



Guidelines for Equal Status Policies

in Enterprises

Guidelines for Equal Status Policies in Enterprises



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by

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Preface

These “Guidelines for an Equal Status Policy for Enterprises” seek to stimulate and support a focus on equality for the customers or clients of an enterprise. The guidelines seek to encourage an approach to equality that encompasses action to prevent discrimination against customers, to accommodate the diversity of customers and to promote equality for customers including through positive action to address disadvantage or cater for special needs.

The Equal Status Acts 2000 to 2004 prohibit discrimination in the provision of goods and services, accommodation and educational establishments. They cover the nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community.

An equal status policy is an important and necessary starting point for an enterprise to address its liabilities under the Equal Status Acts. Such a policy is also a key element in a planned and systematic approach to workplace equality that encompasses both employees and customers.

Planned and systematic approaches to workplace equality are based on agreed equality objectives, targets and timescales. They are driven by a workplace equality infrastructure that includes:

- equality policies that establish the commitment of the enterprise to equality for employees and customers from across the nine grounds,
- equality and diversity training for staff that develops the knowledge, skills and understanding necessary for the effective implementation of equality policies,
- an equality action plan that sets out the steps to be taken to achieve equality objectives in relation to customers and employees and that create a context for staff to effectively deploy new skills, knowledge and understanding in promoting equality, combating discrimination and taking account of diversity.

Planned and systematic approaches to workplace equality mark a move away from approaches that are adhoc, informal, reactive or short term.


These “Guidelines for an Equal Status Policy for Enterprises” have been published by the National Framework Committee for Equal Opportunities at the Level of the Enterprise. The Framework Committee is composed of IBEC, Congress, the Department of Justice, Equality and Law Reform, the Department of Finance, the Health Services Executive Employers Agency, the Local Government Management Services Board and the Equality Diversity Network. It is convened by the Equality Authority and was established under the ‘Sustaining Progress’ National Agreement to support planned and systematic approaches to workplace equality.

These guidelines form part of a wider package of guidance developed by the Framework Committee and by the Equality Authority to support planned and systematic approaches to

workplace equality. This package includes “Guidelines for Employment Equality Policies in Enterprises” and “Guidelines for Equality and Diversity Training in Enterprises” published by the Framework Committee and the “Code of Practice on Sexual Harassment and Harassment at Work” published by the Equality Authority.

These guidelines also reflect the commitment of the Framework Committee to support the implementation of the National Workplace Strategy. The National Workplace Strategy sets out a plan of action to support the emergence of the workplace of the future. The strategy contains a valuable emphasis on the need for this workplace of the future to effectively promote equality and diversity for customers and employees.

The Framework Committee are grateful to Dave Ellis, Sue Gogan, Ciara Murphy and those who researched and provided the initial drafts of this publication. Their expertise and insight has underpinned and shaped the quality of these guidelines.



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Introduction

Background

The National Framework Committee for Equal Opportunities at the Level of Enterprise is an initiative established under the Programme for Prosperity and Fairness and continued under the Sustaining Progress national agreement, to promote and support equal opportunities in the workplace. It is based on the joint commitment of its members to the development of planned and systematic approaches to workplace equality.

Bodies represented on the Framework Committee are the Irish Congress of Trade Unions, IBEC, the Department of Justice, Equality and Law Reform, the Department of Finance, the HSE Employers Agency, the Equality Diversity Network and the Local Government Management Services Board. The Committee is convened and supported by the Equality Authority.

The Framework Committee has previously published two sets of guidelines for enterprises. The first publication, “Guidelines for Employment Equality Policies in Enterprises” provides encouragement, information and support to employers, trade unions and employees in the preparation of employment equality policies in organisations.

The second publication, “Guidelines on Equality and Diversity Training in Enterprises” offers practical guidance to organisations on the planning and implementation of training modules to support planned and systematic approaches to equality.

This publication represents a third publication in this series prepared by the Framework Committee. It provides encouragement, information and support to enterprises who are involved in the provision of goods and services to prepare an equal status policy in relation to their customers.

An additional publication that links with this series of publications is the “Code of Practice on Sexual Harassment and Harassment at Work”. This was prepared by the Equality Authority and has been given legal effect in the Statutory Instrument entitled Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2002 (S.I No 78 of 2002).

Purpose of the Guidelines

The purpose of these guidelines is to:

- Provide a rationale for the preparation of an equal status policy,
- Provide guidance on how to go about preparing such a policy,
- Establish the areas the policy needs to cover; and how these areas could be addressed within the policy,
- Identify resource materials and sources of information and advice to assist in the preparation of such a policy.

Boundaries of the Publication

The Equal Status Act 2000 promotes equality of opportunity and prohibits discrimination in the provision of goods and services, accommodation and educational establishments. It includes specific provisions in relation to registered clubs. This publication is designed to address equality policies in relation to the provision of goods and services.

This is a broad area. The legislation covers a wide range of organisations from the corner shop to the multinational supermarket chain, from the small firm to the large corporation, from the private sector to the public sector. This publication sets out how to go about preparing an equal status policy, but the detail of its content and of its implementation will vary according to the nature of the business. Often only indicators can be given together with suggested sources of further information and support. The guidance provided in this publication will need to be tailored into the particular enterprise or organisation preparing the equal status policy.

This publication provides guidance on the preparation and implementation of equal status policies concerned with non discrimination, accommodating diversity and promoting equality in relation to customers. While the equal status policy refers to issues of sexual harassment and harassment in the provision of goods and services, this is an issue which should be addressed more comprehensively in a separate policy.

Equal Status Acts 2000 to 2004

The Equal Status Acts 2000 to 2004:

- Promote equality and prohibit discrimination (with some exemptions) across nine grounds,
- Prohibit sexual harassment, harassment and victimisation,
- Require reasonable accommodation of people with disabilities,
- Allow a broad range of positive action.

The Acts apply to people who:

- Buy and sell a wide variety of goods,
- Use or provide a wide range of services,
- Obtain or dispose of accommodation,
- Attend or are in charge of educational establishments.

There are separate provisions on registered clubs. The Intoxicating Liquor Act 2003 contains provisions in relation to discrimination by licensed premises.

The nine discriminatory grounds are gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community. Discrimination is defined as the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine grounds which exists, existed, may exist in the future or is imputed to the person concerned. There are different types of discrimination covered including indirect discrimination, discrimination by imputation and by association.

Discriminatory Advertising

Discriminatory advertising is prohibited. It is prohibited to publish, display or cause to be published or displayed, an advertisement which indicates an intention to discriminate, harass or sexually harass or might reasonably be understood as indicating such an intention.

Sexual Harassment and Harassment

Sexual harassment and harassment in the provision of goods and services, accommodation and educational establishment is prohibited. A person (the 'harasser') shall not harass or sexually harass another person (the 'victim'), where the victim uses or seeks to use goods or services provided by the harasser, the victim obtains or proposes to obtain accommodation or related services from the harasser, or the victim is a student at or has applied for admission to or seeks to avail of any services offered by an educational establishment at which the harasser is in a position of authority.

Harassment is any form of unwanted conduct related to any of the discriminatory grounds. Sexual harassment is any form of unwanted conduct of a sexual nature. In both cases it is conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

A person who is responsible for a place that is an educational establishment or where goods, facilities, or services are offered to the public or a person who provides accommodation must ensure that any person who has a right to be there is not sexually harassed or harassed. The

'responsible person' will be liable for the sexual harassment or harassment unless they took reasonably practicable steps to prevent it.

Victimisation

Victimisation is prohibited. Victimisation occurs where adverse treatment by a provider of goods and services, of accommodation or by an educational establishment is made as a reaction to a complaint of discrimination being made under the Equal Status Acts, to a person being a witness in any proceedings under the Acts or to a person having opposed by lawful means an action which is unlawful under the Acts.

Vicarious Liability

Employers are liable for discriminatory acts of an employee in the course of his or her employment unless they can prove that they took reasonably practicable steps to prevent the discrimination. It is therefore vital that an employer have comprehensive anti-discrimination, harassment and sexual harassment policies in place and that these are properly applied.

Reasonable Accommodation

A person selling goods or providing services, a person selling or letting accommodation, educational institutions and clubs must do all that is reasonable to accommodate the needs of a person with a disability unless this costs more than what is called a nominal cost. This involves providing special treatment or facilities where without these it would be impossible or unduly difficult to avail of the goods, services, accommodation etc.

Positive Action

The Acts allow preferential treatment or positive action intended to promote equality of opportunity for disadvantaged persons or to cater for the special needs of persons or a category of person who because of their circumstances may require facilities, arrangements, services or assistance.

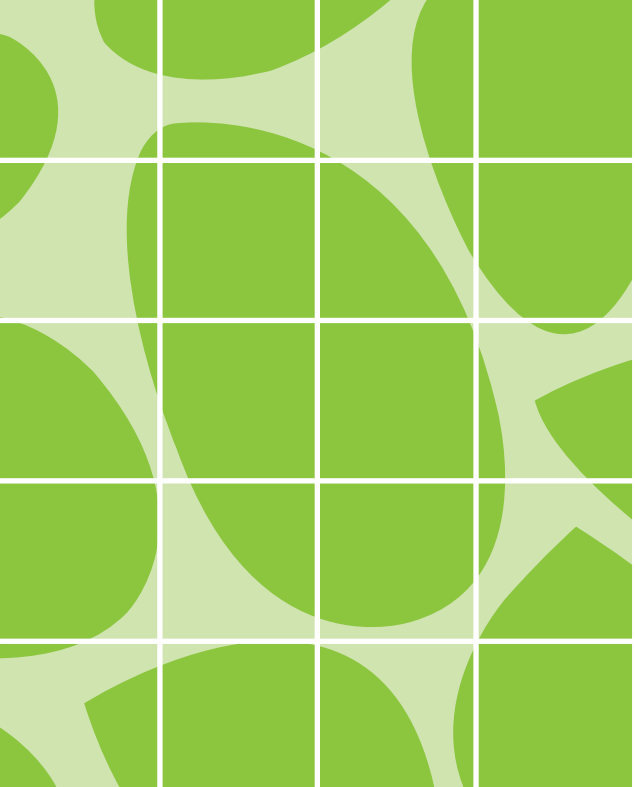
The prohibition on discrimination is subject to a number of general and specific exemptions. Some of these are set out in appendix I.

Anybody wishing to make a claim of discrimination under the Acts must notify the person against whom the claim is being made, in writing, within two months of the most recent occurrence of the discrimination. This notice must identify the nature of the claim and the intent to seek redress. The claimant can pose questions to seek further information in this written notification. If there is no reply or if the reply is unsatisfactory to the claimant the complaint could be referred to the Equality Tribunal. This must occur within six months of the discrimination. The Equality Tribunal may draw such inferences, if any, as seem appropriate from the failure to reply to such notification or from the provision of false or misleading information

or from information supplied in response to a question from the claimant which was not such as would assist the complainant in deciding whether to refer the case to The Equality Tribunal.

Further details on the Equal Status Acts 2000 to 2004 are available in an information booklet on the Acts published by the Equality Authority.





Part 1 Why have an Equal Status Policy?

1.1 What is an Equal Status Policy?

An equal status policy is a statement of organisational commitment to equality, diversity and non discrimination for customers or service users from across the nine grounds covered by the equality legislation. It identifies areas of activity to be developed to prevent discrimination, to accommodate diversity and to promote equality in the provision of goods and services. It should address the following issues:

- Preventing discrimination against customers from across the nine grounds, (including sexual harassment and harassment, victimisation and failure to make reasonable accommodations of customers with disabilities),
- An accommodation of customer needs across the nine grounds, including making reasonable accommodation for customers with disabilities,
- Promoting equality including taking positive action to promote equality of opportunity for disadvantaged people or to provide facilities, arrangements, services or assistance required to cater for the special needs of customers,
- Introduction of an equality infrastructure to support a planned and systematic approach to equality for customers from across the nine grounds.

1.2 Why have an Equal Status Policy?

Ireland is a diverse society and different groups within society have diverse needs. Customers will reflect this diversity if a business is meeting the demands of the market. An equal status policy within an organisation provides a stimulus and strategy for the identification of the needs of customers from across the nine grounds. Gathering information on these customers can provide a new approach to, and compliment, the more traditional market research methods. By listening to this diversity of customers a business can also anticipate future trends as well as meeting existing needs more effectively. In addressing the needs of the whole community a business is also securing a unique source of feedback that provides valuable data for new and innovative business ideas.

People are less inclined to buy goods and avail of services in an environment that is indifferent to their needs. The nature of this customer service environment will be a source of comment by customers. Casual comments by customers to potential future customers are free publicity and cannot be underestimated in terms of attracting more trade. Even very small changes can send out a positive inclusive message that quickly spreads throughout the community. This could be something as simple as having seating near checkouts or opening hours being displayed in several languages. Initiatives such as these show a sharp customer focus and can lead to market leadership as well as promoting equality for a diversity of customers.

If your staff display a positive inclusive attitude in their business dealings, customers will respond positively and staff morale will increase as a result. Developing an equal status policy within an organisation can therefore be seen as an investment in staff that ensures greater morale and commitment to the business.

Under the Equal Status Acts an employer engaged in the supply of goods or services is liable for the actions of staff during the course of employment. The liability exists even if the actions took place without the employer's knowledge or approval.

This vicarious liability places a responsibility on an employer. However the Equal Status Acts provide a defence where it can be proved that the employer took reasonably practical steps to prevent an employee from engaging in prohibited conduct under the Acts. An important first step towards availing of this defence is to have an equal status policy in place.

In summary the benefits to an organisation of putting in place an equal status policy include:

Quality Customer Service - an equal status policy will contribute to enhanced quality customer service with its emphasis on meeting the needs of a diversity of customers and with the creativity and insight that flow from a concern for and a knowledge of this diversity.

Staff Benefits - an equal status policy can stimulate and support positive staff – customer relationships that in turn contribute to enhanced staff morale and engagement with the business.

Compliance - an equal status policy will assist organisations in their compliance with the Equal Status Acts. It will stimulate a staff focus on the legislation and on good practice. It will contribute to addressing the employer's liability under the Acts.

1.3 Planned and Systematic Approaches to Equality for Customers

An equal status policy is an important element within a planned and systematic approach to equality within an organisation. An equal status policy has a specific focus on customers. However a planned and systematic approach to equality within an organisation will have a focus on customers and employees.

Planned and systematic approaches to equality ensure that a focus on equality is integral to business planning, processes and systems. They are based on formal equality policies and plans and do not solely depend on individual staff good will and commitment. They focus on achieving agreed equality objectives for employees and customers or service users rather than merely reacting to incidents of discrimination or instances of inequality. These approaches are sustained and long term rather than being limited to short term actions.

Planned and systematic approaches to equality within an organisation require an equality infrastructure. This infrastructure involves equality policies that establish the commitment of the organisation to equality, diversity and non discrimination, equality and diversity training for staff that develops the skills, knowledge and awareness necessary to put equality policies into practice and an equality action plan based on a review of an organisation's policies, practices and procedures for their impact on equality for employees and customers.

Research carried out by the ESRI for the Equality Authority ("Equality at Work? - Workplace Equality Policies, Flexible Working Arrangements and the Quality of Work") found that about three quarters of all employees work in workplaces where there is a formal written equality policy. This research found that the presence of such a policy was associated with a lower level of work stress, higher levels of job satisfaction and organisational commitment and with employee perceptions of equality and fairness within their organisations. Equality policies therefore have a positive influence on organisational performance to the extent that they have such positive impacts. Equality policies are the foundations for planned and systematic approaches to equality within an organisation. The research therefore establishes a business case for such an approach.



Part 2 Guidelines for Developing an Equal Status Policy

In developing an equal status policy there are a number of steps that can be followed. The more systematic and structured the approach, the more likely that the desired result will be achieved.

The suggested steps to be taken are as follows:

- Step 1** Allocate responsibility for developing the policy
- Step 2** General assessment of equality for customers
- Step 3** Access sources of information and advice
- Step 4** Consult with trade unions and staff
- Step 5** Consult with customers and representative organisations

The development and implementation of these different steps will need to be tailored to the particular circumstances and scale of the organisation or enterprise.

Step 1 Allocate Responsibility for Developing the Policy

The development of an equal status policy can usefully include a general assessment of equality for customers of the organisation, contacting potential sources of information and advice, consulting with staff and trade unions and consulting with customers and organisations representing groups that experience inequality. It is therefore important to allocate responsibility for developing the policy to a senior person within the organisation.

The person with responsibility for developing an equal status policy will need access to support and resources to see the task through to completion. In particular they will need time to research, consult, draft and negotiate. They will also need to know that they have the support of senior management.

It is also useful to put in place a steering group to support this person in developing the equal status policy. The steering group could include management, trade union representatives and employees, customers and representative organisations of groups experiencing inequality, and individuals with an equality expertise. A steering group facilitates:

- A participative approach that gives a broad sense of ownership over the equal status policy,
- Access to a wide range of perspectives, expertise and experiences that will be valuable in developing the content of the equal status policy.

Step 2 General Assessment of Equality for Customers

An equal status policy establishes the commitment of an organisation to equality, diversity and non discrimination for its customers from across the nine grounds covered under the equality legislation. It is concerned with creating an organisation that:

- Prevents and combats all forms of discrimination prohibited under the Equal Status Acts,
- Accommodates the diversity of customers from across the nine grounds. This means taking account of any practical implications of different:
 - Identities, or values, beliefs and means of communication shared by groups experiencing inequality,
 - Experiences, or relationships with the wider society shared by these groups,
 - Situations or the economic or social status shared by members of these groups,
- Proactively promotes equality for customers from across the nine grounds including taking positive action to promote equality of opportunity for disadvantaged people or to provide facilities, arrangements, services or assistance required to cater for the special needs of customers.

The development of an equal status policy requires an assessment of the current capacity of the organisation to prevent discrimination, accommodate diversity and promote equality in relation to its customers. This assessment will explore the policies, procedures and practices of the organisation for their contribution to preventing discrimination, accommodating diversity and promoting equality. This assessment will ensure the commitments made in the equal status policy reflect and build on good practice within the organisation and address any barriers, deficiencies or issues identified in the current policies, procedures and practices of the organisation.

The general assessment of equality for customers could usefully explore:

- Business planning and the manner in which equality, diversity and non discrimination (including sexual harassment and harassment, victimisation and the requirement to make reasonable accommodation for customers with disabilities) are a focus within this,
- Service provision and the manner in which the needs of a diversity of customers are assessed and met in the design and delivery of services, including assessment of need to make reasonable accommodation for customers with disabilities,
- Customer access and the manner in which marketing and information provision targets customers from groups experiencing inequality and the accessibility of the premises and of service delivery mechanisms.

An initial general assessment of equality for customers will underpin the quality and relevance of the equal status policy. The equal status policy could also commit to a more formal and in depth assessment involving an equal status review and action plan. An equal status review is an audit of the level of equality for customers of the organisation and an examination of policies, practices, procedures and staff and customer perceptions for their impact on this level of equality. An equality action plan is a programme of action to further enhance this level of equality for customers.

Step 3 Access Sources of Information and Advice

It may be useful to approach organisations operating in the same sector, or in the same local community, or at a similar level of operation. Such organisations may be able to provide assistance in the form of:

- Information on what can usefully be covered within an equal status policy,
- Feedback on experiences of developing and implementing an equal status policy. This feedback may include the effects of the policy in the workplace as well the impact on customers and clients.

Employer bodies or trade unions may be able to help. These organisations could advise on good practice or assist in identifying organisations which have developed good practice. They can also provide a range of training and networking opportunities in relation to equality and diversity issues.

The Equality Authority has developed a range of publications to assist in good practice to promote equality for customers. It has also piloted and identified learning from initiatives to support planned and systematic approaches to equality for customers and employees.

Step 4 Consult with Staff and Trade Unions

The development of an equal status policy should involve consultation with trade unions and/or employee representatives and staff at all levels. Staff, trade unions and/or employee representatives can provide valuable information and ideas for inclusion in an equal status policy. The development and implementation of an equal status policy can result in change for an organisation and it is important that there is a broad sense of ownership of the policy and the change it promotes if it is to be effectively implemented.

The functions and activities of all staff have a contribution to make to achieve objectives of quality customer service and to a focus on equality within these objectives. Staff at different levels and in different sectors of the organisation hold information, expertise and perceptions that can contribute to the development of an effective equal status policy. Frontline staff have a particular contribution to make. It is they who meet and greet, who identify and serve the needs of customers, whether it is over the phone, face to face or by other means. They hold valuable knowledge about diversity within the customer base, about barriers that can be faced by particular groups of customers and about effective approaches to developing and accommodating diversity among customers.

Achieving change in an organisation is something that can affect everyone in a personal and challenging manner. People may be resistant to change as it can challenge deep-rooted and long-held views. As such it is important that staff participate in exploring if there is a need for change and in identifying the nature and extent of any change that might be required.

Existing employer/trade union partnership arrangements, where they exist, can be useful fora to consult on the equal status policy. The consultation process could make use of other structures in the organisation for formal dialogue with trade unions and/or employee representatives and staff. In the absence of these, or in addition to these, a specific consultation process could be devised to support the preparation of an equal status policy.

The timing of consultation will depend on the organisation. In some organisations it will be the first step in the process of preparing the policy. In other organisations it will occur after research and preparation of briefing material by management. The practice in other organisations may favour the preparation of a draft equal status policy by management as a basis for consultation.

Step 5 Consult with Customers and Representative Organisations

Consultation with customers from across the nine grounds provides another source of information, expertise and perspectives that will contribute to the quality of the equal status policy. This consultation will also serve as a means of communicating the commitment of the organisation to equality for all its customers. This step could involve:

- Talking directly to individual customers from across the nine grounds,
- Using customer questionnaire forms,
- Creating customer fora or panels,
- Contacting organisations that represent groups experiencing inequality.

Larger organisations may have developed feedback mechanisms to keep in touch with customer needs which could be used for this consultation provided they include customers from groups experiencing inequality. Other organisations may rely on customer preference data prepared by outside agencies. These could be useful sources of information for the equal status policy provided they include and identify a diversity of customers. Informal means of consultation may be used by smaller organisations and could be deployed in the development of the equal status policy. Existing data on the customer base of the organisation can be analysed to see what insight, if any, it provides on the needs of customers from across the nine grounds and on the presence of these customers within the customer base.

Local community organisations or national organisations that represent the interests of groups that experience inequality can be a further valuable source of guidance and information on the preparation and implementation of an equal status policy. The consultation process could usefully include contact and dialogue with these organisations.



Part 3 The Content of an Equal Status Policy

The following establishes the areas to be covered in an equal status policy and the nature of the commitments involved. Further detail required will reflect the nature and size of the organisation and the service being provided.

Four areas should be covered in the policy:

1. Introduction.
2. Statement of commitment.
3. Taking action.
4. Implementation.

The type of text that should be included in the equal status policy is set out below under each of these four headings.

1. Introduction

1.1 The purpose of this equal status policy is to:

- Identify the commitment of this organisation to combating discrimination, accommodating diversity and promoting equality,
- Spell out the implications of this commitment for the organisation, and
- Detail how it is planned to implement the policy.

1.2 This policy is developed in a context where the Equal Status Acts 2000 to 2004 prohibit discrimination (including sexual harassment and harassment, victimisation and reasonable accommodation for customers with disabilities) in access to and the provision of goods and services, accommodation and educational establishments. The Acts cover nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion and

membership of the Traveller community. This policy reflects the commitment of the organisation to meet its obligations under the Acts. Information booklets on the legislation are available to all staff.

- 1.3 The policy has been developed in consultation with staff and trade union representatives and with customers from across all the nine grounds and local organisations representing groups that experience inequality.

2. Statement of Commitment

2.1 Equality

This organisation seeks to ensure that the service provided:

- Is free from discrimination, sexual harassment, harassment or victimisation,
- Accommodates diversity across the nine grounds covered by the equality legislation and meets needs that are specific to particular groups of customers,
- Makes reasonable accommodation for customers with disabilities,
- Seeks to benefit all customers from across the nine grounds by promoting equality and implementing positive action where necessary.

This organisation will not tolerate discrimination, sexual harassment, harassment or victimisation of customers by employees and non employees, such as other customers and business contacts. Such behaviour may lead to disciplinary action (in the case of employees) and to other sanctions such as suspension of contracts or exclusion from premises (in case of non employees).

2.2 Mainstreaming

This organisation seeks to ensure that the needs, identities, experiences and situations of customers from the groups covered by the equality legislation are taken into account in business planning, service design and corporate development strategies.

2.3 Other Policies

This policy should be read and is operated in conjunction with *the organisation's* employment equality policy, policies on sexual harassment and harassment (in relation to staff and in relation to customers) and health and safety policies.

2.4 Complaints

A complaints procedure is established under this equal status policy. *This organisation* will treat all complaints by customers with fairness and sensitivity and in as confidential a manner as possible.

3. Taking Action

3.1 Communication with Customers

A) Materials

Information, promotional and other materials produced by and for *the organisation* will be provided in a relevant and accessible manner to customers from across the nine grounds. This includes using:

- Different formats such as Braille, audio and large print,
- Different media such as video, printed materials and an accessible website,
- Different languages.

B) Advertising and Marketing

Advertising and marketing strategies will be non discriminatory in terms of obligations under the Equal Status Acts.

Advertising and marketing materials will communicate the commitment of *the organisation* to equality for all customers and will reflect and affirm the diversity of the customer base of *the organisation*.

Advertising and marketing strategies will identify and make use of channels of communication that are availed of by groups from across the nine grounds.

C) Direct Contact

In its direct contact with customers *the organisation* seeks to ensure that:

- Customers are dealt with in a considerate, courteous and open manner that is straight forward and consistent and professional,
- Customers are dealt with in a harassment free environment,
- Language barriers are effectively addressed including use of interpreters,
- Reasonable accommodation is made for customers with disabilities and for the wider diversity of customers.

D) Customer Feedback

This organisation encourages the participation of customers from across the nine grounds and organisations representing groups that experience inequality in feedback systems. These feedback systems include comment cards, website questionnaires, customer panels and regular meetings with representative organisations.

3.2 Accommodating Diversity

This organisation will accommodate the diversity of customers from across the nine grounds by:

- Actively identifying and addressing customer needs across the nine grounds,
- Providing reasonable accommodation for customers with disabilities,
- Ensuring a flexibility in the operation of systems and services that allow for the diversity within the customer base to be accommodated,
- Taking positive action measures to promote equality of opportunity for disadvantaged persons and/or by providing facilities, arrangements, services and assistance required to cater for the special needs of customers.

A) Reasonable Accommodation of People with Disabilities

The organisation seeks to anticipate the requirements of customers with disabilities (including those with physical, intellectual and sensory disabilities and mental health issues) and to ensure that customers with disabilities are not excluded by physical, systemic, attitudinal or communication barriers. *This organisation* takes steps to assess the needs of individual customers with disabilities and to identify how best to meet these needs. The customer services officer identified under this equal status policy holds responsibilities in this regard.

This organisation seeks to ensure that:

- The physical environment is accessible and is free from barriers such as narrow doorways, steep staircases, cluttered layout or poor lighting and signage,
- Services are provided using flexible systems, well briefed staff and straight forward procedures,
- Alternative methods of making services available or auxiliary aids or services are provided where appropriate and reasonable,
- Communication strategies and materials are accessible and Irish Sign Language interpretation is provided where necessary,
- Staff communicate effectively with customers with disabilities and do not display patronising attitudes or make assumptions about people's abilities or inabilities.

This organisation seeks to provide an environment where a person with a disability can identify what their needs are and how these might best be met through dialogue with staff.

B) Reasonable Accommodation of Diversity

This organisation seeks to anticipate the requirements of customers from across the nine grounds covered by the Equal Status Acts and to ensure that these customers are not excluded by physical, system, attitudinal or communication barriers.

This organisation seeks to ensure a reasonable accommodation of diversity among customers from across all nine grounds covered by the equality legislation. Steps taken to accommodate this diversity and enable a diversity of customers to avail of the services of the organisation include:

- Facilitating a process with individual customers to assess their needs and how these might best be met. This is the responsibility of the customer services officer identified under the equal status policy,
- Meeting with organisations representing groups experiencing inequality to explore barriers to access and participation and to identify customers needs and how best to meet these,
- Creating a physical environment that is welcoming to a diversity of customers through initiatives such as use of art or posters on the walls,
- Assessing business plans, services design and corporate development strategies for their impact on equality for a diversity of customers from across the nine grounds. Such assessment will be integral to the process of developing these plans, services and strategies and will include a dialogue with a diversity of customers.

3.3 Promoting Equality

This organisation will conduct an equal status review at appropriate intervals.

These reviews will examine:

- The current diversity of the customer base,
- The level of equality experienced by different customer groups from across the nine grounds in terms of access to, participation in and outcomes from the service provided,
- The impact of policies, procedures and practices that govern service provision on equality for a diversity of customers,
- Staff and customer perceptions of equality and diversity issues and of how successfully the organisation is addressing these.

The organisation will prepare an equality action plan on foot of this review. This will include actions to:

- Prevent discrimination (including sexual harassment and harassment, victimisation and the reasonable accommodation of customers with disabilities) against customers,
- Accommodate the diversity of customers,
- Promote equality for customers including taking positive action to target particular groups of customers.

3.4 Business Contracts

This organisation will seek to ensure that other companies from whom it has contracted to receive goods and services are aware that this policy is in place and that these companies are expected to comply with it. Contracts for goods and services will identify that the contract will be suspended if the contractor engages in sexual harassment, harassment or discrimination against customers or employees of this organisation.

This organisation will seek to ensure that all companies with which it has established such contracts have similar equality policies in place.

4. Implementation

4.1. Responsibility

Senior management is responsible for implementing this policy. Line managers and others in positions of authority should seek to ensure that customers do not experience discrimination, that diversity is accommodated and that equality is promoted for customers.

All staff employed and trade unions should cooperate with the development and implementation of policies, procedures and practices to eliminate discrimination, accommodate diversity and promote equality for customers. This requirement is included in contracts of employment for all staff and in staff handbooks.

Non employees such as staff of companies conducting business with the organisation and customers should cooperate with policies, procedures and practices to eliminate discrimination, accommodate diversity and promote equality for customers. Business contracts will reflect this requirement.

A senior member of staff (or an equality officer) is accorded a responsibility for promoting the effective implementation of this policy.

4.2. Communicating this Policy

This organisation is committed to the effective communication of this policy to:

- All staff,
- Customers,
- Business contacts,
- Trade unions,
- Local organisations representing groups experiencing inequality.

This will be done through:

- Publication and dissemination of the policy,
- Provision of training on the policy to all staff,
- Display of a summary of this policy in all public areas of the organisation,
- Reference to the policy in all business contracts,
- Reference to the policy in information materials,
- Staff handbooks.

4.3. An Equality Infrastructure

A) An Equality Committee

An equality committee will support the implementation of this policy. Its terms of reference include to:

- Sustain a focus on the equal status policy in all sections and at all levels of the organisation,
- Stimulate and support the implementation of commitments made in the equal status policy,
- Support the development and implementation of an equality action plan,
- Keep the equal status policy under review,
- Report to senior management on progress made in implementing the equal status policy and the equality action plan.

B) Equality and Diversity Training

Equality and diversity training will be provided to all staff. This training will include modules that:

- Support a knowledge and understanding of the equal status policy,
- Provide information on the Equal Status Acts 2000 to 2004,
- Build an awareness among staff of the identity, situation and experience of groups that experience inequality across the nine grounds covered by the legislation,
- Develop specific skills to enable staff to promote equality, combat discrimination and accommodate diversity in their interaction with customers,
- Develop specific skills to enable staff to pursue a planned and systematic approach to equality within the organisation,
- Develop specific skills to enable staff to assess the needs of customers with disabilities and to assess the needs of customers from all nine grounds covered by the Equal Status Acts.

4.4. Customer Services Officer and Complaints

A customer services officer is identified who has responsibility to:

- Ensure that customers with disabilities have their needs assessed and are reasonably accommodated,
- Ensure that the needs of customers from across all nine grounds are assessed and are reasonably accommodated,
- Manage and implement a complaints procedure in relation to allegations of discrimination or allegations of failure to make reasonable accommodation or issues raised in relation to the implementing of this policy.

This organisation will maintain an accessible, easy to use system for dealing with any complaints from customers under this policy. This system will be fair and sensitive and as confidential as possible.

The complaints procedure will involve:

- A fair transparent investigation of all complaints,
- Time scales within which a complainant will receive a response.

The complaints procedure does not affect the right of a person to initiate a complaint under the Equal Status Acts 2000 to 2004.

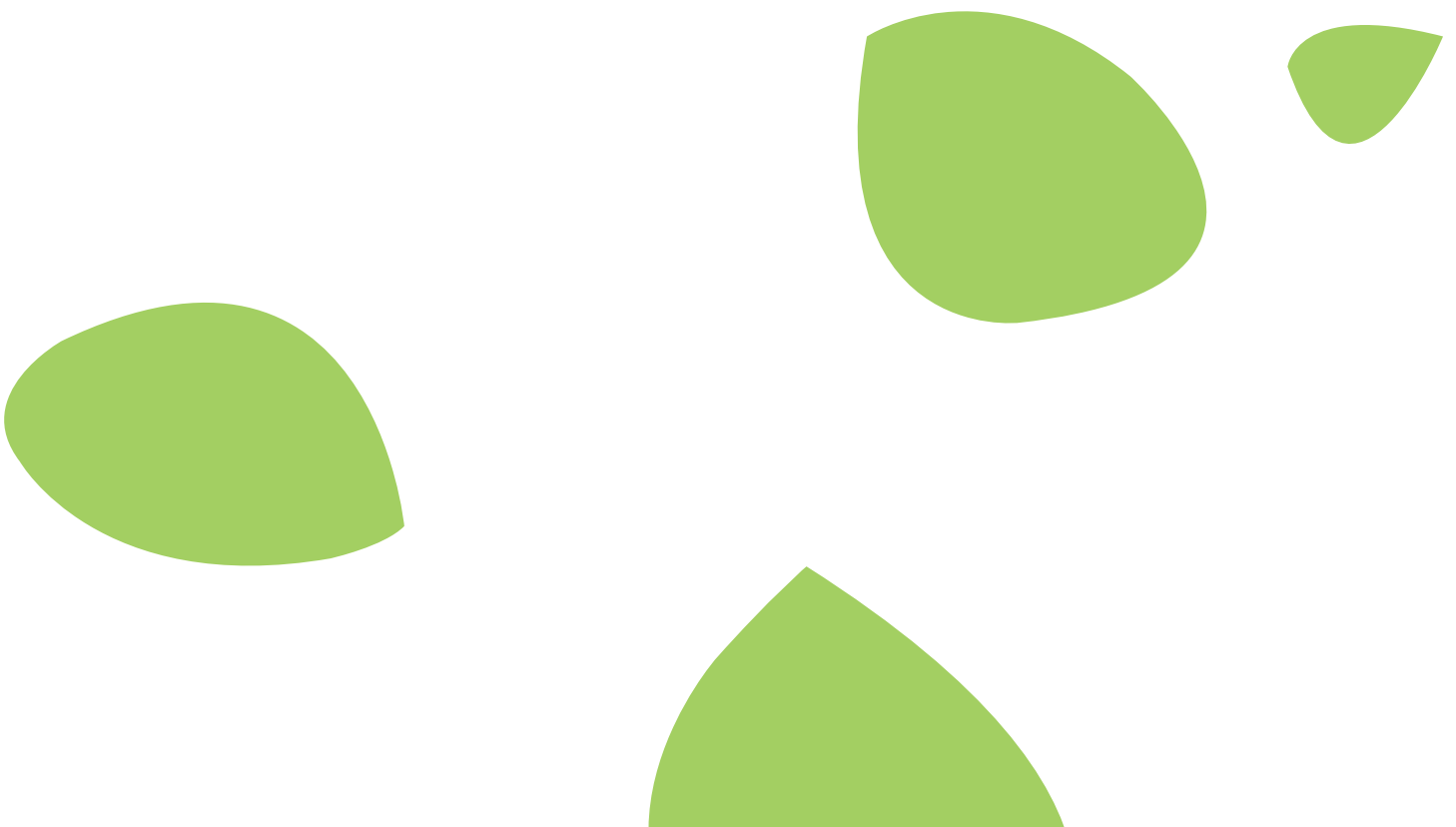
4.5 Monitoring and Review

This organisation will actively seek feedback on this policy and its implementation from staff and customers.

The collection of data on customers will assist in identifying if this policy is successfully promoting equality for customers. The data collected will be treated in confidence and will comply with data protection legislation.

The operation of the policy will be evaluated on a regular basis. The policy will be updated on foot of this evaluation.

This organisation will report on implementation of this policy and of the equality action plan in its Annual Report.





Part 4 Resource Materials

1. *The Equal Status Acts 2000 to 2004 - Information Booklet*
Equality Authority.
2. *The Employment Equality Acts 1998 and 2004 - Information Booklet*
Equality Authority.
3. *Code of Practice on Sexual Harassment and Harassment at Work*
Equality Authority.
4. *Guidelines for Employment Equality Policies in Enterprises*
Equal Opportunities Framework Committee,
Equality Authority, IBEC, Congress.
5. *Guidelines on Equality and Diversity Training in Enterprises*
Equal Opportunities Framework Committee.
Equality Authority, IBEC, Congress.
6. *“Quality through Equality - How to build an Equality Infrastructure in the Workplace” - Training Video*
Equal Opportunities Framework Committee.
Equality Authority, IBEC, Congress.
7. *Towards Age Friendly Provision of Goods and Services*
Equality Authority

8. *Reasonable Accommodation of People with Disabilities in the Provision of Goods and Services*
Equality Authority
9. *Equality Impact Assessments: Initial Guidelines for City and County Development Boards*
Equality Authority





Part 5 Useful Sources of Information and Advice

- 1.** Equality Authority
2 Clonmel Street
Dublin 2
Phone: 01 417 3333
Fax: 01 417 3366
Text phone: 01 417 3385
Lo-Call: 1890 245 545
Email: info@equality.ie
Web: www.equality.ie
- 2.** Irish Congress of Trade Unions (ICTU)
Head Office
31/ 32 Parnell Square
Dublin 1
Phone: 01 889 7777
Fax: 01 887 2012
Email: congress@ictu.ie
Web: www.ictu.ie
- 3.** Irish Business & Employers Federation (IBEC)
Confederation House
84-86 Lower Baggot Street
Dublin 2
Phone: 01 605 1500
Fax: 01 638 1500
Web: www.ibec.ie

Age Ground

- 4.** National Council on Ageing and Older People
22 Clanwilliam Square
Grand Canal Quay
Dublin 2
Phone: 01 676 6484
Fax: 01 676 5754
Email: info@ncaop.ie

- 5.** Age Action Ireland
30/31 Camden Street
Dublin 2
Phone: 01 475 6989
Fax: 01 475 6011
Email: info@ageaction.ie
Web: www.ageaction.ie

- 6.** Age & Opportunity
Marino Institute of Education
Griffith Avenue
Dublin 9
Phone: 01 805 7709
Fax: 01 853 5117
Email: ageandop@mie.ie
Web: www.olderinireland.ie

- 7.** National Youth Council of Ireland
3 Montague Street
Dublin
Phone: 01 478 4122
Fax: 01 478 3974

Disability Ground

8. National Disability Authority (NDA)
25 Clyde Road
Dublin 4
Phone: 01 608 0400
Fax: 01 660 9935
Email: nda@nda.ie
Web: www.nda.ie

9. Forum of People with Disabilities
21 Hill Street
Dublin 1
Phone: 01 878 6077
Fax: 01 878 6170
Email: inforum@indigo.ie
Web: www.inforum.ie

10. Irish Deaf Society
30 Blessington Street
Dublin 7
Phone: 01 860 1878
Fax: 01 860 1960
Email: ids@indigo.ie
Web: www.irishdeafsociety.ie

11. National Association of Intellectual Disability of Ireland (namhi)
5 Fitzwilliam Place
Dublin 2
Phone: 01 676 6035
Email: info@namhi.ie
Web: www.namhi.ie

12. Disability Federation of Ireland (DFI)
Fumbally Court
Fumbaly Lane
Dublin 8
Phone: 01 454 7978
Fax: 01 454 7981
Email: info@disability-federation.ie
Web: www.disability-federation.ie

13. National Council for the Blind in Ireland

Whitworth Road
Drumcondra
Dublin 9

Phone: 01 830 7033

Fax: 01 830 7787

Email: info@ncbi.ie

Web: www.ncbi.ie

14. People with Disabilities in Ireland (PWDI)

4th Floor, Jervis House
Jervis Street
Dublin 1

Phone: 01 872 1744

Fax: 01 872 1771

Email: info@pwdi.ie

Race Ground

15. National Consultative Committee on Racism and Interculturalism (NCCRI)

3rd Floor, Jervis House
Jervis Street
Dublin 1

Phone: 01 858 8000

Fax: 01 872 7621

Email: nccri@eircom.net

Web: www.nccri.com

16. Irish Refugee Council

40 Lower Dominick Street
Dublin 1

Phone: 01 837 0042

Fax: 01 873 0088

Email: refugee@iol.ie

Web: www.irishrefugeecouncil.ie

Traveller Ground

- 17.** Irish Traveller Movement (ITM)
4/5 Eustace Street
Dublin 2
Phone: 01 679 6577
Fax: 01 679 6578
Email: itmtrav@indigo.ie
Web: www.itmtrav.ie

- 18.** Pavee Point – Travellers’ Centre
46 North Great Charles Street
Dublin 1
Phone: 01 878 0255
Fax: 01 874 2626
Email: pavee@iol.ie
Web: www.paveepoint.ie

Religion Ground

- 19.** Islamic Foundation of Ireland
163 South Circular Road
Dublin 8
Phone: 01 453 3242
Fax: 01 453 2785
Email: ifi@indigo.ie

Gender Ground

- 20.** National Women’s Council of Ireland
9 Marlborough Court
Marlborough Street
Dublin 1
Phone: 01 878 7248
Fax: 01 878 7301
Email: admin@nwci.ie
Web: www.nwci.ie

Family Status Ground

21. OPEN (One Parent Exchange Network)

Unit 19

Greendale Shopping Centre

Kilbarrack

Dublin 5

Phone: 01 832 0264

Email: enquiries@oneparent.ie

Web: www.oneparent.ie

22. Caring for Carers

2 Carmody Street Business Park

Ennis

Co. Clare

Phone: 065 686 6515

Fax: 065 686 7710

23. Caring Association of Ireland

Prior's Orchard

Johns Quay

Co. Kilkenny

Phone: 056 772 1424

Fax: 056 775 3531

Web: www.carerireland.ie

24. Care Alliance Ireland

30/31 Lower Camden Street

Dublin 2

Phone: 01 475 6989

Fax: 01 474 6011

Email: cai@ageaction.ie

Sexual Orientation Ground

- 25.** GLEN
Tower 1
Fumbally Court
Fumbally Lane
Dublin 8
Phone: 01 473 0563
Email: admin@glen.ie

Other

- 26.** Office of the Data Protection Commissioner
Block 4, Irish Life Centre
Talbot Street
Dublin 1
Phone: 01 874 8544
Fax: 01 874 5405
Email: info@dataprivacy.ie
Web: www.dataprivacy.ie

Appendix One

SOME RELEVANT EXEMPTIONS CONTAINED IN THE EQUAL STATUS ACTS 2000 TO 2004.

1. Exemptions on the ground of gender

The Acts allow people to be treated differently on the gender ground in relation to:

- a) **Cosmetic services**
Covering cosmetic, aesthetic or similar services which involve physical contact (e.g. hairdressing);
- b) **Privacy/Embarrassment**
Where embarrassment or breach of privacy could reasonably be expected to happen on account of the presence of a person of another gender.

2. Exemption on the ground of religion

The Acts allow people to be treated differently on the religion ground in relation to:

- a) **Religious goods and services**
Where the goods and services are provided for religious purposes.

3. Exemption on the ground of age

The Acts allow people to be treated differently on the age ground in relation to:

- a) **Adoption/Fostering**
Where age requirements are applied for a person to be an adoptive or foster parent where this is reasonable having regard to the needs of the child.

4. Exemptions on the grounds of gender, age, disability and/or race/nationality

- a) **Sporting events**
The Acts allow people to be treated differently on the basis of their gender, age, disability or nationality in relation to providing or organising sporting facilities or events but only if the differences are reasonably necessary and are relevant;
- b) **Drama and Entertainment**
The Acts allow people to be treated differently on the gender, age, disability or race ground in connection with a dramatic performance or other entertainment but only if the differences are reasonably required for reasons of authenticity, aesthetics, tradition or custom.

5. Exemptions on all grounds

The Acts allow people to be treated differently on any of the grounds in relation to:

- a) **Insurance**
Covering annuities, pensions, insurance policies and other matters relating to risk assessments but only if the differences are based on actuarial or statistical data or other relevant underwriting or commercial factors and are reasonable having regard to the data or other relevant factors;
- b) **Wills/Gifts**
Where goods are disposed of by will or by gift;
- c) **Promotion of special interests**
Where services are provided for the principal purpose of promoting for a bona fide purpose and in a bona fide manner, the special interests of persons in a particular category, but only to the extent that the different treatment is reasonably necessary;
- d) **Special Needs**
Where goods and services are provided which can reasonably be regarded as being suitable only to the needs of certain persons.

6. General Exemptions

There are several general exemptions in the Act. These exemptions should be read restrictively and should not be allowed to unduly restrict the general prohibition on discrimination.

A) Statutory exemption

A general exemption provides that nothing in the Act shall prohibit the taking of any action that is required under:

- (1) Statutory provision, court order
- (2) Any act done or measure adopted by the EU or
- (3) Any international treaty which imposes an obligation on the State.

Only actions that are mandatory are covered. Where the measure leaves some discretion the anti-discrimination provisions do apply.

B)

The Acts allow preferential treatment or the taking of positive measures which are bona fide intended to:

- (1) Promote equality of opportunity for disadvantaged persons;
- (2) Cater for the special needs of persons, or a category of persons who because of their circumstances, may require facilities, arrangements, services or assistance.

C) Certain Non-Nationals

Public authorities can treat certain non-nationals differently, on the basis of their nationality, who are outside the State or unlawfully present in it (for the purposes of the Immigration Act 2004) or in accordance with any provision or condition made by or under any enactment and arising from his or her entry to or residence in the State.

D) Risk of criminal or disorderly conduct

A provider of goods/services, or a person providing accommodation or related services, can refuse service/accommodation to a person if a reasonable individual, having the knowledge and experience of the provider, would form the belief that the provision of service/accommodation to the customer would produce a substantial risk of criminal or disorderly conduct or behaviour, or damage to property in or around the area where the service is provided.

E) Other exemptions

- a) The different treatment of a person does not constitute discrimination where the person is treated solely in the exercise of a clinical judgement in connection with a diagnosis of illness or his/her medical treatment.
- b) Treating a person differently does not constitute discrimination if the person:
 - is incapable of entering into an enforceable contract or
 - is incapable of giving informed consent and for that reason the treatment is reasonable.
- c) Providers of goods and services, providers of accommodation and clubs are allowed to impose and maintain a reasonable preferential fee, charge or rate in respect of anything offered to persons together with their children, married couples, persons in a specific age group and persons with a disability.

The Equality Authority

2 Clonmel Street
Dublin 2

Public Information Centre

Lo Call: 1890 245 545

Tel: (01) 417 3333

Business queries: (01) 417 3336

Text phone: (01) 417 3385

Fax: (01) 417 3331

Email: info@equality.ie

www.equality.ie

IBEC

Confederation House
84–86 Lower Baggot Street
Dublin 2

Telephone: (01) 605 1500

Facsimile: (01) 638 1500

Email: info@ibec.ie

Website: www.ibec.ie

**Irish Congress
of Trade Unions**

31–32 Parnell Square
Dublin 1
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Telephone: (01) 889 7777

Facsimile: (01) 887 2012

Email: congress@ictu.ie

Website: www.ictu.ie

