inequality. It is important that this should continue across all the grounds named in the EU Directives. The European Social Fund, Community Initiatives such as EQUAL and action programmes such as the Community Action Programme to combat discrimination and the gender equality programmes should continue and be further developed. Specific attention in funding programmes could usefully be focussed on systems and practices that support an effective implementation of equality legislation at Member State level. This would include investment in the development of community sector advocacy and trade union advocacy in support of claimants under equality legislation, in the development of an adequate response to the potential for positive action afforded by the EU equality Directives, and in the development of policy making systems with a capacity for equality mainstreaming.

Data

The Green Paper makes significant mention of the need to improve data collection, monitoring and analysis. An equality data strategy should be developed and would need to achieve consensus and commitment to implementation across all Member States. This equality data strategy would focus on all the grounds covered by the EU equality Directives. It should be accompanied by a rolling programme of indicator development that focuses on groups which experience inequality within key policy areas.

Participation

Finally, the submission of the Equality Authority highlights the importance of specialised equality bodies as stakeholders on these issues at EU level. A model of stakeholder involvement for such bodies is presented by the EU Advisory Committee on Equal Opportunities between Women and Men. Action on foot of the Green Paper should identify specialised equality bodies as stakeholders with a contribution to make to the EU's efforts to tackle discrimination. An Equality Advisory Committee should be established to include specialised equality bodies from all Member States, to assist the European Commission in promoting equality and combating discrimination and to provide opinions to the Commission on any matter relevant to the promotion of equality.

Conclusion

The Equality Authority looks forward to the European debate now developing around the Green Paper and to contributing a perspective to this debate as a specialised equality body with a multi-ground mandate.

Anti-Racist Workplace Week launch



Anti-Racist Workplace Week supports Irish workplaces to celebrate their cultural diversity and to commit to combating racism. It aims to create a context where all workplaces are free from discrimination, make adjustments for cultural and linguistic diversity and promote full equality in practice.

By Patrick O'Leary, Communications, Equality Authority

Michael Mc Dowell Launches Intercultural Equality Guide for Workplaces

Minister for Justice Equality and Law Reform, Mr. Michael Mc Dowell recently launched Anti-Racist Workplace Week (ARWW). The week ran from 1st November 2004 to 7th November 2004. The Minister also launched a new publication providing practical guidance in 'Promoting Equality in Intercultural Workplaces'.



Positive action is now allowed on all grounds covered by the Employment Equality Act in support of full equality in practice



Anti-Racist Workplace Week is a joint venture of the Equality Authority, Irish Business and Employers Confederation, Congress, Construction Industry Federation, Small Firms Association, Department of Justice, Equality and Law Reform, Chambers of Commerce of Ireland and the Irish Farmers Association. This was the fifth Anti-Racist Workplace Week and it marks a new participation by the Irish Farmers Association and Chambers of Commerce of Ireland.

Minister Michael McDowell of the Dept. of Justice, Equality and Law Reform launches Anti-Racist Workplace Week, Nov 1st-7th '04





Minister Michael McDowell pictured with the partners in the Anti-Racist Workplace Week Initiative

Anti-Racist Workplace Week supports Irish workplaces to celebrate their cultural diversity and to commit to combating racism. It aims to create a context where all workplaces are free from discrimination, make adjustments for cultural and linguistic diversity and promote full equality in practice.

The week took place in the context of a new and enlarged EU. This enlargement has encompassed many countries from employment which migrant workers come to Ireland. Enlargement has changed their position in relation to work permit requirements in a positive manner. New equality legislation also provided an improved context. The Equality Act 2004 extends protection from discrimination in employment to employees in private

households. Positive action is now allowed on all grounds covered by the Employment Equality Act in support of full equality in practice.

Anti-Racist Workplace Week involved a significant public awareness campaign. Billboards around the country carry the message "Together Ireland is Working. Don't Let Racism Obstruct Us". This message was reinforced further through national and local radio infomercials. Posters and a booklet outlining ideas for action at enterprise level were distributed to nearly 20,000 organisations. A specific booklet targeting farmers who employ migrant workers was launched during the week. Events were being organised at national and regional level by the partner organisations during the week.

The week sought to build on the good practice evident in many enterprises. The work of previous years has revealed a significant ambition to promote equality in intercultural workplaces. The week also sought to address the significant challenge posed by discrimination on the race and Traveller grounds under the Employment Equality Act. The current casefiles of the

Equality Authority provide an indicator of this with 42% of these casefiles under the Employment Equality Act relating to the race ground. These casefiles raise significant issues for migrant workers in relation to dismissal, equal pay and working conditions. Successful casework has been an important deterrent to discrimination, but also provides important guidelines for employers seeking to create Anti-Racist Workplaces.

At the launch a recent labour court decision (Campbell Catering Ltd. Vs Aderonke Rasaq) which has the potential to dramatically improve the experience and situation of migrant workers was highlighted. This set out a duty on employers to ensure their disciplinary policies and procedures take account of the practical implications of cultural and linguistic diversity. The decision would suggest it is important that employers review all their employment policies and procedures to ensure they take account of cultural and linguistic diversity. Such a review would be a valuable and practical contribution to creating an intercultural workplace.

Turlough O' Sullivan, Director General of the Irish Business and Employers Confederation welcomed the initiative. IBEC



were delighted to be involved in the Anti-Racist Workplace Week initiative again this year. In order to maintain our growing economy, Ireland is becoming increasingly reliant on people from other countries choosing to come and work in this country. Maintaining Ireland's image as a welcoming place to live is vital to our future success. He believed that the Anti-Racist Workplace Week is sending out a very clear message that racism, in any form, cannot be tolerated by employers or employees.

It is clear that the overwhelming majority in Irish society recognise that racism and prejudice have no place in modern society.

David Begg, General Secretary of Congress welcomed the fact that this year's Anti-Racist Workplace Week included a broader range of partners than previously. It is clear that the overwhelming majority in Irish society recognise that racism and prejudice have no place in modern society. Over the years, Anti-Racist Workplace Week has provided invaluable leadership on this issue and in helping to develop practical supports for workplaces already taking initiatives on these issues. This work is all the more important in light of the recent Labour Court ruling that said that employers "have a positive duty" to ensure migrant workers fully understand their rights. The Equality Authority's own case files often highlight the difficulties and negative experiences of migrant workers here in Ireland. We must all rise to the challenge this presents."

John Dillon, President of the Irish Farmers Association, stated that migrant workers have played a key role in helping farmers, particularly those involved in the horticultural sector, to maintain productivity in the context of labour shortages. IFA was pleased to lend its support to this initiative and to highlight the good examples of cultural integration that exists in the agri-sector.

...we are going to have to embrace the concept of a multi-ethnic workplace to a far greater extent.

Small Firms Association Director Pat Delaney believed that if Ireland is to take its place among the most advanced, competitive economies in the world we are going to have to embrace the concept of a multi-ethnic workplace to a far greater extent. With some 222,000 non-Irish nationals currently living in Ireland, it makes good economic sense for the small business sector to actively support diversity in Irish society and the elimination of racism in business and employment.

Chief Executive John Dunne of the Chambers of Commerce of Ireland (CCI) stated that this initiative has now become an established and important annual event in raising awareness of racism in the workplace. Our research has shown employers are very much aware of the issue of racism and have been addressing it with some success. However, events such as this are particularly important in ensuring we do not become complacent. With the prospect of skills shortage for the

foreseeable future we need to be amongst the best in the world in enabling a multicultural society.

The growth in multi-culturalism should be seen as a positive development that brings diversity in terms of skills, aptitude and outlook.

Liam Kelleher, Director General of the Construction Industry Federation stated that, racism has no place in a modern multicultural society. The construction industry in Ireland has a significant number of overseas workers, particularly from countries that are recent entrants to the EU. The growth in multi-culturalism should be seen as a positive development that brings diversity in terms of skills, aptitude and outlook.

'Promoting Equality in Intercultural Workplaces' is a step by step guide to support organisations to implement best practice and achieve equality in intercultural workplaces. It is available from the Equality Authority at 1890 245 545 or on the website: www.equality.ie



Caring, working and public policy

Dublin: Equality Authority

By Anne Timoney,
Research, Equality
Authority



A new report published by the Equality Authority looks at the needs and experiences of carers in relation to paid employment.

The report 'Caring, Working and Public Policy' (by Kevin Cullen, Sarah Delaney and Petrina Duff) shows that increasingly carers in Ireland and elsewhere are combining caring and employment or would like to. The report also presents an analysis of the needs of carers for services and supports to provide genuine choices in relation to caring and employment and considers how such choices are currently supported by public policy.

The number of carers in work is growing, with the last census (2002) counting more than 85,000 working carers. Although more Irish men are getting involved in caring, the majority of carers are women and trends towards increased participation of carers in paid work may grow further as more women enter employment. Indeed this report shows that there has been a dramatic shift of women carers into work in the last decade. In light of this, the approach to providing services and supports for carers and those for whom they care, needs to be re-examined. Current health and social care policy is reliant on the continued availability of family or friends to

provide, on a voluntary basis, most care required in the community.

Many carers place great importance on being able to continue to work or return to work.

There is some evidence showing both positive and negative consequences of this. Work is usually a financial necessity and is also an important opportunity for involvement and can provide a break from caring thereby improving the well-being of carers. On the other hand, work can add to strain, with carers being overstretched by combining different roles in the absence of alternative sources of care. This can have a negative impact on carers and possibly those cared for.



“What is most important is that carers are enabled to make genuine choices on caring and working or combining the two and they are supported to do so by public policy provision”

What is most important is that carers are enabled to make genuine choices on caring and working or combining the two and

they are supported to do so by public policy provision e.g. by providing quality alternate care that fits in with working patterns and by realistic income maintenance payments.

Currently, available supports can be categorised into health and social care provision usually provided or funded by health boards and other supports such as social welfare benefits and flexible working arrangements. The report found that health and social care in the community such as home helps, care assistants and respite care were characterised by:

- **Under provision – with services being unable to match demand;**
- **Inequitable access – provision varies so that people with similar needs get different services depending on where they live; and**
- **Lack of appreciation of the needs of carers or potential carers – for example whether they wish to maintain or take up work**

Problems were also identified with the other supports such as carers' benefit, carers' allowance and domiciliary care allowance, such as:

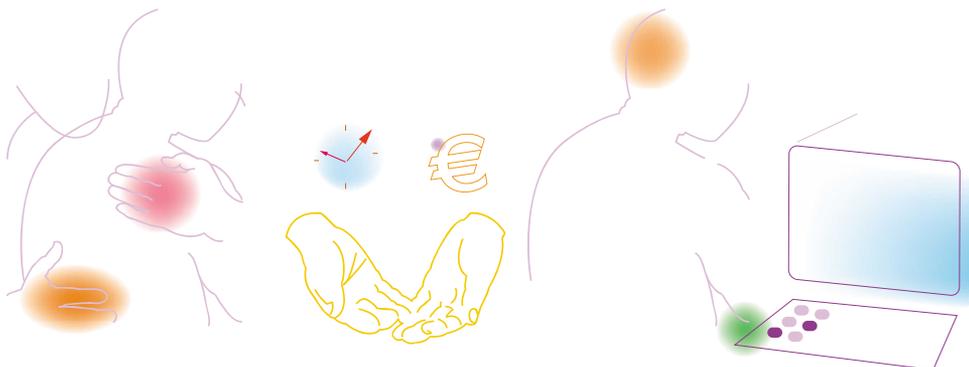
- **Low levels of payment that neither replace the income foregone by the carer nor match the market rate for care work; and**
- **Income maintenance strategies that are predicated on more or less complete withdrawal from work, rather than supporting part-time working as an option**

It can be seen then that current support services, such as health board provided care or income support benefits, do not adequately take account of the needs or situations of carers to make real choices.

“It can be seen then that current support services such as health board provided care or income support benefits do not accommodate carers to make real choices.”

There is an imperative to improve provision for care in the community because the model of freely available family care is being replaced by a context in which all adults in many households are working and unable or unwilling to give up work to care full-time. Given this reality, the need to develop a system of high quality care to provide an alternate to full-time family care is apparent. Other supports necessary to provide carers with choices in relation to work include equitable access to income maintenance supports for those who reduce working hours, protection of employment and career during absence from work and continuity and protection of social insurance contributions and entitlements.

While the report goes into greater depth, the themes and conclusions drawn from this research can be summarised as follows:



- Because carers span a wide spectrum in terms of their caring responsibilities and in their employment needs and preferences, it is important to avoid stereotyping and to provide a range of services that cater for diversity and enable carers to make real choices;
- Access to health and social services appears to be related to carer status, per se, and also differs between and within health board areas, resulting in inequities in provision;
- Separately, and in combination, these inequities in access to services and supports result in inequalities in employment opportunities and choices for carers in comparison to other groups and amongst carers themselves; and
- On a broader but related level, there is a need for a fundamental discussion and debate on the individual and joint rights of carers and those that are cared for

Recent legislative changes and other developments in Ireland have begun to put in place a framework within which the needs of carers can be better catered for. It is clear, however, that a lot more needs to be done.

As currently formulated, provisions support and reinforce a view that people are carers or workers rather than the reality that many people are, or aspire to be, both. The

“The policy approach must therefore focus on supporting equality of choice for carers and equality in relation to the costs associated with each choice.”

policy approach must therefore focus on supporting equality of choice for carers and equality in relation to the costs associated with each choice.



Notes

Further Equality Authority work in relation to carers:

The Equality Authority has recently established an Advisory Committee to report to it on implementing equality for carers. The Committee is comprised of members of relevant voluntary and statutory bodies and representative groups, as well as ICTU and IBEC.

How to get your copy of the report

The report 'Caring, Working and Public Policy' is available free of charge. You can download it at www.equality.ie/research. To receive a hard copy please contact Eileen McGuone, Research Section, The Equality Authority – Phone: (01) 417 3336 or e-mail emcguone@equality.ie.

A new research publication, Access to Health Services for Transsexual People by Eoin Collins and Brian Sheehan, was recently launched by the Equality Authority. It reports on a study of current healthcare provision for transsexual people and of the views of transsexual people on health services. It seeks a new profile for transsexual people in health policy-making and service provision. The report is available from the Research Section of the Equality Authority (Ph: 417 3304) or to download from: www.equality.ie/research

Equality in practice



By Orla Strumble, Silver Springs,
Moran Hotel, Cork

“...how do you get people from very diverse religious, cultural, ethnic and racial backgrounds to work together in a way that ensures the identity and dignity of each individual.”

Introduction

During the summer season of 2000 staff turnover in the hospitality industry was running at an all time high and it was increasingly difficult for those of us responsible for recruitment to source trained staff in Ireland. As result we were faced with a difficult challenge i.e. where to go to

recruit staff. Faced with this dilemma, we in the Moran group of hotels focused our attention on the possibility of locating and recruiting staff from abroad.

The Challenges

Within six months of that initial recruitment we had shifted from employing an almost exclusively white, Irish, homogeneous staff base, to one which was then far more diverse and made up of employees from such nationally and ethnically diverse backgrounds as Bangladesh, Malaysia, India, Morocco, Philippines and Sri Lanka. The religious diversity in this new staff included Muslim, Hindu, Catholic and Protestant as well as a number of other religions. And that was the diversity we could see, feel and touch. What I failed to recognise was, how do you get people from very diverse religious, cultural, ethnic and racial backgrounds to work together in a way that ensures the identity and dignity of each individual.

It wasn't long before I began to face new issues and new challenges such as a male

employee of Asian background having difficulties accepting directions from a female Irish duty manager, clients who insisted on being served by 'one of our own', tensions between staff from different ethnic backgrounds, managers and supervisors who were afraid to deal with some of the problems which they were presented with as well as communication difficulties.

Another issue presenting at the time was the enactment of the Employment Equality Act, 1998 and the Equal Status Act, 2000. The provisions of both Acts increasingly affected how our day to day business was conducted. We now had to be far more conscious of equality from both an employee and client perspective. Practically everything we did, the way we recruited, undertook staff appraisals, promoted people, operated on a day to day basis, met the needs of clients and in general ran our business, was impacted. The challenges for us in hotel management were obvious.

Silver Springs People

I approached the Equality Authority for guidance and as result of their assistance I made contact with Openminds Diversity Management consultants. This company arranged a one day diversity awareness session for our managers and supervisors, which was held as part of Anti-Racist Workplace Week. Subsequent to this initial programme, the Equality Authority contacted us to let us know that grants were available to companies like ours to review our existing employment equality policies and to develop and provide diversity training for staff. We made an application for this grant, initially to review polices, and were delighted when we were successful in our application. The grant enabled us to arrange a number of focus groups of representative groups of staff to seek their views on the issues of most concern to them. The very fact that they were being consulted was received very positively and helped engender a 'sense of ownership' in the subsequent policies.

The types of issues identified at the focus groups included:

- Lack of general understanding amongst staff of diversity and equality related issues in the hotel;
- Strong consensus that there had been a major increase in the amount of diversity which staff are interacting with, particularly cultural diversity;
- Language difficulties had increasingly become an issue for many of the participants;
- Misunderstandings amongst staff on cultural and religious issues;
- Lack of management awareness of the desire for some staff to participate in religious and cultural events;
- Lack of awareness of the needs of staff with disabilities;
- Need for more effective communication of the company's employment equality and diversity policies to staff;
- Need for comprehensive diversity and equality policies and the communication and implementation of same;
- Need for the adoption of a strategic whole organisation approach to diversity and equality management, and
- Need for the development of diversity management systems at the hotel.

Following the focus groups we worked to develop a more comprehensive employment equality policy. This new policy was far more strategic in its focus and provided an opportunity for us to begin mainstreaming equality and diversity issues. For example previous to the programme it would have been unlikely for a candidate at an interview to be asked questions focusing on equality or diversity issues at the hotel. Obviously by not asking these questions we may have been sending the message to candidates that they did not need to be competent in this area. Subsequent to the programme, candidates for all interviews can now expect to be asked these types of questions and we

are now far more conscious of the need for them to be competent in this area.

Training

We applied to the Equality Authority for a further grant to provide diversity training to all of our staff. The training was developed on the basis of the issues identified at the focus groups and also on the basis of the needs identified by individual staff members.

The training included:

Module One: Introduction

This focused on introducing staff to the equality/diversity concept.

Module Two: Defining Diversity

This module defined diversity and helped participants relate diversity to themselves and their own lives.

Module Three: The Terms/Legislation

This module focused on legislation as well as helping participants understand terms such as culture, race, ethnicity, ethnic group, dimensions of culture etc.

Module Four: Context Specific Learning

This module was based around video based scenarios designed for the hospitality sector.

Module Five: Exploring Differences

This module helped participants explore their own hidden biases and prejudices; it is based around a video exercise called the *tolerance scale*.

Module Six: Course Summary

In addition, hotel managers and supervisors had an extra module entitled "The Party" which helped them to understand the need for a holistic and strategic approach to diversity and equality management. Prior to attending the programme many thought that diversity issues did not concern them – however the attitude changes after they attended well astounding. Many had not thought about the issue before and this gave them the forum to discuss their opinions.

"We are far more conscious that workplace harmony is not something that can be taken for granted. It is something which takes a good deal of effort."

What next

The past few years have been very revealing for us as a hotel. We have learned that it can be too easy for staff to label and stereotype each other in the workplace because of cultural misunderstandings. We have also learned that one of the ways to prevent that is to understand the cultural norms and conditioning of all of our staff as well as seeking ways to identify the dilemmas that exist between different cultures and individuals and seeking to meet the needs of both in a mutually acceptable way. We are far more conscious that workplace harmony is not something that can be taken for granted. It is something which takes a good deal of effort.

In our case that effort has paid off, we have cut staff turnover down to an all time low and managed to retain the majority of employees and managers who attended those early courses. I do not attribute this solely to the carrying out of training but would feel that it has benefited us all – both national and non-national employees. Adopting a far more strategic approach to managing diversity and equality has taken time and commitment and we still have a long way to go. But we have become a much more inclusive company and now recognise that diversity is not just about our staff, but our clients as well and striving to value that diversity is something which we now focus on in living out our company motto, which is "Excellence is an Attitude"

Case reports

Non-National Dismissed because of Alleged Theft of Bananas – Labour Court Points to Positive Duties on Employers

**by Patrick O’Leary,
Communications, Equality Authority**

A recent decision of the Labour Court found that Aderonke Rasaq had been discriminated against in her dismissal by Campbell Catering. The Labour Court finding identified a positive duty on employers to take account of the practical implications of the cultural and linguistic diversity of their workforce in the case of disciplinary procedures.

Aderonke Rasaq was dismissed after being wrongfully accused of stealing bananas from the workplace. In the early stages of pregnancy she took three bananas from the kitchen which she intended to eat before she left. She believed she had a right to take food for consumption at work and this wasn’t disputed by the company.

The Labour Court found as a fact that the claimant did not steal the bananas and could not reasonably have been accused of stealing the bananas. The Labour Court found that the company’s decision to dismiss Aderonke Rassaq from her job at a hostel for refugees and asylum seekers in Dublin was discriminatory on the race ground. The

Labour Court stated that she was not offered fair procedures in that she was not told that her dismissal was in contemplation before the decision was taken. Also she was not informed of her right to be represented at any disciplinary hearing, and there was no investigation in any meaningful sense into the allegation made against the complainant. The Labour Court found that she had been treated less favourably than other employees facing allegations of serious misconduct had been or would be treated in similar circumstances. The claimant was awarded €15,000.

The Labour Court in its decision made it clear that many non-national workers encounter special difficulties in employment, arising from a lack of knowledge concerning statutory and contractual employment rights together with differences of language and culture. It stated that in the case of ‘disciplinary procedures employers have a positive duty to ensure that all workers fully understand what is alleged against them, the gravity of the alleged misconduct and their right to mount a full defence including the right to representation. Special measures may be necessary in the case of non-national workers to ensure that this obligation is fulfilled and that the accused worker fully appreciated the gravity of the situation and is given appropriate facilities and guidance in making a defence’.

This is an important and ground breaking decision by the Labour Court. It acknowledges that cultural and linguistic diversity has practical implications for

employment practices and procedures. It establishes a requirement on employers to take action to accommodate this diversity.

It is important that employers are aware of this requirement – a requirement that will not only improve the situation and experience of migrant workers but will also enhance the contribution of those workers to business success. The Labour Court has based this important requirement on the fact that discrimination can arise not only through the application of different rules to comparable situations but by the application of the same rule to different situations.

The claimant was represented by the Equality Authority. The case highlights the very difficult experience of discrimination being brought forward by migrant workers. The majority of casefiles on the race ground deal with migrant workers. They cover issues that include working conditions, dismissal, equal pay, access to employment and harassment.

Migrant workers are key to continuing growth in the Irish economy. The Equality Authority casefiles indicate that migrant workers are experiencing high levels of discrimination. This is bad for the economy, for business success and for migrant workers. We need to invest more in ensuring migrant workers know their rights and have access to adequate supports if they are to continue to make their contribution to the Irish economy.

Equality Settlement Highlights Issue for Young Drivers in Motor Insurance

The Equality Authority recently reached a settlement with First Call Direct in a case of potential discrimination on the age ground in relation to the provision of motor insurance to an under 25 year old. The

Equal Status Act 2000 prohibits discrimination on a number of grounds including age, in the provision of goods and services including insurance. In an earlier landmark ruling in relation to another insurance company the Equality Tribunal found that the across the board policy of refusing quotation to persons over 70 years of age with no regard for the persons particular circumstances was not reasonable and found against the insurance company. This settlement refers to the application of a lower age limit of 25 years of age. This is an important settlement in further developing the application of the Equal Status Act to the provision of insurance.

In November 2001, the claimant contacted the call centre at First Call Direct for a motor insurance quote. He was 23 years old at the time. The company refused to quote the claimant because he was under 25 years of age. The Equality Authority pursued the matter on behalf of the claimant and the case was listed for hearing by the Equality Tribunal. The refusal of service had no relationship to any previous history relating to the insurance claims or accident record of the individual's personal vehicle. On the day of the hearing, the company's representatives stated that the company had now changed its policy and removed the lower age limit for quotations. In those circumstances, the claim was settled and financial payment made paid to the complainant.

These cases raise the issue of age limits being used to exclude particular groups of people, young and old, from insurance. It is important that insurance companies ensure that the manner in which they seek to manage risk does not rely on irrelevant factors or characteristics. Recourse to such factors all too often leads to discrimination and exclusion.

Ageism in the Workplace Challenged

The Equality Tribunal recently made a decision of indirect discrimination against Bus Eireann. Mr. Brian O'Loughlin was found to have been indirectly discriminated against on the age ground and was awarded €3000 compensation. Bus Eireann were ordered to treat Mr. O'Loughlin in the same manner as any other applicant in relation to any application he makes for the position of school bus driver. They were also ordered to immediately implement an Equality Policy which takes account of the provisions of the Employment Equality Acts 1998 and 2004 and to communicate this to all those potentially affected by it. The Equality Authority represented Mr. Brian O'Loughlin at the Tribunal.

Mr. O'Loughlin had worked as a bus driver for 23 years. He availed of a voluntary severance package with effect from 31st October 2001. On the 16th October 2001, before leaving the company he asked to be considered for a position of school bus driver and/ or seasonal bus driver. He subsequently applied for such work but received a response stating that it was not company policy to re-employ staff who go out on retirement.

The company policy applied to all prospective employees. However 96.5% of those who applied for the voluntary severance package were over 50.

The Equality Officer of the Equality Tribunal highlighted that Bus Eireann did not show how cost savings can be achieved by not employing the complainant who availed of the voluntary severance scheme as opposed to employing someone who has not availed of the scheme. She also stated that Bus Eireann could not rely on the justification of achieving cost savings (if there were any) for the operation of a policy of not employing persons who availed of

voluntary severance. She found that the practice of not re-employing persons who had availed of voluntary severance indirectly discriminated against the complainant on the age ground. This case has now been appealed.

This case raises once again the issue of ageism in the workplace. The finding sends out an important message that this issue needs to be more effectively dealt with by employers.

This finding of indirect discrimination is very significant as there are very few recommendations of the Labour Court or the Equality Tribunal on this issue. Indirect discrimination is a less obvious form of discrimination which arises from the impact or effect of certain policies or procedures. It highlights the need to assess employment policies and practices for their actual impact on older people. The failure to make such an assessment all too easily leads to the exclusion of older people. Such a failure reflects an inflexibility in the workplace where the needs and aspirations of older people are not taken into account in the design of workplace practices and procedures. This creates barriers to their participation in the workplace. This has negative consequences not only for older people but also for business and for the economy.

The casefiles of the Equality Authority highlight a wide range of experiences of discrimination by older people in the workplace. These cover claims of discrimination in relation to job advertisements, job interviews, promotions and working conditions. Enterprises could usefully develop more planned and systematic approach to equality to achieve change in this context. The order of the Equality Officer of the Equality Tribunal that Bus Eireann put in place an Equality Policy is important in this regard. An Equality Policy is the key starting point for this planned and systematic approach to workplace equality.

IFA support for Anti-Racism Workplace week



By Mary Carroll, IFA Equality Officer



IFA participated in Anti Racist Workplace Week which took place from November 1st until November 7th. This was the first time that IFA have been involved in the initiative which has been running for 5 years.

Migrant workers are employed on farms around the country on a full time and seasonal basis. They have played a key role in helping farmers to maintain productivity in a context of labour shortages. This is particularly true of the horticulture sector where the mushroom and field vegetable sectors have benefited from significant numbers of migrant workers.

In and around 1997, non-nationals began to arrive in Ireland to work in the horticultural sector. A Bord Glas report in 2002 showed that over 40% of workers in the industry were non-national and 62% of these were

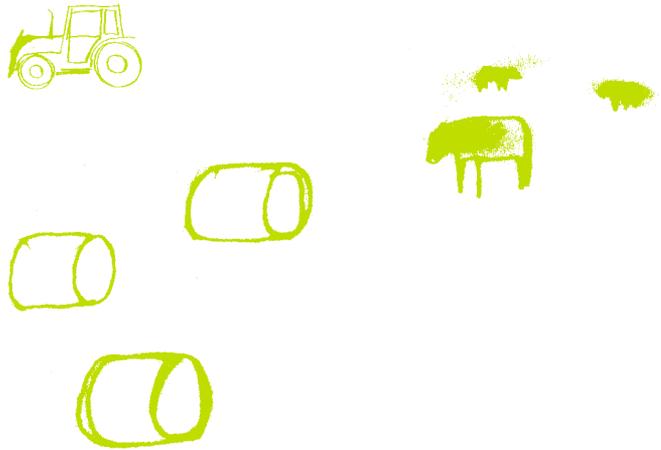
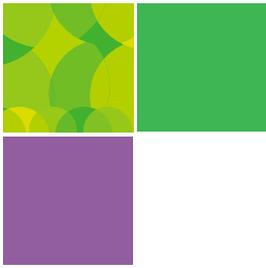
Latvian and Lithuanian nationals. Without the availability of foreign nationals to work in horticulture, there is little doubt that the industry would not have survived.

Cultural diversity is relatively new to Ireland and the farm environment provides the same challenges that exist to cultural integration as any other workplace. By becoming involved in this initiative, IFA is highlighting the good examples of cultural integration that exist in the agri-sector and encouraging best practice in all farm businesses.

This represents a valuable leadership for equality in culturally diverse workplaces. The agricultural sector has shown many positive initiatives in integrating migrant workers. However as with other sectors the agricultural sector faces significant challenges if the potential for racism and discrimination is to be eliminated. Leadership and support is necessary to meet these challenges.

The IFA will be working jointly with the Equality Authority to develop support materials to assist farmers in implementing good practice in the employment of migrant workers. One of the key joint initiatives is the production of a leaflet which aims to support farmers to effectively promote equality for their migrant workers.





The Irish horticultural industry – case studies of good practice

By Kieran Leddy, Executive Secretary IFA Horticulture and Potato sectors

The Irish horticultural industry has a farm gate value of €400 million and employs over 10,000 people. The mushroom sector with 220 growers is the largest sector in the industry valued at €130 million, while the potato sector with close on 700 growers is the second largest segment valued at €100 million. The nursery stock, protected crop, fruit, bulb and foliage industries have a combined value of €160 million.

Falling unit margins and increasing costs

The Irish horticultural industry has a farm gate value of €400 million and employs over 10,000 people.

of production has resulted in greater specialisation in the sector, with farmers increasing production to maintain viability and adapting production to serving a more demanding retail market. In the mushroom sector for example, a farm producing 2,500 kg of mushroom per week would have

been considered a large farm in the mid 1990's. Nowadays, mushroom farms producing between 4500kg and 7000kg per week are the norm.

These changes in the horticultural industry resulted in a move away from employing part-time workers to employing full-time employees so that growers could increase production and deliver a fresher product to the market place. This coincided with the rise of the 'Celtic Tiger' and a booming economy meant that Irish people were now able to get more attractive employment in other industries and growers found it impossible to employ people local to their enterprises to harvest their crops etc.

Case Studies

Latvians enter partnership arrangement in Tipperary mushroom farm

Michael Slattery of Rossmore, Co. Tipperary entered mushroom growing in 1999 as part of a joint venture between Tipperary Co-Op and Monaghan Mushrooms. Michael also runs a dairy enterprise with his son and is currently involved in the auctioneering business. In 2002, Michael decided to enter in to a partnership with three of his Latvian workers. He says that this has allowed him to remain involved in the mushroom sector, while also giving him time to concentrate on other ventures.



“I received advice on how partnerships worked and decided that this was the way to go ... it has proved to be a win-win situation.”

“I needed to expand the mushroom enterprise to remain viable but didn’t want to find myself in a situation where all my time was spent on the mushroom farm and the expense of other enterprises that I am involved in. I received advice on how partnerships worked and decided that this was the way to go”.

“The Latvians have proved themselves to be excellent managers and have really driven the business forward. They are gaining through a higher financial return for themselves than they would have received as labourers on the farm and I have gained from not being tied to the enterprise on a full-time basis. For me and for them it has proved to be a win-win situation.”

Foreign National integrate well into Local Community - Kilmeague Landscapes

Chris Byrne is managing director of Kilmeague Landscapes based in Kilmeague, Co. Kildare and has found that the non-national workers have integrated very well in to the local community.

“There are a mixture of Bulgarians and Ukrainians working with the company and the experience has been very positive. The non-national workers in the company are now fluent in written and spoken English and this has helped them integrate into the local community. They socialise at weekends with their Irish workmates and are involved in sports locally. One Bulgarian lad that worked here recently played a high standard of soccer in Bulgaria and was recruited to play in goals with the local GAA club.”

“They are very hard working and diligent people and two of them have been promoted to the position of foremen with the company. All in all, it has been a very positive experience for my company and for them.”

“They are very hard working and diligent people and two of them have been promoted to the position of foremen with the company. All in all, it has been a very positive experience for my company and for them.”

Advocacy training

Sligo Home to World's First Training Course in Advocacy

By Patrick O'Leary, Communications,
Equality Authority

Advocacy practice involves empowering people to speak and lobby on their own behalf, through training, education and life experience.

The first distance education course in the world to train advocates for people who are disabled or marginalised in some way has just been launched by Institute of Technology Sligo, in partnership with Comhairle and the Equality Authority.



Josephine Flaherty (Brothers of Charity, Galway) speaking at the launch



At the Dublin Castle launch (LtoR) Mr Ivor Callely, Minister of State at the Dept. of Transport, Niall Crowley, CEO, Equality Authority, Leonie Lunny, CEO, Comhairle and Dr Richard Thorn, IT Sligo

Advocacy is a practice of negotiation by or on behalf of individuals who are marginalised or vulnerable. It has particular links with the disability movement. Advocacy practice involves empowering people to speak and lobby on their own behalf, through training, education and life experience.

The idea for the course, which is accredited by Institute of Technology Sligo, came from people working in Citizens Information Centres around the country and from Comhairle's new advocacy role in the recent Disability Bill. Accredited training was needed to enable them fulfil their advocacy role.

The course consists of 12 modules over two years. It will deal with Advocacy, Equality Studies, Communications, Law, Disability Awareness, Information. Management, Ethics, and Social Administration, and includes a project or work placement. Because students are scattered around the

A new course in Advocacy Studies by distance learning has been launched by the Institute of Technology, Sligo in partnership with Comhairle and the Equality Authority

country, the course will be delivered by distance learning and via the internet, backed up by monthly seminars.



Leonie Lunny, CEO, Comhairle

Mr Ivor Callely, Minister of State at the Department of Transport, launched the Higher Certificate in Advocacy Studies in Dublin Castle on 8 November 2004, underlining the importance of advocacy in empowering groups and individuals in accessing rights. This course would ensure the provision of advocates with the education, motivation and ambition to deliver front-line services to marginalised people.

Margaret Tumbleton, Clondalkin CIC speaks about her role as an advocate



Other speakers included, Dr. Perry Share, Head of the Dept. of Humanities, IT Sligo, Dr. Richard Thorn, Director, IT Sligo, Leonie Lunny, CEO, Comhairle and Niall Crowley, CEO, Equality Authority and they wished every success to students and partners in the programme.

For further information on the Higher Certificate in Humanities in Advocacy Studies at Institute of Technology Sligo, please contact:

**Dr Perry Share, Head, Department of Humanities,
Tel: 071-91 55340, mobile: 086-3081429
or
Elizabeth O'Neill, Department of Lifelong Learning,
Tel: 071-91 37215**

Equality Act 2004

New equality legislation in the form of the Equality Act 2004 was recently enacted. Queries to the Equality Authority Call Centre have been made about all aspects of the legislation, but some queries are more common than others. As a result we have decided to compile a list of most frequently asked questions asked about this area and the replies:

What was the purpose of the Equality Act 2004?

The Equality Act 2004 aims to implement three EU Council Directives – the Race Directive (2000/43/EC), the Framework Employment Directive (2000/78/EC) and the Revised Gender Equal Treatment Directive (2002/73/EC). The Directives require all EU member states to prohibit discrimination, harassment and victimisation on the grounds of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, in relation to employment and occupational and vocational training. The scope of the Race Directive is broader and extends beyond employment and self-employment to the provision of goods and services, housing social protection and health care.

What are the main changes in the Employment Equality Act 1998 and the Equal Status Act 2000?

There are a number of changes made to both pieces of legislation. However the most significant change to the Employment

Equality Act 1998 include the expansion of the scope of the Act to include self-employed people and partners in partnerships and the inclusion of people in domestic employment. Also the definition of discrimination in the Employment Equality Act include discrimination by association or where discrimination is imputed to the person concerned. The legislation also requires that an employer take appropriate measures to facilitate a person with a disability to enable them to have access to employment, participate or advance in employment or undergo training, unless , it imposes a 'disproportionate burden' on the employer. Appropriate measures may include the adaptation of premises and equipment, patterns of working time, distribution of tasks or the provision of training.

A new exemption is introduced in the Equal Status Act. This exempts any action taken by a public authority in relation to certain non- nationals in accordance with any provision or conditions made by or under any enactment and arising from his or her entry to or residence in the State.

What is discrimination?

Discrimination shall be taken to occur where a person is treated less favourably than another person is, has been or would be treated in a comparable situation on any of the nine grounds. The provisions include situations of direct/ indirect discrimination, discrimination by association and by

imputation. Indirect discrimination means that a practice, requirement or condition is set down by the employer or service provider and members of a group covered by equality legislation find it more difficult to fulfil that particular requirement or condition, than people who are not members of that group. In this situation the employer or service provider will now have to show that there is a legitimate aim for the policy pursued, which can be objectively justified. It also means demonstrating that the means of achieving that aim are appropriate and necessary.

Are there any changes in the grounds of discrimination?

In relation to employment, the upper age limit for age ground claims has been abolished. There are certain exceptions though, which will allow an employer to set a compulsory retirement age and also to offer fixed term contracts to employees above an age. The new lower age limit for complaints on the age ground is the school leaving age but with a provision to allow the employer to set a minimum age up to 18 years for recruitment. The Equal Status Act is applicable to everybody over 18 with separate provisions for licensed drivers under that age seeking motor vehicle insurance.

Are there any other changes?

The definition of sexual harassment in employment has been broadened to include same- sex harassment. There are now more situations established in which a person can claim victimisation. A person can claim victimisation where dismissal or other adverse treatment of the complainant or witness occurred as a reaction to seven scenarios set out in the Act. Positive Action measures are now permitted on all of the

grounds with the aim of ensuring full equality in practice in employment.

Have the ceilings on financial awards under the legislation increased?

No. The upper limit of €6349 in relation to cases under the Equal Status Act and the current ceiling in employment cases including the maximum limit of €10,000 in relation to access to employment under the Employment Equality Act have not altered.

Are there extensions to the time limits for referring claims to the Equality Tribunal?

Anybody wishing to make a claim of discrimination must notify the person against whom the claim is being made in writing within two months of the incident. A complainant must still refer a claim to the Equality Tribunal within six months of the last occurrence of the act alleged to constitute discrimination. The Act states that the Labour Court or the Director of the Equality Tribunal (as appropriate) can extend the two months or the six months time limit for 'reasonable cause'.

New guidelines on the equality legislation will be available shortly. Copies can be downloaded from www.equality.ie or call 1890 245 545 and copies will be posted to you.

Events/Diary

Making the Move

*Students', Teachers' and Parents'
Perspectives of Transfer from First to
Second-Level Schooling*



The transfer from first to second-level schooling is a time of challenge for both students and their families, involving academic, social and emotional transitions. This book explores the experiences of young people from a wide variety of backgrounds in different types of schools and settings. It tells their stories following them from primary school to the end of their first year at second level. Teachers and Parents contribute their views and the experiences of other countries are considered.

The inclusive school reflects a model where vertical hierarchies are challenged and where the views of all staff and all students shape decisions on school priorities, resources and activities. Horizontal decision-making in schools is reflected in structures that are participatory, that are concerned to include the full diversity of staff and of students and to secure a contribution across this diversity to decisions that are made and that ensure the views of staff and students make a difference.

Making the Move deals with one aspect of the education system and giving a voice to students, teachers and parents in order to garner a fuller understanding of the transfer process from first to second-level schooling in Ireland. Children moving from first to second-level schooling need the resources and support to adapt not only to a new school and new relationships, but also to a new type of schooling. This has implications for school planning. This book will be of interest to students, parents, teachers, school management and policy-makers.

Making the Move by Maeve O'Brien is published by the Marino Institute of Education, Griffith Avenue, Dublin 9, price €14

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