

The Equality Authority

Annual Report 2007

Equality means



THE EQUALITY AUTHORITY
AN tÚDARÁS COMHIONANNAIS





The Equality Authority Annual Report 2007

First Published July 2008 by
The Equality Authority,
2 Clonmel Street, Dublin 2.

© 2008 Equality Authority

ISBN-13: 978-1-905628-78-0

The Equality Authority was established in 1999. It has a mandate to promote equality of opportunity and to combat discrimination in the areas covered by the Employment Equality Acts and the Equal Status Acts. It is a specialised equality body in Ireland for the promotion of equal treatment as required under the EU Race Directive and the amended Gender Equal Treatment Directive.

Equality means

A special thanks goes to all the members of the public who voluntarily participated in the photography of this report.

Equality means

well being

Contents

From the Chairperson	07
The Board	11
From the Chief Executive Officer	15
Casework Activity 2007	23
Enquires to the Public Information Centre	73
European Year of Equal Opportunities for All	81
Strategic Objectives	
01. To stimulate and support initiatives that enable the systems and practices of key organisations and institutions to promote and achieve full equality in practice	89
02. To maintain and further develop a culture of compliance with the equality legislation	101
03. To contribute to the further development of a strategic framework for action on equality	103
04. To stimulate and support a response to core equality issues for specific groups experiencing inequality	107
05. To sustain and further develop the standing, expertise and capacity of the Equality Authority at international, national and local levels	113
Appendices	
Appendix 1 Publications and Public Awareness Campaigns 2007	121
Appendix 2 Equality Authority Publications List 2007	123
Appendix 3 Equality Authority Current Representation on Policy Committees	133
Appendix 4 Equality Authority Joint Initiatives in 2007	135
Appendix 5 Criteria that are applied in decisions governing the granting of assistance and referring claims of discrimination	139

Equality means

Access to goods
and services

From the Chairperson

I am pleased to present this annual report – the first during my role as Chairperson of the Equality Authority and since the appointment of the Board of the Equality Authority in September 2007. This is a report that captures a year of intense activity, great change and significant outcomes for the Equality Authority.

From the outset we wish to acknowledge the considerable work of the previous Board, whose term ended in July 2007, in the achievement of these positive results and in particular its Chairperson Karen Erwin. They prepared and drove the third Strategic Plan which is the focus for this report. They maintained good governance and brought forward a body of work that has made a valuable contribution to achieving a more equal Ireland.

The Board comes to its task with a similar commitment and energy. The Equality Authority has a central role to play in promoting equality, in securing a valuing of diversity and in eliminating discrimination. This role not only contributes to a more inclusive Ireland but also contributes to more effective business performance and to a wider societal well being. It is therefore important that our role is pursued with ambition and that we achieve a wide ranging support for our work.

The Equality Authority achieved significant progress during 2007. The Equality Authority led the European Year of Equal Opportunities

for All. This work made a significant impact in increasing public awareness of, and in renewing a commitment to, equality in Ireland. New research projects made a particular contribution to new thinking on the business case for equality. A valuable research programme on equality and discrimination was implemented with the ESRI. The Equality Authority provided assistance in a number of strategic cases under the Employment Equality Acts, the Equal Status Acts and the Intoxicating Liquor Acts, which have contributed to a culture of compliance with the legislation and which have opened up new insights into the provisions of the legislation. The Equality Authority continued to provide information on the equality legislation and on statutory leave entitlements (under the Maternity Protection, Parental Leave and Adoptive Leave Acts) responding effectively to a very high level of demand.

The work reflects a strong commitment and a high level of expertise from the staff of the Equality Authority. We wish to record our appreciation at Board level to the staff of the Equality Authority who have worked beyond the call of duty in achieving this progress.

2007 was a year of change for the Equality Authority. In May the Equality Authority opened an advance office in Roscrea under the Government's decentralisation programme. This has involved significant reorganisation of the Equality Authority. It is a tribute to all staff that we now have a fully

operational advance office in Roscrea. The work done and the progress made over the past year creates a strong legacy as we prepare the Strategic Plan for the Equality Authority for the period 2009 to 2011. We are currently engaged in a process of review and consultation to identify the most effective means of building on and further enhancing what is already being achieved by the Equality Authority in exercising its mandate to promote equality of opportunity and to combat discrimination in the areas covered by the Employment Equality Acts and the Equal Status Acts.

The work described in this report was enhanced by the partnership arrangements we have been able to develop with organisations from across a wide range of sectors – Government Departments, state agencies, local authorities, business networks and individual enterprises, trade unions, community and voluntary sector organisations, academics, the legal profession and other statutory rights bodies such as the Irish Human Rights Commission and the Equality Commission for Northern Ireland. Equality thrives in a context of shared ambition, commitment and action across such a range of sectors. We are grateful to all these organisations for the time, commitment and resources they have shared with us in pursuit of mutual ambitions for a more equal Ireland.

We are particularly grateful to the Minister and the officials of the Department of Justice, Equality and Law Reform for their support during the year. The Department plays a

key role in resourcing the Equality Authority to conduct its work both in terms of human resources and financial resources and we are grateful to the officials across a range of sections within the Department who have given their time and expertise to enable the Equality Authority to fulfil its mandate.

A handwritten signature in black ink that reads "Angela Kerins". The signature is written in a cursive, flowing style.

Angela Kerins
Chairperson



Equality means

**VALUING
DIFFERENCE**

Equality means

Having
Rights.

The Board

During the course of the year there were 10 Board meetings (6 with the former Board and 4 with the new Board) including a joint meeting between the Board and the Equality Commission for Northern Ireland which took place in Dublin on 6th – 7th June 2007.

The Board along with the Commissioners of the Equality Commission for Northern Ireland attended a dinner hosted by the President of Ireland, Mary McAleese in Áras an Uachtaráin in June 2007.

The term of office of the then Board of the Equality Authority expired on 23rd June 2007. We would like to express our appreciation of the work of the former Board and its Chairperson, Karen Erwin, for their successful stewardship and development of the organisation during their term of office

Appointment of New Board

In August 2007, the Minister of State with responsibility for Equality issues, Mr. Seán Power T.D., announced that the Government had approved the appointment of a new Board of the Equality Authority. Twelve members were duly appointed, namely:

Dr. Angela Kerins (Chair)
Nigel Brander
Frank Goodwin
Salome Mbugua
Ellen Mongan
Theresa Murphy
Betty O'Leary
Kieran Rose

Denis O'Flynn
Finola McDonnell
David Joyce
Louise O'Donnell

Éamon Mulligan was Secretary to the Board

Seven meetings of the Board's **Legal Committee** (five with the former Board and two with the new Board) were held.

Eight meetings of the Board's **Finance Committee** (six with the former Board and two with the new Board) were held.

Legal Committee

Betty O'Leary (Chair)
Kieran Rose
Ellen Mongan
Louise O'Donnell
Finola McDonnell

Ann Lawler was Secretary to the Legal Committee

Finance Committee

Nigel Brander (Chair)
Theresa Murphy
David Joyce
Salome Mbugua
Frank Goodwin
Denis O'Flynn

Tony Delaney was Secretary to the Finance Committee

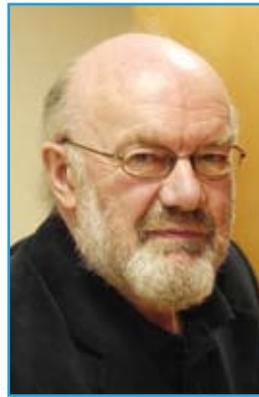
Board of the Equality Authority



Dr. Angela Kerins,
Chairperson



Nigel Brander



Frank Goodwin



Salome Mbugua



Ellen Mongan



Theresa Murphy



Betty O'Leary



Kieran Rose



Denis O'Flynn



Finola McDonnell



David Joyce



Louise O'Donnell

Equality means

CHANGE

A man with glasses and a light blue polo shirt is holding a sign. The sign has a red border and a white center. The text on the sign is 'Equality means' in a white sans-serif font at the top, and 'Having a say in decisions.' in a black cursive font in the center. The man is looking directly at the camera with a neutral expression. The background is a plain, light-colored wall.

Equality means

*Having a say
in decisions.*

From the Chief Executive Officer

Introduction

There was positive recognition of the work of the Equality Authority at European Union level during 2007. The Equality Authority was afforded a high profile by the European Commission at the High Level Equality Summit of the EU in Berlin and at the closing event for the European Year of Equal Opportunities for All in Lisbon. The Equality Authority was selected as one of the case studies by the European Commission in their review of the European Year of Equal Opportunities for All. The Equality Authority was written up as an example of good practice in a research study commissioned by the European Commission on the issue of multiple discrimination. This recognition comes at a time of significant challenge and change for the Equality Authority as a new economic context for our work emerges and as we manage the decentralisation of the Equality Authority.

Over the past year we have also been able to break new ground in promoting equality and combating discrimination. Highlights of this innovation include:

- Developing new approaches to accessibility for customers with disabilities to local authority services in Cavan County Council and Kildare County Council;
- Supporting new responses to the health needs of lesbian, gay and bisexual people with research on recognising lesbian, gay and bisexual identities in health services;

- Marking thirty years of gender equality legislation with a high profile conference to explore progress made in casework under this legislation and to identify developments required in the legislation to further advance gender equality; and
- The settlement of claims of discrimination on grounds of discrimination, or aspects of grounds of discrimination that have not featured greatly to date - marital status, transgender and family status.

New Themes

Three new themes emerged from the work of the Equality Authority during 2007 that will need to be further developed over the coming years. These are the themes of – the business case for equality, stereotyping and the integrated workplace.

The Equality Authority implemented a joint research programme with the National Centre for Partnership and Performance on the business case for equality. *'The Business Impact of Equality and Diversity: The International Evidence'* by Professor Kathy Monks finds a positive relationship between organisational performance and diversity in top management teams and the presence of positive action policies and of equality policies. It also identifies, from international research, the critical factors in managing diversity in a manner that enhances business performance. *'New Models of High Performance Work Systems: The Business*

Case for Strategic HRM, Partnership and Diversity and Equality Systems by a team led by Professor Patrick Flood statistically establishes for the first time in an Irish context, a positive relationship between diversity and equality systems in companies and their productivity, innovation and reduced employee turnover.

The business case for equality and diversity strategies, established in these reports, is important as the economic context becomes more difficult and turbulent for business. It will be important to ensure businesses are aware of these findings and of the value of incorporating a commitment to equality and diversity into their strategies dealing with these changing economic circumstances. It will also be important to further develop this business case to establish the benefits to be achieved through equality and diversity strategies with a customers focus.

Gender stereotyping emerged as a key issue in a background paper *'Gender Equality Issues in Marketing and Design of Goods for Children'* by the Centre for Gender and Women's Studies in Trinity College Dublin. Advertising and marketing strategies were found to stereotype boys as independent, active and aggressive and girls as dependent, passive and nurturing. This stereotyping diminishes and limits the range of possibilities open to children on the basis of their gender. Stereotyping plays a key role in both justifying and creating gender inequalities.

Further work has been commissioned by the Equality Authority on the stereotyping of women in advertising. The issue of

stereotyping has relevance for groups experiencing inequality across all nine grounds covered by equality legislation. During 2007 work was also done by the Equality Authority in relation to stereotyping on the age ground with the 'Say No To Ageism' Week organised jointly with the National Council on Ageing on Older People and the HSE and with the *'Resource Pack on Stereotyping of Young People'* published jointly with the National Youth Council of Ireland. There is a challenge to the Equality Authority to deepen this work on stereotyping, to build a wider awareness of its impact and to mobilise a commitment to eliminate this stereotyping across all nine grounds.

The integrated workplace was the theme at the heart of this year's Anti-Racist Workplace Week. Anti-Racist Workplace Week 2007 was the final year of this campaign. The partner organisations involved in Anti-Racist Workplace Week have committed to developing and implementing a more sustained year long strategy of practical supports to employers and trade unionists to develop the integrated workplace.

The integrated workplace theme is important for the insights it provides on the wider challenge of integration and ethnic diversity in Irish society. The integrated workplace is based on a model of integration that emphasises change in both institutional and individual behaviours and change within both majority and minority ethnic groups. This model also includes a specific focus on the Traveller community ground. The integrated workplace is identified in this work as involving:

- support to minority ethnic employees to adapt to the workplace;
- support to majority ethnic employees to adapt to the cultural diversity present in the workplace; and
- support to the workplace to review organisational policies, procedures and practices to ensure these take account of the practical implications of cultural and linguistic diversity.

New Potential

There were two initiatives developed by the Equality Authority during 2007 that held new potential for enhancing the work of promoting equality, accommodating diversity and combating discrimination. These initiatives were the Irish strategy for the European Year of Equal Opportunities for All and the Equality Mainstreaming Unit.

The Irish strategy for the European Year covered six priorities and thirty-three specific actions. The six priorities emphasised the provision of information on and advocacy for rights established under equality legislation, supporting equality mainstreaming in state sector planning, policy making and programme development, developing equality competence in public sector and private sector organisations, promoting debate on equality issues, supporting initiatives to respond to priority issues across nine grounds and exploring themes of multiple discrimination. It was successful in promoting debate on equality issues and broadening the parameters of this debate, in mobilising and re-energising an organisational engagement with equality

issues across a wide range of sectors, and in putting forward and seeking support for a high level of ambition for equality. It is important that the potential generated by this strategy is realised in a long term and practical legacy from the European Year.

The networking of organisations in the public, private, local authority, university, trade union and community and voluntary sectors was an important achievement of the European Year strategy and should be a priority focus within any legacy action plan from the European Year. One of the actions developed during the Year involved fifteen projects developed by national community and voluntary sector organisations on fourteen 'burning issues'. The burning issues were equality issues across the nine grounds identified during the consultation for the Irish strategy as priorities on which progress was to be made during the European Year. The outcomes of these projects and building on these outcomes provides another important focus for any legacy action plan from the European Year.

The Equality Mainstreaming Unit was established during 2007 by the Equality Authority. The funding for this new initiative is coming from the Human Capital Investment Operational Programme of the National Strategic Reference Framework which runs from 2007 to 2013. This unit will develop and provide equality mainstreaming supports for employers and for labour market programme providers. The work with employers has been developed through the existing National Framework Committee for Equal Opportunities at the Level of the Enterprise which involves IBEC and Congress. This work focuses on supporting planned and

systematic approaches to workplace equality. The work with labour market programme providers involves the development of support packages for three separate provider organisations each year. These support packages will assist these organisations to further develop their equality infrastructure including equality policies, equality and diversity training for staff and equality reviews and action plans. The primary focus for this equality infrastructure will be on equality for, and diversity of the clients of these organisations from across the nine grounds.

Demand on Services

It is important to assess the demand on the services of the Equality Authority in the light of the CSO Survey on Equality (2005). This found that 12.5% (over 380,000 people) of the population aged 18 years and over said they had experienced discrimination in the previous two years on the nine grounds covered by equality legislation and on other grounds. It further found that 60% of these people took no action on foot of this experience and only 6% of them made a formal complaint or took legal action.

The Public Information Centre responded to 10,993 queries under five different pieces of legislation. There were 3047 queries in relation to the Employment Equality Acts and 1559 queries in relation to the Equal Status Acts.

This level of queries does not reflect the level of demand for information on rights under equality legislation which is suggested by the findings of the CSO survey on equality. The

Equality Authority began to examine the issue of access to information on rights during 2007 with a research project on 'Enabling Lesbian, Gay and Bisexual Individuals to Access their Rights under Equality Law'. This project was carried out jointly with the Equality Commission for Northern Ireland.

The research highlights particular obstacles for lesbian, gay and bisexual people who have experienced discrimination, to take action under the equality legislation. The Equality Authority is developing a response to the recommendations of this report which includes a focus on new strategies to enhance information on rights under equality legislation among lesbian, gay and bisexual people.

This issue of access to information on rights is not confined to the sexual orientation ground. The challenge of securing high levels of information on rights across all nine grounds will need to be a key concern for the Equality Authority over the coming years. As part of the strategy for the European Year of Equal Opportunities for All, the Equality Authority worked with the Citizens Information Board, the Office of the Ombudsman and the National Employment Rights Authority to support a networking of statutory bodies with a remit to provide information on rights and to stimulate innovation in this work. This networking process is to continue and should provide one valuable platform from which to develop new initiatives to address this challenge of securing high levels of information on rights among groups experiencing inequality.

During 2007 the Equality Authority had 360 casefiles under the Employment Equality Acts, 328 casefiles under the Equal Status Acts and 49 casefiles under the Intoxicating Liquor Act. It is important to note that this is not a measure of demand as the Equality Authority selects casefiles on the basis of criteria established by the Board and on the basis of the resources of the legal section.

The age ground is the highest area of Equality Authority casefiles under the Employment Equality Acts. The age ground is followed by casefiles on the race ground, the gender ground and the disability ground. The disability ground is the highest area of Equality Authority casefiles under the Equal Status Acts, followed by the Traveller ground, the age ground, the race ground and the gender ground. The Traveller ground is the highest area of casefiles under the Intoxicating Liquor Act followed by the disability ground.

Casework outcomes of strategic importance were achieved during the year. These included the following successful outcomes:

- A local authority was ordered to pay the maximum compensation under the Equal Status Acts and within twelve months to construct an extension in a local authority house suitable to the needs of a child with autism or to re-house the family in alternative accommodation suitable to the needs of the child with autism;
- The Health Service Executive was ordered to pay the maximum compensation under the Equal Status Acts and to immediately arrange for the payment of Supplementary Welfare Allowance(SWA) to the

complainant at his local health centre as opposed to the centralised and segregated service available to Travellers at Castle Street, Dublin and to arrange for SWA payments to all Travellers at all outlets at which payment is made to non-Travellers;

- The settlement of a complaint of discrimination by a domestic worker under the Employment Equality Acts on the basis of a substantial payment.

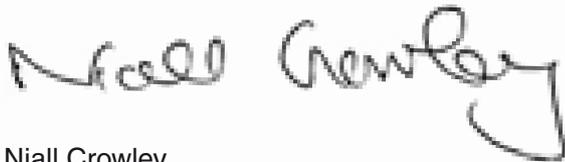
While there has been a noticeable improvement in 2008, delays were evident in the hearing of cases by the Equality Tribunal during 2007. The implementation of the commitment in the Towards 2016 National Agreement to remove the backlog of cases before the Equality Tribunal is important. Additional resources are necessary to ensure the effectiveness of the equality infrastructure.

Staff

The work detailed in this annual report reflects a high level of productivity and innovation from the staff of the Equality Authority. The annual report is a tribute to their commitment, energy and full engagement with the mandate afforded to the Equality Authority.

This commitment, energy and engagement has been sustained over a year of significant change and challenge for the Equality Authority. The Equality Authority opened an advance office in Roscrea as part of the Government's decentralisation programme. A range of administrative, legal, communication and development functions were transferred

to the new office. This involved significant change in terms of staff turnover with twenty nine staff moves (11 outward and 18 inward) in the context of a full staff complement of 53 posts. It involved a significant challenge as the Equality Authority restructures to ensure an efficient and effective operation over two distinct locations. Staff, both new and already present, have responded with resilience and determination to this change and challenge.

A handwritten signature in black ink that reads "Niall Crowley". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Niall Crowley
Chief Executive Officer

Equality means

**AN END TO
DISCRIMINATION**



Casework Activity 2007

1. Introduction
2. Highlights and Points of Interest
3. Issues of Concern
4. Cross Cutting Issues
5. Equal Status Acts
6. Employment Equality Acts
7. Licensed Premises
8. Applications for Assistance
9. Legislative Developments

1. Introduction

In 2007 there were 737 casefiles, 360 [49%] under the Employment Equality Acts 1998 – 2007, 328 [45%] casefiles under the Equal Status Acts 2000 – 2004 and 49 [6%] under the Intoxicating Liquor Act 2003.

Thirty seven applications for substantial assistance were considered. Thirty two applications for assistance were granted. 204 new casefiles were opened with authorisation given to provide preliminary advice and assistance.

The 2007 figures are neither a measure of the extent of discrimination or of the level of demand on the Equality Authority's services. The number of casefiles reflect the resources and capacity of the legal section. The type of casefiles reflect the priorities established in the criteria which have been set down by the Board of the Equality Authority in relation to which cases to support [see appendix 5]. In 2007 there were 31 settlements, 2

mediated settlements and 18 decisions, recommendations / court orders involving the Equality Tribunal, Labour Court, Circuit Court and High Court.

2. Highlights and Points of Interest

In 2007 there was a number of landmark decisions and recommendations in the casefiles of the Equality Authority. Equality Officers awarded the maximum compensation payable in claims of discrimination under the Equal Status Acts 2000 to 2004 against a school, a local authority and the Health Service Executive.

There were a number of important settlements in relation to the provision of insurance on the age ground. There were also settlement of claims of discrimination on grounds of discrimination or aspects of grounds of discrimination that had not featured greatly to date - marital status, transgender, family status. The casefiles of the Equality Authority continue to highlight the vulnerable position of migrant workers including for the first time the situation of domestic workers. There were a number of cases covering a wide range of accommodations and facilities being provided to people with disabilities. There are also a significant number of casefiles involving local authorities and schools. There was a significant increase in the casefiles under the Employment Equality Acts 1998 and 2007 on the age ground, particularly in relation to retirement ages.

In 2007 there were two major legal conferences attracting international and national legal experts – ‘Equality Legislation and the Constitution’ (October 2007) and ‘Gender Equality – Thirty Years of Gender Equality Legislation – Progress Made and Future Perspectives’ (December 2007).

Highlights and Points of Interest include:

- A national school was ordered to pay the maximum compensation for the effects of victimisation on the Traveller community ground “which include the irreversible loss to a pupil ‘B’ of the opportunity to avail of a primary education in a school of his/his mother’s choosing and the consequent distress to ‘B’”
[Mrs. ‘A’ on behalf of her son ‘B’ v a Primary School, DEC-S2007-003]
- The HSE was ordered to pay the maximum compensation for discrimination on the Traveller community ground to Mr O’Reilly when he was obliged to attend a central unit in Dublin which deals specifically with the payment of supplementary welfare allowance to Travellers. [DEC-S2007-003]
- Aer Lingus made an agreement with a new travel insurance provider by means of which it now offers travel insurance products to all Aer Lingus’s customers regardless of age.
- AIG Insurance agreed not to underwrite travel insurance for offers which contain an absolute age limit or excludes a person on account of his/her age.
- An employer paid compensation on a claim of discrimination on the gender ground and the disability ground when a person with gender identity disorder claimed she was dismissed after she informed her employer that she would be presenting in her female identity on her return to work.
- The State Examinations Commission re-issued a Leaving Certificate and an Intermediate Certificate to reflect the presenting identity of a person with gender identity disorder.
- In relation to the grounds of Marital Status / Family Status:
 - A local authority paid compensation to a single man in relation to its policy not to accept housing applications from single persons with no dependents – the local authority has changed this policy.
 - An advertisement which specified that an application must be single was withdrawn from a website and it was confirmed that no recruitment took place on foot of the advertisement.
 - The Department of Health and Children agreed to pay locum expenses to female GPs who are adopting that hold GMS contracts.
- In relation to Migrant Workers:
 - A Philippine national employed as a domestic worker was paid substantial compensation for the summary dismissal and discriminatory terms and conditions of employment after her return from the Philippines on leave.
 - A foreign national was paid an amount equivalent to 2 years salary after he was dismissed by a multi-national company because of his nationality

- The impact of the Framework Employment Directive
 - increase in the number of casefiles on the ground of age
 - the Equality Tribunal applying the interpretation of the Labour Court in relation to Article 2 of the Framework Employment Directive with the Equality Officer stating:

“that the requirement to establish that there was no discrimination whatsoever means that the court must be alert to the possibility that a person with a disability may suffer discrimination not because they suffer from a disability per se, but they are perceived because of their disability, to be less capable or less dependable than a person without a disability. The court must always be alert to the possibility of unconscious or inadvertent discrimination and mere denial of a discriminatory motive, in the absence of independent corroboration, must be approached with caution.”

3. Issues of Concern

The Equality Tribunal

The Equality Tribunal is a key component of the equality infrastructure. The centrality of the Equality Tribunal to this infrastructure has been highlighted as a consequence of the 2007 High Court judgment in *Doherty v. South Dublin County Council, the Minister for the Environment, Heritage and Local Government, Ireland and the Attorney General* (the Equality Authority appeared as an amicus curiae). [This judgement is dealt with in detail in part 4 and in part 5] Mr Justice Charleton held that the equality legislation had established a mode of

enforcement (through the Equality Tribunal) and that the Equal Status Acts 2000 to 2004 was not justiciable outside the Equality Tribunal. The status of that finding is unclear, as the case was settled on appeal and the rationale of the judgment was not followed in a subsequent High Court judgment of *O'Donnell v South Dublin County Council* where Ms. Justice Laffoy considered whether the plaintiffs had established a breach of the Equal Status Acts 2000 to 2004. (She found that they had not).

Under the various EU Equal Treatment Directives, the State is obliged to ensure that judicial and/or administrative procedures for the enforcement of obligations are available to victims of discrimination. The State is also obliged to lay down rules on the sanctions applicable to a breach of equality legislation and these sanctions have to be effective, proportionate and dissuasive. There is an even greater onus on the State to ensure that the Equality Tribunal is sufficiently supported to be an effective, simple and swift mechanism for enforcement if the Equal Status Acts are not justiciable elsewhere.

The Equality Tribunal has developed significant work in enforcing equality legislation. It forms a key part of the equality infrastructure. It is important that it is adequately resourced - inadequate resources lead to delays in and backlogs of cases before the Equality Tribunal. In this context the implementation of the commitment in Towards 2016, the current social partnership national agreement, to remove the backlog of cases before the Equality Tribunal is important. Additional resources are necessary to ensure the effectiveness of the Equality infrastructure.

While there has been a noticeable improvement in 2008, the issue of delays in the hearing of cases of the Equality Tribunal was evident during 2007. In the Equality Tribunal decision of *McCarthy v. Hally's Bar*, DEC-S2007-020, the incident giving rise to the allegation of discrimination on the Traveller ground occurred in December 2000. The date of the decision is March 2007 (the case was assigned to an Equality Officer at the end of 2006). Another Equal Status claim on the disability ground which had been referred in May 2003 had not been assigned to an equality officer by the end on 2007. A direction on notification under Section 21(3)(a)(ii) took 20 months to issue.

In 2007 there was a reduction in the number of casefiles of the Equality Authority under the Employment Equality Acts 1998 and 2007 on the ground of race. Voluntary groups working with migrant workers have informed the Equality Authority that this reduction is not due to a reduction in allegations of discrimination on the race ground but is on account of perceived delays in the Equality Tribunal. Previous annual reports of the Equality Authority highlighted the particularly vulnerable position of migrant workers. The casefile outcomes in 2007 continue to reveal allegations of excessive working hours, summary dismissal, low pay (and in one case, no pay).

In one recent casefile involving an allegation of severe discrimination involving summary dismissal on the sexual orientation ground, the claimant declined to proceed with the claim when he was informed of the delays.

Previous Annual Reports of the Equality Authority have highlighted that the delays are exacerbated in that there is no provision for an interim hearing and interlocutory orders, pending full hearing of the claim. A transparent sequential listing system which would allow for prioritisation in appropriate circumstances is urgently required.

Lack of take up of claims under the Intoxicating Liquor Act 2003

The low number of casefiles against licensed premises under the Intoxicating Liquor Act 2003 (when contrasted with the number of cases that were taken under the Equal Status Acts 2000 to 2004) suggests that there may be a failure to make claims of discrimination. This lack of take up is partly due to the risk of incurring costs in the District Court under the Intoxicating Liquor Act 2003. However a national voluntary group that works with and represents Travellers has informed the Equality Authority that Travellers believe that the law prohibiting discrimination by licensed premises has been repealed. Previous Annual Reports have expressed concern that the Equality Authority has not been afforded a statutory function to provide information to the public on the operation of section 19 of the Intoxicating Liquor Act 2003. It also has not been afforded a power under the Intoxicating Liquor Act 2003 to prepare a Code of Practice in relation to licensed premises or to deploy the full range of powers accorded to it under the Equal Status Acts in relation to other service providers.

Other Issues

There are further issues of concern to the Equality Authority in relation to the implementation of the equality legislation that have been highlighted in previous Annual Reports but that have not yet been addressed:

- The requirements of section 21 of the Equal Status Acts (which requires a potential claimant to notify a potential respondent with two months, of the nature of the allegation and the claimant's intention to seek redress under the Act) continues to invariably mean that the first contact with a potential respondent has to

include a threat of litigation. This threat also often results in a naturally defensive response which is not conducive to an amicable resolution of the matter. Claimants who have ongoing relationships with potential respondents (for example school pupils) or claimants who are dependent on the respondent for the provision of services (for example residents in long-term residential settings) would perceive the issuing of written notification as being potentially very damaging to relationships and/or services they may depend on.

- The maximum ceiling on compensation that can be awarded in the equality legislation.

The casefile outcomes in 2007 include 3 awards by Equality Officers of the maximum compensation payable in claims of discrimination under the Equal Status Acts. The maximum awards were made against a school, a local authority and the Health Service Executive. In the determination involving a Primary School, DEC-S2007-003, the Equality Officer stated:

"I hereby order that the respondent, the Board of Management of ..(a Primary School).., pay to the complainant, ..(Mrs. A).., who is acting on behalf of her son, ..(B).., the sum of €6,350 for the effects of the victimisation, which include the irreversible loss to ..(B).. of the opportunity to avail of a primary education in a school of his / his mother's choosing, and the consequent distress caused to ..(B).."

While the equality officer awarded the maximum compensation possible, this does not appear to be an effective and dissuasive sanction in the circumstances.

In *A Complainant v A Local Authority* [DEC-S2007-049] the equality officer stated that

she would have awarded a higher amount to the claimant, if she was not constrained by the maximum amount that can be awarded.

- The ongoing situation of older women who are facing financial poverty who were forced to leave their jobs because of the marriage bar and/or other caring commitments and who continue to be excluded to an extent from the social insurance system.
- The large number of allegations of discrimination under the Equal Status Acts 2000 to 2004 and the Employment Equality Acts 1998 to 2007 against Government Departments, statutory agencies, local authorities and schools. This highlights the need for the introduction of a positive duty on public bodies to promote equality in carrying out their public functions (equivalent to that provided for in section 75 of the Northern Ireland Act, 1998).
- During 2007 there were a number of enquiries from people with equality issues which came either fully or partly under the Pensions Acts rather than the Employment Equality Acts 1998 to 2007. Since the Equality Authority cannot provide assistance under the Pensions Acts the claimants have been advised to seek assistance from trade unions or elsewhere. Some trade unions appear to be less interested in assisting retired or retiring employees than others. In one case, the trade union gave legal representation for mediation only and the claimant alleged that he was being pressurised into an unfavourable settlement by threats from the employer to go "all the way to the High Court" if he did not settle. No decisions have issued under the Pensions Acts since 2004.

4. Cross Cutting Issues

Transgender

In 2004 The Equality Authority recommended that it is clear from the developing jurisprudence of the Court of Justice that Ireland is now obliged to introduce legislation to give legal recognition to the position of transsexuals and that it could be useful to clarify explicitly in both the Employment Equality Acts 1998 to 2007 and the Equal Status Acts 2000 to 2004 that discrimination against people with gender identity disorder and/or transsexual people constitutes discrimination on the gender ground. Mr. Justice McKechnie in his judgement in 2007 on the second set of proceedings in *Foy v an t-Ard Chlaraitheoir, Ireland and the Attorney General*, pointed out that the state had failed or declined to provide evidence of any movement, even at initiating, debating investigative level, on the plight of transsexual people in this country.

In 2007 two settlements related to transgender / gender identity disorder one in employment and one concerned the reissuing of the Leaving Certificate to reflect the presenting gender.

1. Employment Equality Acts 1998 – 2007

A Worker v A Respondent
Gender & Disability Ground
Dismissal and conditions of employment,
reasonable accommodation

A worker, who is male to female transsexual, lodged a complaint with the Equality Tribunal alleging that her employer discriminated against her on grounds of gender and disability contrary to the terms

of the Employment Equality Acts when she was dismissed.

The complainant advised her employer that she would be undergoing treatment for her Gender Identity Disorder during a period of annual leave and would be presenting her female identity on her return to work. She was advised that she would not be permitted to return to work presenting as female and was thereafter advised to seek alternative employment. The complainant, who suffered from depression as a result of her Gender Identity Disorder, also lodged a complaint in relation to the failure of her employer to afford her reasonable accommodation for her disability, as the refusal to allow her to present in her female identity brought on her depression and prevented her continuing in employment. The Equality Authority granted the complainant legal representation to bring her complaint and lodged a detailed legal submission with the Equality Tribunal on her behalf. The complaint was settled prior to the hearing date on payment of a sum of money, but without admission of liability.

2. Equal Status Acts 2000 – 2004

A Complainant v. State Examinations Commission and the Department of Education

Gender – Provision of Services,
Reissue of Leaving Certificate to
reflect presenting identity

A woman who was registered at birth as male, but subsequently was diagnosed with Gender Identity Disorder, and is undergoing treatment for same, had changed her name by deed poll to reflect her presenting gender. In order to be able to pursue a new career in her female identity, she wished to have her Group Intermediate Certificate and her Leaving

Certificate amended to reflect her new name.

After enquiries were made to the State Examinations Commission, she was advised that it was not possible to have the Certificates reissued in her new name. This had significant consequences for the woman in question as she wished to rely on her achievements in the Leaving Certificate to seek employment, but was concerned that a potential employer might request a copy of her Certificate, thereby drawing attention to her Gender Identity Disorder.

The woman sought the assistance of the Equality Authority to bring a complaint of discrimination on the gender ground under the Equal Status Acts 2000 – 2004 against the Department of Education and Science and the State Examinations Commission in relation to the provision of services. After a complaint was lodged and an exchange of correspondence with the State Examinations Commission, the Commission undertook a review of their practice in relation to the reissuing of Certificates in light of the requirements of the Equal Status Acts 2000 – 2004.

As a result of this review, they indicated they were willing to reissue her Leaving and Group Intermediate Certificates in the legal name of the complainant.

The woman has since received her reissued Certificates and has withdrawn her complaint of discrimination from the Equality Tribunal.

Reasonable Accommodation

The provision of special facilities for people with disabilities continues to be a significant

feature of the casefiles of the Equality Authority with one landmark decision in relation to accommodation. In 2007 the disability ground constituted 110/328 (33.5%) of the casefiles under the Equal Status Acts 2000 – 2004, 59/360 (16.5%) casefiles under the Employment Equality Acts 1998 – 2007 and 8/49 (16%) casefiles under the Intoxicating Liquor Act 2003. In 2007 there were 13 settlements/recommendations of the Equality Tribunal, Labour Court and Circuit Court (and an appeal to the High Court) concerning the provision of reasonable accommodation.

The casefiles on reasonable accommodation in 2007 included the following successful outcomes:

- A local authority was ordered to pay the maximum compensation and within 12 months – to construct an extension suitable to the needs of a child with autism or to rehouse the family in alternative accommodation suitable to the needs of the child with autism. (*A Complainant v A Local Authority*, DEC-S2007-049)
- Switching back on of audible signals at pedestrian crossings (where the poles are at least 3 metres apart)
- A child with a disability being allowed access to a crèche
- Installation of a disabled car space near the claimant's home
- Relocation of a garda station to a fully accessible building
- Parents being allowed to carry out a finger prick test on their child with diabetes on the school premises
- Refurnishing of a prison cell to cater for the needs of a disabled prisoner.

The 2006 Annual Report noted that a striking feature of the settlements and caselaw is how individualised the entitlement to reasonable accommodation is, how it requires consultation and an assessment of need and how employers/service providers need to be in full possession of all the material facts concerning the condition of a person with the disability. These features are evident in the successful outcomes in 2007 as well.

1) A Complainant v A Local Authority
Application for an extension to her residence
under the Disabled Persons Alteration
Scheme [DEC-S2007-049].

Ms C is a tenant of the respondent. She resides in a mid-terrace property with her two sons and adult sister. Her son L. has autism.

In 2001, Ms C. applied for an extension to her residence to provide additional required space for her son on foot of his disability. Her application under the Disabled Person's Alteration Scheme was refused. After two appeals, her application was approved by the Director of Public Health and Medicine in 2004. However, the application was accorded a low priority level.

The respondent regarded the Scheme as primarily catering for extensions for mobility impaired persons and as L. did not have a physical disability there was no requirement for an extra bedroom for him. The Scheme according to the respondent catered for the needs of those with physical disability or 'severe mental handicap/illness' and L. did not qualify in either category.

Ms C. stated that the respondent discriminated against her by comparing

L.'s disability less favourably with other disabilities and failing to provide reasonable accommodation to her son in accordance with the terms of the Equal Status Acts. The equality officer found that the respondent had directly discriminated against the claimant by arbitrarily comparing her son's disability less favourably with physical disabilities under a Scheme which is stated to cater for persons with either a physical or 'mental' disability.

The equality officer ordered that the respondent pay to the claimant the sum of €6,350 for the distress and hardship caused to her by the discrimination. This is the maximum amount which can be awarded under the Equal Status Acts. The equality officer stated that if she was not constrained by this, and taking all the evidence in this matter into consideration, she would have awarded a higher amount to the claimant. The equality officer also ordered the respondent to immediately proceed in full consultation with the claimant and a Senior Occupational Therapist (preferably the Senior Occupational Therapist who had already reported in this matter and supported the claimant's application) to either (i) construct an extension, suitable to the claimant's son's needs and in keeping with her approved application, to her current dwelling or (ii) to re-house the claimant and her family in alternative accommodation, suitable to the needs of L. on foot of his disability, in the locality where they are currently resident. As the complainant's initial application was made almost six years ago the agreed construction or re-housing is to be completed within twelve months from the 1st May, 2007. The equality officer also ordered the Local Authority to draw up a formal written policy in relation to (i) the precise requirements from

the applicants under the Disabled Persons Alterations Scheme, (ii) detailed guidelines on the operation, including any limitations to the terms of the Disabled Persons Alterations Scheme, (iii) details of the appeal mechanism under the Disabled Persons Alterations Scheme and to publish the formal written policy within six months from the date of the decision.

2) Des Murphy v Dublin City Council Department of Transport, Department of Environment, Heritage and Local Government – Reasonable Accommodation

Des Murphy was 78 years of age and was officially blind. He frequently travelled to Dublin city centre and was reliant on audible pedestrian signals, junctions and street crossings to ensure his safe and independent mobility through the city streets. Since 2003 Mr. Murphy became aware of the slow down in the installation of audio signal boxes. In the summer of 2004 Dublin City Council implemented a decision to turn off audible crossing signals at pedestrian crossings in Dublin where audible units were located close to each other. The decision was made without consultation with NCBI (National Council for the Blind of Ireland) and also without publicising its decision to turn off the audible crossing signals. As a result of this decision Mr. Murphy encountered great difficulties in being independently mobile in the city centre. Mr. Murphy had been in correspondence with Dublin City Council for a considerable period of time in relation to the decision to turn off the audible signals but the matter had not been resolved. He subsequently made a complaint and claim against Dublin City Council, the Department of the Environment Heritage and Local Government and the

Department of Transport. While Dublin City Council had responsibility on a day to day basis for traffic signals they asserted that they have a responsibility to comply with the Traffic Management Guideline published by the Department of Transport and the Department of the Environment Heritage and Local Government. Both departments asserted that they had no responsibility for traffic signals and that the responsibility lay with the local authorities alone.

Dublin City Council claimed the reason they turned off audible signals at certain junctions was due to the confusion caused for sighted pedestrians who may have mistakenly crossed the road on hearing the signal from an adjoining crossing. However, the Council did not have any written complaints to back up their concerns. The Equality Authority submitted on behalf of Mr. Murphy that best practice in relation to accommodation for vision impaired persons supports the view that where a 'green man' crossing signal was provided for pedestrians it should be accompanied by an audible signal for the benefit of blind and vision impaired people. Research on international best practice found that there should be no confusion between audible signals which are more than 3 meters apart. It appears that most of the signals in the Dublin City area are in fact more than 3 meters apart.

Following one day of a two day hearing the matter was resolved with Dublin City Council and the claim subsequently withdrawn against both the Council and the two Departments. The Council agreed to switch back on audible signals at junctions where the poles were at least 3 meters apart. Where the poles are less than 3 meters apart the Council agreed to take one of the following options:

1. Run the pedestrian signals stages together.
2. Move the poles so they are at least 3 meters apart.
3. Where these options are not practical, adopt other options such as tactile only devices having taken into account any submissions of the NCBI.

Dublin City Council also agreed to consult with NCBI in relation to audible traffic signal crossings where there were significant changes or developments affecting vision impaired persons and in particular when making decisions to switch off the audible signal. Dublin City Council agreed to call on NCBI to make submissions and to take into account submissions made before any decision is made and also to meet with the management of NCBI for at least twice yearly meetings.

As part of the settlement Mr. Murphy received the payment of €4,000 in compensation. The settlement was without admission of liability and was between Mr. Murphy and Dublin City Council only. As part of the settlement, Mr. Murphy agreed to withdraw his claims against the Department of Transport and the Department of Environment Heritage and Local Government.

3) A Complainant v A Crèche Disability – Provision of a Service – Successful Mediation

A successful mediation agreement was reached in April 2007 between a claimant and a crèche. The claimant brought a complaint of discrimination on the ground of disability against the crèche on behalf of her disabled child who had been refused access on account of her visual impairment.

The complaint was successfully resolved at mediation.

4) Parents on behalf of their daughter v A School Disability – Provision of Services

A husband and wife contacted the Equality Authority of behalf of their daughter who suffers from insulin-dependent diabetes when they were prevented from carrying out a finger-prick test on their daughter in her school. The respondent did not want the test to be carried out within the school as it was fearful that other children would witness the test being carried out and attempt to copy it. As a result it was necessary for the mother to take her daughter out of the school and carry out the test in her car at the side of the road. Following correspondence and negotiations between the Equality Authority and the respondent, the case was settled when the respondent agreed to allow the test to be carried out within the school.

5) Claimant v A Local Authority Provision of a Service

The claimant was an older lady who has had two hip replacement operations and had severe arthritis. She had been able to park her car in front of her house for the past twenty one years. In March 2006 she received a letter from the Council stating that double yellow lines were to be placed on either side of the road outside her house and that parking along the road was to be prohibited. The claimant notified the Council of the difficulty she would encounter if there were double yellow lines placed outside her house. Both the claimant and numerous Councillors and other politicians made representations to the Council but the

Council proceeded with its alternations and subsequently no reasonable accommodation was provided to her in respect of her disability.

The complaint was part settled when the Council agreed to install a single disabled car space around the corner at the bottom of the claimant's road.

6) Claimant v A Garda station
Access to Garda station – Provision of Services
– Disability Ground – resolved

The claimant, who was disabled, contacted the Equality Authority after she was unable to access her local Garda station because of steps leading to the entrance. Following correspondence between the claimant and An Garda Síochána and assistance from the Equality Authority in advising her, the matter was resolved when a decision was made to relocate the Garda station to a fully-accessible building.

7) Claimant v Irish Prison Service
Provision of Services – Reasonable
Accommodation – Disability Ground

The claimant was a prisoner in the Midlands Prison where he was serving a 3 years sentence. The claimant had parkinson's disease and was a wheelchair user and had other medical conditions. His symptoms included tremors, speech problems and balance problems. The claimant had ongoing difficulty everyday getting in and out of his cell and accessing his toilet. The claimant stated that he had a problem accessing his cell as the door is very narrow. He could only get the wheelchair into the cell with difficulty. He had marks on the wheelchair from pushing it off the

door. He could not put his hands on the wheels going into his cell and he had to use the wall to manoeuvre himself into the cell.

In his cell, the claimant got caught between the bed and basin and he had to transfer himself from the wheelchair on to his bed, dismantle the wheelchair and bring it through and then get back into the wheelchair. There were no hand rails in the toilet. The toilet was too narrow to allow wheelchair access. As a result he has had a number of falls in his cell since he arrived in prison, both getting through his cell and also accessing the toilet.

Following correspondence from the Equality Authority, a cell was refurbished to allow for wheelchair accessibility to cater for the claimant's needs.

8) Mrs A, on behalf of her son B v
a Primary School DEC-S2007-003
Educational Establishment – Direct
Discrimination – Disability Ground – Traveller
Ground – Reasonable Accommodation

In this decision (more details of which are set out in part 5) the Equality Officer held that the claimant had failed to establish that the respondent failed to provide reasonable accommodation in relation to her son's disability (he has Kleintelter's syndrome) when the respondent refused to enrol her son in the school. The resources in the school, combined with those available to the Visiting Teacher, would have been sufficient to meet the needs of the child.

Reasonable accommodation was also an issue in the outcome of three employment casefiles in 2007.

9) A Worker v Respondent

Transgender – Reasonable Accommodation (set out in more detail in the part on transgender cases).

The claimant who is a male to female transsexual suffered from depression as a result of Gender Identity Disorder, lodged a complaint of discrimination under the Employment Equality Acts 1998 to 2007 in relation to the failure of her employer to afford her reasonable accommodation for her disability on the basis that the refusal of the employer to allow her present in her female identity at work brought on her depression and prevented her continuing in employment. This complaint was settled on payment of a sum of money, but without admission of liability.

10) O’Keeffe v Walsh t/a By Pass Stores Ltd – DEC-E/2007/033

Dismissal

The claimant complained that she was dismissed by the respondent in February, 2005 and that the termination of her employment amounted to discrimination on grounds of disability.

The complainant commenced employment as a retail assistant with the respondent in October, 2004. She had a hearing impairment which required her to wear hearing aids. The complainant stated that she carried out her job satisfactorily and received no complaints about her performance or behaviour until 13th February, 2005 when the respondent informed her that he was terminating her employment because she had failed on numerous occasions to carry out instructions but that she would just smile and nod. The complainant rejected this assertion and

stated that if she did not carry out any instructions it was because she did not hear them.

The equality officer noted that the respondent was aware of the complainant’s hearing impairment before she commenced employment with him and was satisfied that the disability did not impact on her ability to do the job. He further noted that the complainant’s hearing aids had been sent away for repair for several days preceding her dismissal and that she did not have a substitute set. He was satisfied therefore that any alleged failure on the complainant’s part to carry out the respondent’s instructions could be attributed to the fact that she was unable to understand the person communicating with her unless they were positioned so that she could lip read.

The equality officer noted that the complainant’s written contract of employment contained provisions concerning disciplinary and dismissal procedures. The respondent accepted that it did not apply these provisions to the complainant and could offer no reason for not doing so.

The equality officer relied on the Labour Court decision – *A Government Department v. An Employee* [ADE/05/19] where it noted that Article 2 of the EU Framework Directive provided that the principle of equal treatment meant that there shall be no discrimination whatsoever on any of the proscribed grounds – in the instant case disability.

The equality officer interpreted that decision to mean that in reaching its decision to dismiss the claimant the respondent could not have been influenced in any manner at all by the claimant’s hearing impairment.

The Labour Court had added that since the facts necessary to prove such an explanation can only be in the possession of the respondent, the court should expect cogent evidence to support such an assertion. The equality officer quoted the following from the Labour Court:

“that the requirement to establish that there was no discrimination whatsoever means that the court must be alert to the possibility that a person with a disability may suffer discrimination not because they suffer from a disability per se, but they are perceived because of their disability, to be less capable or less dependable than a person without a disability. The court must always be alert to the possibility of unconscious or inadvertent discrimination and mere denial of a discriminatory motive, in the absence of independent corroboration, must be approached with caution.”

The equality officer was satisfied that the respondent considered the claimant's hearing impairment to impede her capability to perform her job. It was unable to demonstrate that her poor performance or attitude were issues which had prevailed for some time preceding her dismissal or that it had raised such matters with her. Consequently it had failed to discharge the burden of proof required of it. The equality officer found that the respondent had given no consideration whatsoever to providing the claimant with appropriate measures which might overcome the perceived difficulties it felt impeded her job. The equality officer awarded the claimant €17,000 in compensation.

Practice and Procedure

a) Time Limits: ‘reasonable cause’

Section 77(5) of the Employment Equality Acts 1998 to 2007 requires claimants to refer claims within 6 months from the date of occurrence of the discrimination or victimisation or the date of its most recent occurrence. The time limit may be extended up to 12 months “for reasonable cause”.

1) A Claimant v A Government Department DEC-E2007-009 – Gender and Age

The claimant referred a complaint of alleged discrimination on the gender and age grounds against the Minister in relation to promotion/re-grading, conditions of employment and harassment. The complaint was referred outside the 6 month time limit set down by the Employment Equality Acts. In October 2006 the Equality Authority made an application for an extension of time on behalf of the claimant on the basis that the claimant had been unwell and in hospital and had not been aware of the possibility of making a complaint under the Employment Equality Acts despite having consulted a private solicitor. The claimant had also tried to resolve the matter through internal channels but had been unsuccessful.

The Equality Tribunal issued a direction in the matter on 2nd August 2007 extending the time. The equality officer stated that ignorance of the law cannot be cited as reasonable cause nor can any inadequacies in the advice a claimant received from a solicitor. He stated that the claimant had demonstrated that she had made efforts to pursue the issue through internal channels and that she had been unwell and under

stress due to the effects of the alleged discrimination. She also had to contend with a period in hospital in September 2005 followed by further periods of illness and she is on continuing medication. The equality officer stated that the respondent did not appear to be at a disadvantage by the complaint being referred outside the 6 month time period.

2) Boyle v Department of Justice, Equality & Law Reform DIR-E2007-012

Mr Boyle applied for membership of An Garda Síochána in December 2004 but his application was turned down as he was over the age limit of 35 years. Mr Boyle referred a complaint of alleged discrimination on the age ground against the Public Appointments Service in June 2005. He subsequently approached the Equality Authority seeking representation. The Authority wrote to the Tribunal in November 2005 seeking an extension of time to lodge complaints against the Garda Commissioner and the Department of Justice, Equality & Law Reform. It then emerged that Mr Boyle's original complaint had been closed by the Equality Tribunal because he had not followed the procedures set down in section 77 of the Acts. The letter from The Equality Tribunal advising Mr Boyle of this had been wrongly addressed and did not reach him.

On 10th August 2007, the Equality Tribunal issued a Direction refusing the application for an extension of time to lodge a complaint against the Minister for Justice, Equality & Law Reform on the grounds only that the fact that the applicant had not approached the Equality Authority within 6 months of the date of discrimination did not constitute reasonable cause.

b) Appeal De Novo

1) An Employee v A Third Level Institution Appeal to Labour Court from Equality Officer Decision DEC-E2006-009

The claimant who suffers from a progressive eye disorder, asthma and depression was employed with the respondent. He contended that from October 1998 he complained to his line managers about his working environment as it had a detrimental effect on his health but they failed to afford him reasonable accommodation.

The respondent stated that it was not possible to relocate the unit where the claimant worked as there was no suitable space available to relocate the claimant's work area and that such a move would have incurred a cost which was more than nominal cost in nature. They further alleged that the complainant was not carrying out his functions in a satisfactory manner and that this underperformance was a source of concern for the respondent.

The equality officer found that the respondent did not fail to provide reasonable accommodation to the claimant, but found that the respondent discriminated against the claimant on grounds of disability when it applied its disciplinary procedures to him. He awarded the claimant €5,000 for the effects of the discrimination. The respondent appealed the decision to the Labour Court.

At the hearing the claimant sought to cross appeal on the issue of reasonable accommodation. The respondent argued that the claimant was not entitled to have the reasonable accommodation element of the decision heard as no appeal had been lodged in respect of this part of the determination. It

was argued on the claimant's behalf that an appeal was a "de novo" hearing which meant that all the issue could be reheard and not just the issues chosen by the respondent on appeal. It was also argued that insofar as the issue of discrimination was at issue this would include reasonable accommodation.

The Labour Court adjourned to consider the issue and decided that the reasonable accommodation issue could be heard as it was an integral part of the complaint and was not separate from the discrimination issues. The respondent was granted an adjournment to resubmit their submission to address the reasonable accommodation issue. The respondent subsequently withdrew the appeal and paid the compensation awarded by the Equality Officer.

c) Anonymity

Section 25 of the Equal Status Acts 2000 to 2004 provides that an investigation of a claim of discrimination will be in private. The Equality Tribunal in certain instances, usually in claims involving the ground of disability and sexual harassment, anonymise the names of the parties involved in proceedings. The impact of section 25 and this practice is nullified by the omission of equivalent provisions in the Equal Status Acts 2000 to 2004 in relation to appeals to the Circuit Court from recommendations of the Equality Tribunal. The 2005 and 2006 Annual Reports highlighted this as an area that needs review as an urgent priority.

The case of *Two Complainants v. The Department of Education and Science DEC-S2006-077* emphasises the urgency of the need for review in this area. This case concerns the annotation of the Leaving Certificate of two students with dyslexia. The Circuit Court appeal is noted in part 5.

The decision of the Equality Tribunal was appealed to the Circuit Court by the respondent. Part of the claimants' case was that the annotation involuntarily disclosed that the claimants have disabilities and this constituted discrimination, a failure to provide reasonable accommodation and also constituted an invasion of privacy.

A preliminary application was made on behalf of the claimants in the Circuit Court to prevent disclosure of the identity of the claimants by imposing reporting restrictions. Judge Hunt held (on the 19th October 2007) that he could not make such an order without legislative amendment being effected. Even if the claimants had been successful in the Circuit Court, their privacy would have been lost which would have resulted in an involuntary disclosure of their disability in any event.

d) Costs

The 2004, 2005 and 2006 Annual Reports expressed concerns in relation to the issue of costs. The risk of incurring costs continues to be a substantial disincentive to claimants to pursue or defend appeals of the decisions of the Equality Tribunal under the Equal Status Acts 2000 to 2004 to the Circuit Court and in relation to claims to the District Court under the Intoxicating Liquor Act 2003 and on appeal there from to the Circuit Court. It is also a disincentive to claimants initiating proceedings in the Circuit Court on the gender ground under section 77 (3) of the Employment Equality Acts 1998 to 2007. The 2006 Annual Report stated that the Equality Authority is aware of a growing number of claims which did not proceed because the claimant did not want to run the risk of having to pay the other party's costs. The low take up of claims under the Intoxicating Liquor Act 2003 is further evidence of this.

In the Circuit Court appeal of *Two Complainants v. The Department of Education and Science* DEC-S2006-077 parties had agreed in advance not to pursue each other for costs. Judge Hunt stated that it would never have been his intention to award costs. Judge Hunt also stated that it was clear that it was a very important issue for the claimants and others in their position.

While this approach is welcome, it does not solve the problem.

e) Application of the Equal Status Acts 2000 to 2004

There now appears to be two different views on the application of the Equal Status Acts 2000 to 2004 outside of the Equality Tribunal proceedings.

Doherty v South Dublin County Council, the Minister for the Environment, Heritage and Local Government, Ireland and the Attorney General and the Equality Authority and the judgement of Mr. Justice Charlton, 22nd January 2007. (The Equality Authority appeared amicus curiae).

Mr. Justice Charlton held that the Equal Status Acts 2000 to 2004 do not create new legal norms which are justiciable outside of the framework of compliance established by those Acts. He found that under the Equal Status Acts, a new legal norm and a new means of disposal through the Equality Tribunal are created. A specific legal obligation is created by statute, a mode of enforcement is set up through an agency which was thereby created and limited rights of access to the Courts are created. This amounts to the creation of a separate legislature and administrative scheme which

does not create a series of private rights which are either enforceable in damages or outside the framework of compliance established by those Acts.

The judgement was appealed and the terms of the settlement were confidential. (See also Part 5 – Local Authorities for full details of case).

However, in *O'Donnell v South Dublin County Council* (22nd May 2007) (the Equality Authority did not appear as an amicus curiae in this case) Ms. Justice Laffoy inter-alia examined whether the plaintiffs had established any breach of the Equal Status Acts 2000 to 2004. She found that no question of discrimination having occurred within the meaning of the Acts of 2000 to 2004 arises because the plaintiffs had made out no case on the pleadings or on the evidence of having been treated less favourably on any ground than any other person or persons. She did not however find that it was not open to the plaintiffs to rely on the Equal Status Acts 2000 to 2004 in the High Court proceedings.

5. Equal Status Acts 2000 to 2004

In 2007 there were 328 casefiles under the Equal Status Acts 2000 to 2004. As in 2006 the largest number of casefiles were on the disability ground: 110/328 (33.5%) followed by the Traveller community ground 63/328 (19%) followed by the age ground 37/328 (11.3%). The largest number of files on the disability grounds concerned the provision of education in primary, secondary and third level institutions (7, 14 and 3 casefiles respectively).

There were 61/328 (18.6%) casefiles on the provision of primary, secondary and third level education. 32/61 casefiles involved primary schools, 25/61 involved secondary schools and 4/61 third level schools. 10/61 primary school casefiles concerned the Traveller community ground and 10/61 were on the gender ground.

51 of the casefiles related to the provision of services and accommodation by local authorities. 14/51 casefiles are on the disability ground and 23/51 are on the Traveller community ground.

225/328 are casefiles involving government departments, health agencies, local authorities, state agencies, schools and third level educational establishments.

Education and Local Authorities

Claims of discrimination in relation to education and local authorities can often arise under the obvious headings of educational establishments and accommodation. But they also can arise under the heading of provision of services. In relation to education the Department of Education and Science is a significant service provider. Local authorities administer a number of schemes and so are also major service providers. The casefile outcomes in 2007 illustrate the range of issues and discrimination grounds that arise in claims related to education and local authorities.

In two cases the maximum compensation was awarded against a school and a local authority.

Educational Establishments

The following settlement involving an educational establishment is set out in more detail under the Reasonable Accommodation section in part 4.

- *Parents on behalf of their Daughter v A School* (carrying out of finger prick test at school of their daughter who has insulin dependent diabetes).

1) Mrs A, on behalf of her son B v a Primary School DEC-S2007-003 Membership of the Traveller community – Disability – Reasonable Accommodation – Educational establishments – Victimisation

Mrs. A, on behalf of her son, B claimed that her son was discriminated against and victimised by the respondent on the grounds of disability and membership of the Traveller community when the respondent refused to enrol her son in the school.

The complainant states that her son, B, who is a member of the Traveller community and suffers from Kleinfelter's Syndrome, had previously been in attendance at another (named) school. As a consequence of matters arising there, Mrs. A had lodged a complaint under the Equal Status Act against the school in question. The Visiting Teacher for the area subsequently made enquiries at the respondent school about enrolling B. She initially received a favourable response from the Principal who said that he would have to get the approval of the Board of Management. The Board refused the enrolment application in respect of B. The Principal stated that the Chairman of the Board had indicated that B was still enrolled at the previous school and that there was a "gentleman's agreement" that schools

would not enrol students who were enrolled elsewhere.

The Chairman of the Board of Management was also Chairman of the Board of Management of the school which B had previously attended and against which a formal complaint had been lodged under the Equal Status Act 2000 by Mrs. A.

The respondent denied discrimination and victimisation had occurred. The respondent stated that the enrolment application was turned down because the Visiting Teacher had not submitted certain reports regarding the resources which would be required by B and because class numbers were at capacity and additional resources would not be available to meet B's needs.

The equality officer was satisfied that the Chairman of the Board of Management based his decision to refuse the enrolment of B on matters arising and ongoing at the time in the school at which B had previously attended. The equality officer found that the decision making process in relation to enrolment was flawed and not in accordance with fair procedures. The decision to refuse enrolment was not clearly and transparently arrived at nor based on objective criteria which were unconnected with B's complaint against the previous school. The equality officer was also satisfied that resources and class numbers were not material to the decision to refuse the enrolment application and that resources in the school, combined with those available to the Visiting Teacher would have been sufficient to meet the needs of B.

The equality officer found that the claimant failed to establish a prima facie case on the disability and Traveller grounds and failed

to establish that the respondent failed to provide reasonable accommodation. The equality officer held that a prima facie case of victimisation had been established which the respondent had failed to rebut. It was found that the chairman had influenced the decision of the Board of Management in circumstances where he was also the Chairman of another school against which a complaint of discrimination had been lodged by the same complainant.

As a result of the effects of the victimisation, "which include the irreversible loss to ..(B).. of the opportunity to avail of a primary education in a school of his mother's choosing and the consequent distress to ..(B)..", the maximum compensation of €6,350 was awarded.

2) Four pupils and four parents v The Board of Management of a School Access to Education – Harassment – Traveller community

The complainants, all members of the Traveller community were students at a primary school where they were subjected to a number of incidents of harassment culminating in a very serious incident in January, 2003. The response of the school to the allegation of harassment was wholly inadequate resulting in the complainants leaving the school and seeking to be enrolled in another school in the area. The respondent then released confidential and irrelevant reports and materials to the other school without the appropriate consent of the parents of the complainants being obtained with the intention of blocking the children's enrolment to that other school.

The parents of the four pupils alleged that their treatment by the school when they sought to make a complaint about the incident and have the matter dealt with, was also discriminatory. They also lodged complaints against the school.

The matter was settled on the second day of the hearing and each child was paid a substantial sum in compensation by the respondent. The terms of the settlement are confidential between the parties and no liability was admitted on the part of the school.

3) Pupil v A Secondary School Educational Establishment – Religion

This pupil was in fifth year in a secondary school. She had no religious beliefs but has had to sit through religion classes and subsequently had been required to sit in the corridor outside the principal's office during religion class.

Following correspondence from the Equality Authority this complaint was settled when the school organised for the pupil to be supervised by a number of teachers in their class rooms.

4) Minister for Education and Science v H. and C. Appeal to Circuit Court under section 28 of the Equal Status Acts 2000 – 2004 – Disability – Reasonable Accommodation – Provision of Service – Privacy

Judgement of Judge Hunt, 19th October 2007. The Equality Tribunal decision in this case was noted in the 2006 Annual Report.

Ms H and Ms C who both have dyslexia sought to have reasonable accommodation in their leaving certificate examinations in 2001. They were both granted accommodations in the form of marking adjustments in certain elements of language subjects. When their leaving certificates issued there were explanatory notes on them stating that certain parts of the examination had not been assessed in English, Irish and French. The complainants considered that the annotations were discriminatory. They both appealed the Department's decision regarding notation but were unsuccessful. The complainants with the assistance of the Equality Authority then referred complaints to the Equality Tribunal.

The complaints were heard by the Equality Tribunal in a consolidated hearing and a decision issued on 3rd November 2006 in favour of the complainants. The equality officer ordered the Department of Education and Science to issue new Leaving Certificates to the claimants without the relevant notations, ensure that all aspects of its appeal process conform with the rules of natural justice instead of adhering rigidly to the principles set out by the Expert Advisory Group, regardless of the appellant's case, investigate the feasibility of creating and implementing a system of accommodation which can meet the needs of each particular student applying for accommodation based on their individual assessment, while maintaining the existing accommodations in place and pay each claimant €6,000 compensation. The Minister appealed the decision to the Circuit Court.

The appeal was heard over eight days. Judgment was delivered on the 19th October 2007. Judge Hunt found that there had

been no breach of sections 3, 4 or 5 of the Equal Status Acts. He did not accept the argument that forced disclosure of a disability is an unlawful discrimination against the claimants. He found that it would not be reasonable to require the Department to provide waivers without annotation. He found that the claimants had not been treated less favourably and there had been no failure to provide reasonable accommodation. Judge Hunt expressed doubts as to whether the claim was admissible under the reasonable accommodation provisions under section 4 of the Equal Status Acts 2000 to 2004. He suggested that section 4(5) exempts the Minister (in relation to the exercise of the Minister's discretion in providing for students with a disability from the operation of section 4(1) of the Act). Judge Hunt did not decide this issue however. He also stated that even if there had been discrimination, the provisions of section 5(2)(h) would have exempted the Department's system from the general prohibition on discrimination. Section 5(2)(h) exempts differences in treatment provided for the principal purpose of promoting, for a bona fide purpose and in a bona fide manner, the special interests of a category of persons from the general application of the Acts.

The parties had each agreed prior to the hearing that they would not seek costs against the unsuccessful party. Judge Hunt indicated it would never have been his intention to award costs either way in the circumstances.

Ms C has appealed this decision on a point of law to the High Court under section 28 of the Equal Status Acts 2000 to 2004.

Religion / Race

Requirement to have baptismal certificate

On foot of media reports in relation to primary school provision in Balbriggan and Diswellstown, the Equality Authority wrote to the Minister for Education and Science, the Minister of State with Responsibility for Integration, the Minister for Justice, Equality and Law Reform, Archbishop Diarmuid Martin and the principals of a number of schools in Diswellstown and Balbriggan areas. This correspondence was to express concern at the emergence of segregated primary school provision for Black and minority ethnic students, to question the accuracy of the reported interpretations given to the religious ethos exemption in section 7(3)(c) of the Equal Status Acts 2000 to 2004 and to bring the relevant provisions of the Race Directive to the attention of the parties concerned.

Local Authorities

The following decision and settlements involving local authorities are set out in more detail under the Reasonable Accommodation section in part 4:

- *Murphy v Dublin City Council, Department of Transport, Department of the Environment, Heritage and Local Government* (Switching back on off audible signals at pedestrian crossings.)
- *A Complainant v A Local Authority* DEC-S2007-049 (Construction of an extension, or re-housing in alternative accommodation, suitable to the needs of the complainant's autistic son.)
- *A Claimant v A Local Authority* (Installation of disabled car space.)

1) Mariana and Kunnar Trel v South Tipperary County Council Age and Race – Provision of Accommodation

Mariana and Kunnar Trel had applied to South Tipperary County Council for the shared ownership scheme to purchase a house. They had paid a deposit to the County Council for payment to the developer to secure the purchase. They were then told that the house was no longer available and were offered a house which was further away from the centre of town and of lower quality accommodation. The complainants allege they were refused allocation of the house because of her husband's age and also because of their nationality. Notification was sent under the Equal Status Acts and before the complaint was lodged. The Equality Authority intervened on behalf of the claimants. The Council re-offered the complainants the first house. The complainants have since signed contracts and have been given the keys to the house.

2) A Complainant v A Local Authority Marital Status /Family Status – Provision of Accommodation

The claimant referred a complaint to the Equality Tribunal in November 2004, in relation to the policy of the Local Authority not to accept housing applications from single people with no dependents. Exceptions to the policy were made only in relation to older people. The claimant had first sought to be placed on the housing list in 1998, but had been refused, although he was otherwise qualified for local authority housing. This policy was only changed in May 2004, when the claimant was in fact assessed and placed on the housing list.

In 2003 the Office of the Ombudsman investigated a similar policy being operated by a separate Local Authority, and expressed the view that the policy was unfair and could also be contrary to the provisions of the Equal Status Act, 2000 as it placed single applicants with no dependents at a disadvantage to other housing applicants. The claimant in this case argued that having been kept off the housing list for a period of six years he had been discriminated against on the family status and marital status grounds. Although the Local Authority in this case had changed their policy following the views expressed by the Office of the Ombudsman, nonetheless the claimant felt he was entitled to redress for the years that his name had been kept off the housing list.

It had been argued by the Local Authority that a specific provision of the Equal Status Acts that allows Local Authorities to treat certain housing applicants differently on the basis of family size, family status, marital status, disability, age or membership of the Traveller community. However, it was conceded in settling the complaint that although certain housing applicants could be treated differently by Local Authorities, this could never constitute less favourable treatment. (The precise terms of the settlement are confidential between the parties.)

3) Doherty v South Dublin County Council, Minister for the Environment, Heritage and Local Government, Ireland and the Attorney General

(This case is also noted in part 4 – cross cutting issues under Practice and Procedures)

After the Supreme Court affirmed the order of the High Court granting liberty to the

Equality Authority to appear as amicus curiae, this substantive matter came on for hearing. (The Equality Authority provided a written submission and oral argument). The 2006 Annual Report – noted the important concession made by the respondents at the outset that section 6(6) of the Equal Status Acts 2000 to 2004 could not be construed as allowing less favourable treatment.

The proceedings were brought by two older members of the Traveller community who were in poor health and who were seeking habitable accommodation from their local housing authority through the provision of a caravan. The case made by the applicants was that they were discriminated against because in providing accommodation under the Housing Act, 1966 to 2004, the Housing Authorities Acts merely provided a site but no habitable accommodations (namely a caravan or mobile home) to Travellers in contrast with the treatment of members of the settled community who are accommodated in houses. Reliance was placed on both the provisions of the Equal Status Acts 2000 to 2004 and on the provisions of the Race Directive 2000/43/EC. It was further contended that the housing authority was under a legal duty (having regard to the principles laid down in the European Convention on Human Rights Act, 2005 and the provision of the Housing Acts) to provide the applicants with a caravan that would allow them to lead a normal family life together. Owing to the concessions made by the respondent concerning the interpretation of section 6(6), there was no need to pursue the contention that there had been a failure to transpose the Race Directive (by reason of the failure to amend Section 6(6) in the Equal Status Acts).

Mr Justice Charleton found that the Equal Status Acts 2000 to 2004 were not justiciable outside the framework of compliance established by the Equal Status Acts 2000 to 2004 and therefore could not be relied on by the plaintiffs in their High Court proceedings. Mr Justice Charleton made a brief reference to the Race Directive. “It is not impressive that accommodation offered to the applicants only on a temporary basis has continued to be their place of residence for in excess of six years. Nor is it helpful that two substantive offers were made to the applicants only at the commencement of these proceedings. It is important to record, however, that insofar as accusations of unequal treatment and mentions of the Race Directive may give rise to the suspicion that the worst forms of motivation for human conduct are at play here, the Courts find no evidence on the papers before it that the respondents have acted out of prejudice against Travellers”.

Mr Justice Charleton found that if he were to analyse the case of the applicants under the Equal Status Acts, 2000 to 2004, he did not feel that he could hold that their treatment had been discriminatory. Mr Justice Charleton found that there had been no failure by the respondent housing authority to fulfil its duty under the relevant provisions of the Housing Acts. He also analysed the Human Rights arguments and found that the plaintiff’s claims in this regard failed as well.

There is no reference in the judgement to the meaning of discrimination in both the Equal Status Acts 2000 to 2004, and the Race Directive, the lack of defences to claims of discrimination either under the Equal Status Acts 2000 to 2004 and/or the Race Directive, the obligations on local authorities under the

section 6 of the Equal Status Acts 2000 to 2004 or under the Race Directive. There is no comprehensive analysis of the interaction between the provisions of the Housing Acts and the Equal Status Acts 2000 to 2004 and the Race Directive or the implications of the onus of proof provisions in the Equal Status Acts 2000 to 2004 and the 'Race' Directive.

The judgement of the High Court was appealed and was settled on appeal. The terms of the settlement are confidential.

Provision of services

1) Equality Authority v AIG Insurance Insurance

AIG Insurance are insurance underwriters and their travel insurance policies were being offered by Aer Lingus on its website www.aerlingus.com. These policies were restricted to persons under the age of 75.

The Equality Authority wrote to AIG Insurance and Aer Lingus in March 2004 pointing out the provisions of the Equal Status Acts 2000 to 2004 and the Equality Tribunal decision *Ross v Royal Sun Alliance*. [DEC-S2003-116].

The respondent's solicitors replied on behalf of AIG insurances stating that they did not believe their policies to be discriminatory and they relied on Section (5)(2) of the Equal Status Acts 2000 to 2004. They said they believed that the Ross decision was flawed. In November 2006 the contract between AIG and Aer Lingus expired and was not renewed.

Following a meeting between representatives of the Equality Authority and AIG Insurance

on 13th February 2007 a settlement was reached whereby:

- The respondent acknowledged that the travel insurance policies in respect of which it was underwriter for Aer Lingus were in breach of the Equal Status Acts 2000 to 2004 in that they discriminated against persons over the age of 75 on grounds of their age.
- From the 1st of May 2007 the respondent will no longer underwrite travel insurance for offer in this jurisdiction which contains an absolute age limit or excludes any persons on account of their age.
- The respondent undertook to comply with the terms of the Equal Status Acts 2000 to 2004 in its underwriting business in this jurisdiction.

2) Equality Authority v Aer Lingus Provision of Service – Age

Aer Lingus was offering travel insurance policies on its website www.aerlingus.com which were restricted to persons under the age of 75 years. The insurance underwriters were AIG Insurances.

The Equality Authority wrote to both Aer Lingus and AIG Insurances in March 2004 pointing out the provisions of the Equal Status Acts 2000 to 2004 and the Equality Tribunal decision *Ross v Royal Sun Alliance* [DEC-S2003-116]. They refuted allegations of discrimination and complaints were referred to the Equality Tribunal under Section 23 of the Equal Status Acts. A settlement was reached with AIG Insurances on 13th February 2007. [See above]

Negotiations continued with Aer Lingus and a settlement was reached in June 2007 whereby without admission of liability, the respondent had made an agreement with a new travel insurance provider by means of which it now offered travel insurance products to all the respondent's customers regardless of age and the respondent also undertook to comply with the terms of the Equal Status Acts 2000 to 2004 in the operation of its business related to travel insurance.

3) Mr. Edward Reilly v Health Service Executive Provision of a Service – Traveller Community

The complainant alleged that he was discriminated against when he was obliged to attend a central unit in Dublin which deals specifically with the payment of Supplementary Welfare Allowance to Travellers (SWA) instead of being able to attend his local health centre. He was informed that this was Health Service Executive policy regarding payments of the allowance to Travellers. The complainant found the conditions of the central office to be poor and it was not easily accessible to him and his family. No other clearly identifiable group of persons in the non Traveller community are required to attend at a central unit to claim SWA and/or are unable to have their claims processed and paid at local health centres or alternative venues. The respondent stated that the policy had been put in place in 1984 in order to better focus on the particular needs of Travellers and because it was felt that there was no control over payments being made to Travellers due to their mobility and a lack of computerised records. The respondent pointed out that a working group had been set up in 1994 to

assist in decentralising the service back to local areas.

The equality officer stated that the policy of centralising the payment of SWA of Travellers was based on anecdotal evidence of fraud and that no in-depth research or analysis was conducted to verify this. She also stated that the problems perceived to exist by the respondent when the centralised office was set up were eliminated when records became computerised. She pointed out that despite a lapse of a period of 14 years since the initial decision was made in principle to decentralise the unit little progress had been made in decentralising the service. She also pointed out that although the respondent stated that the complainant was being dealt with in a "Homeless Persons Unit" it also stated that non-Traveller homeless persons could have payment made to them at any post office. She found that the respondent had directly discriminated against the complainant on the Traveller community ground. She ordered the respondent to pay €6,350 to the complainant for the effects of the discrimination. She also ordered the respondent to immediately arrange for the payment of SWA to the complainant at his local health centre. She also ordered that the respondent with immediate effect to arrange for the payment of SWA to Travellers at all outlets at which payment is available to non-Travellers.

6. Employment Equality Acts 1998 to 2007

There were 360 casefiles under the Employment Equality Acts 1998 and 2007 during 2007. For the first time the ground of age is the largest category of employment casefiles of the Equality Authority – 87/360

(24.2%) moving from the 3rd largest category in 2006. The age ground was followed closely by the race ground 68/360 (18.9%) and the gender ground 65/360 (18%). The disability ground remains the fourth largest 59/360 (16.4%), followed by multiple grounds 44/360 (12.2%). There is a significant percentage increase in the number of casefiles on the religion ground. In 2006 there were 2/404 (.5%) casefiles on the religion ground while in 2007 this had increased to 8/360 (2.2%). There was a slight increase in casefiles on the sexual orientation ground, moving from 5/404 (1.2%) to 8/360 (2.2%) in 2007. Casefiles on the family status ground 3/360 (.83%), marital status ground 5/360 (1.4%) remain low with a slight decrease in casefiles on the Traveller community ground, down to 1/360 (.28%) in 2007 from 2/404 (0.5%) in 2006.

Working conditions constitute the largest area of casefiles 102/360 (28.3%). 28 of these 102 casefiles were on the ground of age, followed by the disability ground – 21/102. Access to employment is the second highest area of casefiles 80/360 (22.2%). The ground of race has the highest number of casefiles - 24/80 on this issue followed by age 19/80, and disability – 16/80.

Dismissal is the third largest category of casefiles – 51/360 (14.2%). 16 of these 51 files are on the ground of race, followed by gender which constitutes 12 of the these casefiles.

Equal pay is the fourth largest category of casefiles 22/360 (6.2%). 9 of the 22 equal pay casefiles are on the ground of age. 6/22 equal pay casefiles are on the ground of race. Harassment 28/360 (7.8%) and sexual harassment 5/360 (1.4%) constitute the fifth largest category when taken together.

Government Departments and State Agencies constitute the largest sector where there are employment casefiles 96/360 (26.7%), followed by the Health Sector 41/360 (11.4%) and the Education Sector 38/360 (10.5%). In this regard it should be borne in mind that assistance is not usually granted where there is union representation and union presence would be strong in the State, Education and Health Sectors.

The overall gender breakdown of the casefiles is as follows – Female 147/360 (40.8%), Male 191/360 (53%), Transgender 2/360 (.55%) [the Equality Authority is the complainant in 20/360 casefiles]. The majority of the casefiles occur in the Leinster region 216/360 (60%) followed by the Munster region 44/360 (12.2%).

107/360 casesfiles are new cases which were opened in 2007 and the majority of these were on the ground of age 28/107, followed by disability 20/107 and gender 18/107.

In 2007 under the Employment Equality Acts 1998 and 2007 there were 15 settlements and 5 recommendations of the Equality Tribunal, one Labour Court decision and one application to the Circuit Court to enforce a decision of the Equality Tribunal.

Two of the casefiles under the Employment Equality Acts 1998 and 2007 relate to reasonable accommodation and are detailed in part 4 on Cross Cutting Issues. These cases are *An Employee v A Third Level Institution* – Appeal to Labour Court (this is also referenced in section 4 – Practice and Procedure); *O’Keeffe v By Pass Stores Ltd*, DEC-E2007-033. Two directions the Equality Tribunal on extensions of time are dealt with in part 4 under Practice and Procedure

– *Boyle v Department of Justice, Equality and Law Reform*, DEC-E2007-012; *A Complainant v A Government Department* DEC-E2007-009. A claim of discrimination on the gender and disability ground is detailed in part 4, the section on Transgender – See *A Worker v A Respondent*.

Discriminatory Advertising

The Equality Authority may institute proceedings in its own name in relation to advertisements which indicate an intention to discriminate or might reasonably be understood as indicating such an intention. [Section 10 Employment Equality Acts 1998 and 2007]. In 2007 there were 17 casefiles concerning allegations of discriminatory advertising. 8/17 were on the ground of age. There were 6 settlements of discriminatory advertising claims, 2 on the ground of age, one on grounds of age and gender, and one on the gender ground, marital status ground and the ground of race.

1) Equality Authority v Aldi & Irish Independent Newspapers Advertising

In November 2006 the Equality Authority was contacted by an individual objecting to an advertisement for managerial positions placed by Aldi in the Jobs and Careers section of the Irish Independent on 26th October 2006. The advertisement was headed by the picture of a 26 year old woman and stated ‘if you’ve graduated within the last seven years and want to get your career back on track, we’d like to hear from you.’

The Equality Authority contacted both Aldi and the Irish Independent pointing out their obligations under the Acts and requesting

that the positions be re-advertised in a non-discriminatory fashion. The Managing Director of Aldi replied promptly stating that the alleged discriminatory reference appeared in only 2 of 6 advertisements prepared for Aldi but he undertook that Aldi would re-word its advertisements removing the reference in question. He also confirmed that no one was recruited on foot of any of the advertisements in question. Aldi further re-advertised the positions on December 28th 2006.

The Irish Independent sent back a comprehensive reply stating that they had been in contact with Aldi in relation to the advertisement and that their legal department was drawing up the wording for a notice advising advertisers of the necessity to comply with the provisions of the Employment Equality Act. This notice would run every day in all publications.

2) Equality Authority v Parador Properties Advertising – Age

In March 2007 an advertisement for Overseas Property Sales Executives with Parador Properties was published in the Irish Independent Newspaper. The advertisement stated ‘you’ll preferably be over 25 with a clean driving licence’.

The Equality Authority wrote to Parador Properties stating that the advertisement appeared to be discriminatory and pointed out their obligations under the Acts. The General Manager replied to the correspondence stating that the reference to having to ‘preferably be over 25’ was related to the company’s motor insurance policy and should not have appeared. He stated that Parador Properties had no intention of

discriminating on grounds of age, actively advocated an equal opportunities policy and was an equal opportunities employer. He confirmed that no job offers had resulted from this advertisement and stated that the company proposed to re-advertise the positions without any reference to age.

3) Equality Authority v Tall Tales Theatre Company Gender/Age – Advertising

An advertisement was brought to the Equality Authority's attention in relation to a playwright workshop for young female writers being held by Tall Tales Theatre Company in association with Bewley's Café Theatre.

The Equality Authority wrote to Tall Tales Theatre Company stating that the advertisement appeared to be discriminatory and pointed out their obligations under the Acts. The Artistic Director replied stating that their workshop was a positive action measure. This was accepted in relation to the gender ground. In relation to the use of the word "young", the Company has given an undertaking not to use the word "young" in any further workshop advertisement and stated that the question of age did not arise in the selection of applicants for the workshop.

4) Equality Authority v Northside People (Dublin People Newspapers) Advertising – Gender

In February 2007 the Equality Authority was contacted by an individual objecting to an advertisement for a 'housewife' in the Northside People on 29th November 2006. The Equality Authority wrote to the Dublin People group of newspapers stating that the

advertisement appeared to be discriminatory and pointed out their obligations and liabilities under the Acts. The managing director replied very promptly stating that both the Dublin People and the advertiser 'Techskills Resources' acknowledged that the use of the word 'housewife' was inappropriate and should have read 'houseperson' instead. He stated that he had instructed all his sales and production staff to vet any such advertisements in future.

5) Equality Authority v A Jobs Website and A Recruitment Company Advertising – Marital Status

The Equality Authority was contacted by an individual regarding a job advertisement which had been placed on a jobs website by a recruitment company. One of the requirements specified in the advertisement was that the status of the person must be single. The Equality Authority contacted both the advertiser and the recruitment company stating that the advertisement indicated an intention to discriminate on the marital status ground or might reasonably be understood as indicating such an intention contrary to Section 10 of the Employment Equality Acts 1998 to 2007. The matter was settled when the advertisement was removed from the website and confirmation was given that no recruitment had taken place on foot of the advertisement. A Recruitment Company also gave an undertaking to avoid any reference to the marital status of applicants in any future advertisements.

6) Equality Authority v CPL Managed Services Advertising

In March 2007 an individual contacted the Equality Authority in relation to an advertisement for 'Native Irish Technical Support Positions' advertised on www.jobs.ie

The Equality Authority wrote to CPL Managed Services stating that the advertisement appeared to be discriminatory and pointed out their obligations under the Acts. The human resources manager replied to our correspondence stating that the advertisement was posted on the website in error and was removed immediately once it was brought to their attention. The HR manager confirmed that no interviews or job offers resulted from this advertisement and that the job requirements were for fluent English speakers.

Gender

2007 marked 30 years of legislation prohibiting gender employment discrimination. The number and type of casefiles on the gender ground is not indicative of the extent of gender discrimination that still persists despite 30 years of legislative protection. Complaints of sexual harassment and pregnancy discrimination persist. The Equality Authority receives very few queries on equal pay and yet a significant gender pay gap persists. A significant feature of the casefile outcomes in 2007 was that all of the 'mixed' files (files where more than one discriminatory ground was alleged) alleged gender discrimination as well. Gender discrimination was alleged along with family status, age, disability and race.

1) A Worker v A Company Equal Pay

The claimant who is a warehouse worker had consistently been paid less than other male warehouse workers in the company. She alleged that she is doing the same work or work of more value than the relevant comparators. She alleged further that despite raising this issue directly with her employer they refused to address the disparity.

After advice from the Equality Authority the matter was resolved to the claimant's satisfaction.

2) An Individual v A Hotel Sexual Harassment – working conditions

A woman who was sexually harassed by the owner of the hotel where she was employed contacted the Equality Authority seeking assistance.

Following correspondence and negotiations between the Equality Authority and the respondent, the claimant received compensation and an apology.

3) An Engineering Company and A Worker Labour Court Determination No. EED 071 Sexual Harassment – Victimisation

The 2006 Annual Report detailed the equality officer decision – *A Female Employee v A Candle Production Company* DEC-E2006-035. The claimant alleged that she was discriminated against in that she was subject to sexual harassment in the workplace. She alleged that her male supervisor harassed her through inappropriate physical contact and crude and offensive remarks of a

sexual nature. She claimed that when she complained of the sexual harassment she was victimised by her employer. She alleged that she was given a verbal warning over her time-keeping and sick leave immediately after she made the complaint.

A few days later her supervisor, the subject of her complaint, gave her a written warning as a follow on to the verbal warning given to her at the meeting to discuss her sexual harassment complaint. The warning was signed by the supervisor and the manager. It stated that if her time keeping did not improve they would take “disciplinary action”.

It was alleged that the claimant’s supervisor then became abrupt and hostile towards her and began constantly criticising her work. On August 5th 2002, less than one month after she made her complaint, she received a phone call from the company manager stating that she was no longer needed and that her employment with the company was terminated from the previous Friday. She was told that she was not employed long enough to be entitled to an explanation and was given no notice, pay in lieu or holiday pay.

Ms A took a complaint to the Equality Tribunal for the discriminatory treatment she was subjected to on the gender ground and the victimisation she suffered when she complained of the harassment. On 9th August 2006 the Equality Officer found in favour of the complainant and ordered the respondent to pay the complainant the sum of €7,000 as compensation for the effects of the discrimination and €10,000 for the effects of the victimisation, both sums to be paid with interest from 31st January 2003. The respondent was also ordered to draft a policy on the prevention of harassment and sexual

harassment in the workplace in accordance with the Equality Authority’s Code of Practice on Sexual Harassment and Harassment.

Circuit Court Enforcement Proceedings

The respondent did not comply with the equality officer’s decision. Enforcement proceedings were commenced in the Circuit Court. An enforcement order was made by the Circuit Court on the 27th June 2007. The respondent did not comply with the order and it was sent for execution by the sheriff. The company then went into voluntary liquidation and the awards were subsequently paid in full under the Department of Enterprise, Trade and Employment insolvency payment scheme.

Labour Court – Dismissal

The claimant also took a complaint to the Labour Court for the discriminatory dismissal element of her complaint. The Court considered it highly significant that there were no lates or absences recorded between the date of the written warning and the termination of her employment, i.e. after the written complaint of discrimination was made and prior to her dismissal. It was of the view that the precipitate disciplinary action undertaken by the employer in this case was extraordinary and therefore questionable. The only conclusion the Court could come to was that the dismissal was influenced by factors other than her poor timekeeping.

The Court concluded therefore that the claimant was dismissed for having opposed the sexual harassment and this amounted to victimisation. In awarding compensation, the Court took into consideration the fact that a

sum of €10,000 had been awarded earlier by the Equality Tribunal in respect of the victimisation suffered by the complainant while in employment and this contained an element designed to deter the respondent from any further infringements of the Act. The claimant was therefore awarded €5,000 by the Labour Court.

Gender and Marital Status

1) A GP v Department of Health and Children Gender/Family Status

In October 2005 the Equality Authority was contacted by a doctor who claimed she was being discriminated against by the Department of Health and Children. The claimant held a contract for GMS doctors which allows for a doctor to claim locum expenses when on maternity leave. However, the claimant had adopted a child and was refused the locum expenses while out on adoptive leave. The HSE held that there was no provision for expenses for GMS contract holding general practitioners, under adoptive leave legislation and that this was a matter for the Department of Health and Children.

The Equality Authority wrote to the Department of Health and Children and pointed out that the rights and protection of an adoptive mother are in line with those of the biological mother and the Adoptive Leave Act 1995 (as amended) gives this principle legal standing. It was also pointed out that the GMS contract made no reference to the rights and benefits of adoptive parents.

After correspondence between the Department of Health and Children and the

Equality Authority, the Department considered the issue and agreed to pay locum expenses to adopting female GPs holding GMS contracts. A circular was issued by the HSE in May 2007 regarding the implementation of the amendment to the GMS contract. The claimant was reimbursed in full and the claim withdrawn from the Equality Tribunal.

Race – Gender

McBrierty v National University of Ireland Galway Race/Gender - Victimisation – DEC-E2007-070

The complainant, who is Welsh, commenced employment with the respondent on the 4th December 2000. The respondent had advertised for applications for casual short-term (part-time or full-time) posts (Panel A) and temporary full-time posts which had the possibility of permanency at some future date (Panel B). The complainant only applied for Panel A and was successfully placed on Panel A. She states she subsequently was assigned to casual work and in January 2001 was offered and accepted a full-time post in the Library for six months. Following this she decided to apply for a transfer to Panel B. Initially she was told by the personnel officer Ms X that this was possible. However at a later stage she was advised this was not possible and she understood the barrier to her transferring between Panels to be the fact that she did not have Leaving Certificate Irish. The complainant alleged that such a requirement constitutes indirect discrimination on the ground of race contrary to the Employment Equality Act. Following her failure to transfer from Panel A to Panel B in May/June, 2001, she attended

the respondent's internal Irish classes and completed the course. She was informed by the respondent that she was not entitled to sit the examination at the end of the course because she was employed on the Panel A. The complainant further alleged that this treatment of her constitutes victimisation contrary to Section 74 of the Act.

The equality officer accepted the claimant's argument that the requirement to have Leaving Certificate Irish impacts more significantly on persons whose nationality is not Irish and that the claimant had established a prima facie case of indirect discrimination on the race ground though he thought this scenario would change over time as the demographic of the education system changes.

The complainant states that she informally informed the respondent that she was pregnant in July 2001 and subsequently informed the respondent that she would be taking maternity leave in February 2002. Her contract was renewed to the 21 December 2001, and not renewed again. The complainant alleged that this was linked to her imminent date of confinement and therefore constituted discrimination contrary to the Act and victimisation in relation to her objection to the Irish Leaving Certificate requirement.

The equality officer found that there was no discrimination in relation to access to employment. He found that Section 3 of the Universities Act 1929 obliged the respondent to ensure that staff were competent in the Irish language. He therefore found that the respondent's requirement to have the Irish Leaving Certificate or equivalent for administrative staff was 'reasonable in the

circumstances' and this was a defence to a complaint of indirect discrimination. Further, the equality officer found that there was no victimisation in relation to not allowing the complainant sit the university's internal Irish exam after having participated in the classes pertaining to same. He also found that there was no discrimination on grounds of gender or victimisation in relation to the fact that her employment was terminated on 21st December 2001 and not renewed thereafter, as she was on the casual panel and there was no guarantee the contract would be renewed and her contract had been extended on two previous occasions when the respondent knew the complainant was pregnant. This case is under appeal.

Race

1) A Complainant v A Respondent Dismissal – Domestic Worker

A Philippine national who referred a complaint of discrimination on grounds of race against her ex-employer, settled her case for a substantial amount. The worker was a live-in child carer and claimed that she was discriminated against in her terms and conditions of employment and her summary dismissal after her return from leave in the Philippines. The terms of the settlement and the identity of the parties are confidential.

2) An Individual v A Multinational Company Dismissal

A foreign national contacted the Equality Authority after he was dismissed by a company because of his nationality. The claimant had been undertaking a work placement with the company as part of the requirements of a degree course. Prior to his

dismissal the claimant had been informed that his contract was being terminated because of his nationality and that he should never have been hired.

Following correspondence between the Equality Authority and solicitors acting for the company the case was settled. The claimant received compensation for an amount equivalent to two years salary.

3) A Complainant v A Respondent **Pay and Working conditions**

The complainant was recruited in Moldova by a partner of the respondent who informed him that he would be working in a furniture factory. When he arrived in Ireland he was informed there was no work for him and was placed by the respondent, who owned a recruitment agency, with various other firms. The complainant worked for various companies for long hours but received no payment other than small amounts for food and petrol. He did not speak English and as he was employed under a work permit he was not in a position to look for other work. His ID and other documents, including his passport, were held by the respondent.

The matter was settled on the day of the hearing when the complainant was paid a substantial sum by the respondent. The terms of the settlement are confidential between the parties and no liability was admitted on the part of the respondent.

4) A Complainant v A Company **Discriminatory Dismissal**

A claim for discriminatory dismissal of a person who was entitled to work in Ireland due to the status of being married to an Irish national was settled with the complainant being paid a substantial sum.

5) Mr Kunnar Trel v A.I.B.P. Cahir **Dismissal – DEC-E2007-001**

The complainant is an Estonian national. He commenced employment with the respondent organisation in May 2004 on six-month contract. After two weeks working with the respondent he was told that he no longer worked for the respondent because he had been observed sitting down during his shift. The complainant denied this and twice requested a written explanation for his apparent dismissal but this was refused. It was the complainant's submission that the fact and manner of his dismissal constituted discrimination on the grounds of race as no Irish worker with the respondent was or would have been dismissed in similar circumstances and in the same summary fashion. He contested that because he is an Estonian, the respondent assumed that he would not be aware of his rights or how to seek redress.

The respondent stated that the complainant was found sitting down on three occasions when he should have been at work. The decision to dismiss the complainant followed two occasions where he had been observed and warned verbally about his behaviour and that it was unacceptable. It was the respondent's submission that it had terminated the employment of other

employees for similar issues and had never used the issue of 'race' as a deciding factor. According to the respondent, each employee was issued with a contract of employment as well as a copy of the rules and conditions of employment, and the probation period was clearly explained along with the requirements of the job and the standards sought.

The equality officer found that AIBP Cahir did not discriminate against Mr Trel on the grounds of race when he was summarily dismissed. The equality officer preferred the respondent's evidence to that of the complainant in relation to the allegations that he had been seen sitting in a prohibited area during working hours. She did however, find that the dismissal procedures did not conform to what could reasonably be expected from an employer. The employer should have forewarned the claimant of the possibility of dismissal. Yet despite these verbal warnings the claimant was not made aware of the potential consequences of his action. There was no investigation into the allegation and no opportunity given to the claimant to defend his action. However she found that there is no evidence that the reason for the dismissal had anything to do with race and recommended that the respondent put in place proper procedures of notification/warning to employees in respect of dismissible offences, to carry out investigations of allegations and to afford employees the right of response in the event of an employee being dismissed.

7. Licensed Premises

In 2007 there were 49 casefiles on the Intoxicating Liquor Act 2003 on 5 of the discriminatory grounds; Traveller Community (29), Disability (8), Race (5), Sexual

Orientation (4), Age (1), Gender (1) and mixed (1). 17 new casefiles were opened in 2007. Unlike the casefiles under the Employment Equality Acts 1998 to 2007 and the Equal Status Acts 2000 to 2004, requests for information under the Intoxicating Liquor Act 2003 are included in the casefiles, as the Equality Authority does not have the function of providing information on the operation of the relevant sections of the Intoxicating Liquor Act 2003.

One impact of the transfer of jurisdiction for claims of discrimination against licensed premises from the Equality Tribunal to the District Court is that far fewer claims of discrimination are being taken against licensed premises under the Intoxicating Liquor Act 2003 than under the Equal Status Acts 2000 to 2004.

In 2007 there were 14 casefiles on licensed premises outstanding under the Equal Status Act 2000, since the Intoxicating Liquor Act 2003 transferred the jurisdiction from the Equality Tribunal to the District Court. In 2007 there were two settlements of claims of discrimination under the Intoxicating Liquor Act 2003, one on the ground of sexual orientation and the other on the ground of race. There was one unsuccessful determination in a file on access to pubs under the Equal Status Act 2000 and a successful enforcement of an Equality Tribunal award of compensation in another file.

Intoxicating Liquor Act 2003

1) Reid v Isolde's Tower

A claim of discrimination on the ground of sexual orientation was resolved. Mr Reid

alleged that homophobic language used by staff members, a refusal of service and the request to leave the premises amounted to discrimination under section 19 of the Intoxicating Liquor Act. The management had changed since the incident. The respondent apologised and undertook to make all of his staff aware of their obligations under the Intoxicating Liquor Act 2003. The claimant accepted the apology as genuine and also accepted an invitation to return to the premises for a complementary meal with friends.

2) Cruz v Winter's Bar Dundrum

The claimant who is Black Irish alleged that he was discriminated against because of his skin colour. The claimant was acting in a production in the Mill Theatre and was invited with the rest of the cast to visit Winter's Bar. Shortly after entering the bar, the claimant who is heavily tattooed, was informed by a member of staff that a 'no tattoo' policy was in place and he was asked to leave. The claimant alleged that the person he was chatting to was also a person who was also heavily tattooed but this person who was White, was not asked to leave. The respondent claimed that this person had earlier mistakenly been served by an inexperienced staff member, but had later been informed that he would have to leave once he had finished his drink. The claimant agreed to withdraw his District Court proceedings on the basis that the respondent would provide a form of apology for the upset caused. This apology was read out in the District Court.

Equal Status Acts 2000 – 2004

1) Michael and Margaret McCarthy v Hally's Bar DEC-S2007-020

Access to Services – Traveller community

The claimants claimed that they had been refused service on the 30th December 2000 because they were members of the Traveller community. The respondents claimed that the bar was very busy and that Mr McCarthy was also refused because of his reputation. The Equality Officer found that based on all the evidence presented including its many discrepancies, that the claimants had failed to establish a prima facie case of discrimination.

2) Quilligan & O'Brien v The Green Bar Access to Services – Traveller community Circuit Court Enforcement of Equality Tribunal Determination

In March 2002 the Equality Tribunal awarded the claimants €2,000 each in compensation for the discrimination by the respondent [DEC-S2002-019/020]. The compensation was not paid. The respondent claimed that they had lodged an appeal with the Circuit Court. The Circuit Court had no record of the appeal being lodged. Enforcement proceedings were commenced after the respondent had been written to on a number of occasions. The respondents then lodged an appeal. On 10th April 2006, the County Registrar made an Enforcement Order in relation to the decision of the Equality Tribunal. The respondent made an application for an extension of time to lodge an appeal. The Court was adjourned for the judge to determine whether the Circuit Court had jurisdiction to allow an extension in time. On the 11th May 2006 the judge determined that the Circuit Court had no

jurisdiction to allow an extension in time for an appeal to be lodged. The judge affirmed the Order of the County Registrar and ordered the respondent to pay the compensation determined by the Equality Tribunal, plus interest accrued at Court interest rate from the 28th June 2004 until payment. Several letters were sent to the respondent asking for payment. On the 18th April 2007, the Equality Authority applied for the issue of an Execution Order against Goods on foot of the Circuit Court Order.

This was granted. On hearing that an Execution Order against Goods had been granted, the respondent sent a cheque to the Equality Authority to the amount owed inclusive of interest.

8. Applications for Assistance

Any person may apply to the Equality Authority for assistance in taking proceedings under the Employment Equality Acts 1998 to 2004, the Equal Status Acts 2000 to 2004, or section 19 of the Intoxicating Liquor Act 2003. The Equality Authority is not in a position to provide assistance to everyone who contacts it. Everyone who contacts the Equality Authority for assistance is told at the outset about the criteria that have been set down by the Board of the Equality Authority which govern the selection of casefiles for the provision of legal assistance. They are also informed that an application for assistance will take some time, that it may involve correspondence with the respondent/potential respondent and that it may delay the progress of their claim. They are also told at the outset if it appears that the claim falls outside the criteria. If a claim appears to come within the criteria, authorisation is given to provide preliminary assistance.

The file is usually then assigned to a solicitor who will enter into correspondence with the respondent and then proceeds to process the application for substantial assistance. Not all people who contact the Equality Authority and who receive preliminary assistance want to apply for substantial assistance.

In 2007 preliminary advice and assistance was given in 204 new casefiles, 107 under the Employment Equality Acts 1998 to 2007, 80 under the Equal Status Acts 2000 to 2004 and 17 under the Intoxicating Liquor Act 2003.

Applications for Assistance Considered

Thirty seven applications for assistance were considered during 2007; 24 under the Employment Equality Acts 1998 to 2007; 12 under the Equal Status Acts 2000 to 2004 and 1 under the Intoxicating Liquor Act 2003. Thirty two applications for assistance were granted. Four applications under the Employment Equality Acts 1998 to 2007 were refused and one application was for the withdrawal of assistance.

Employment Equality Acts 1998 - 2007

Breakdown of Assistance granted as follows:

Race	1
Disability	3
Age	6
Gender	2
Sexual orientation/Disability	4
Race/Membership of the Traveller community	1
Gender/Race	1
Religion/Disability/Race	1
Refused	4
Withdrawal of Assistance	1
Total	24

Equal Status Acts 2000 - 2004

Breakdown of Assistance granted as follows:

Disability	9
Age/Disability	2
Gender	1
Total	12

Intoxicating Liquor Act 2003

Breakdown of Assistance granted as follows:

Membership of the Traveller community	1
Total	1

9. Legislative Developments 2007

9. (1) Civil Law (Miscellaneous Provisions) Bill 2006

The Bill amends the Employment Equality Acts 1998 to 2007, the Equal Status Acts 2000 to 2004 and the Parental Leave Act 1998 to 2006.

The 2006 Annual Report noted that the Equality Authority had suggested a number of technical amendments to the Employment Equality Acts 1998 to 2007 and the Equal Status Acts 2000 to 2004. These included:-

- Strengthening the positive actions provisions of Section 22 to make explicitly clear that they are not confined to employees but extend to potential employees.
- Strengthening the sexual harassment provisions in Section 14A to make explicitly clear that protection extends to include trainees and trade unions, professional bodies within the meaning of Section 13.
- Strengthening the victimisation provision in the Employment Equality Acts 1998 to 2007 to include victimisation by trade unions, victimisation of trainees, etc., (as had been provided for in the unamended Employment Equality Act 1998).
- Strengthening the victimisation provisions in the Equal Status Acts 2000 to 2004 so that they are not comparator based.
- Clarifying the provisions on instruction to discriminate. In Section 2 of the

Employment Equality Acts 1998 to 2007 discrimination is defined to include the issue of an instruction to discriminate. However, the legislative provisions do not state explicitly who the complainant is or would be. It was suggested that the legislation should specifically provide that the complainant can be the person who receives the instruction to discriminate and not just the person in respect of whom the instruction relates.

- Amending the definition of discrimination in the Equal Status Acts 2000 to 2004 to include the issuing of an instruction to discriminate with appropriate clarification as to who the complainant can be.
- Time limits should not run until after an individual has availed of internal grievance procedure mechanisms. The time limit in relation to the written notification requirement under Section 21 of the Equal Status Acts 2000 to 2004 and the six month time limits in both the Employment Equality Acts 1998 to 2007 and the Equal Status Acts 2000 to 2004 should not run until the claimant becomes aware of the prohibited conduct.

The Civil Law (Miscellaneous Provisions) Bill 2006 does not incorporate any of these suggested amendments.

Transfer of Parental Leave between Parents amending the Parental Leave Act 1998-2006

Section 53 of the Civil Law (Miscellaneous Provisions) Bill inserts the following after sub-section (6)

“6(a) Notwithstanding sub-section (6), where

2 or more parents in respect of a child are entitled to parental leave in respect of the child and the parents are each employed by the same employer, then each relevant parent shall, subject to the consent of the employer concerned, be entitled to transfer all or any part of the period of his or her parental leave to any other relevant parent in respect of the child”.

Increase in number of Board members in Equality Employment Acts 1998 to 2007

Section 61 of the Bill amends Section 41 of the Employment Equality Acts 1998 to 2007 to allow the Minister appoint up to 16 members of the Authority. The difference between the number of males and females appointed shall not be more than 2. Section 62 of the Bill amends Section 47 of the Employment Equality Acts 1998 to 2007 to provide that a quorum for a meeting of the Equality Authority shall be 6 members (if there are 12 or 13 members) or in any other case, 7 members.

9. (2) Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007

The Equality Authority pointed out that Section 17(4) of the Employment Equality Acts 1998 has been repealed by the Redundancy Payments Act 2003. The purported amendment of Section 17(4) by Section 10 of the Equality Act 2004 was therefore meaningless and inoperative and even if operative was likely to be in breach of the Framework Employment Directive.

Section 27 of the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act amends Section

17 of the Employment Equality Act 1998, reinstating the exemptions on the age ground in relation to any act done in compliance with the Protection of Young Persons (Employment Act) 1966 or the National Minimum Wages Act 2006.

9. (3) E.U. Commission Reasoned Opinion

The E.U. Commission has sent formal requests to 14 Member States, including Ireland, to fully implement the Race Directive. The European Commission issued a 'reasoned opinion' on 27th June 2007, stating its view that Ireland has failed to transpose the Directive in a number of respects including:-

- the incorrect definition of indirect discrimination
- exclusion of protection for certain private types of discrimination.
- interested parties do not have the right to participate in legal proceedings on behalf of victims of discrimination.
- limits to compensation payable to victims of discrimination.

9. (4) E.U. Gender Equal Treatment Directive

The Gender Equal Treatment Goods and Services Directive (Council Directive 2004/113/EC of 13th December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services) was to be implemented into Irish Law by 21st of December 2007.

This extends the protection against discrimination beyond the workplace.

However the scope of the Directive is narrower than the non-employment areas of the Race Directive. It does not apply to the content of media and advertising nor to education (article 3(3)). It also introduces a defence if the provision of the goods and services exclusively or primarily to members of one sex is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. It prohibits discrimination, including indirect discrimination (which is undefined) and instruction to discriminate, harassment and sexual harassment, and victimisation. There are provisions on remedies and enforcement, the burden of proof, body for the promotion of equal treatment and positive action provisions 'with a view to ensuring full equality in practice'. There is an exemption in relation to actuarial factors.

Ireland already has provisions in the Equal Status Acts 2000 to 2004 prohibiting discrimination in goods and services (subject to the statutory exemption in Section 14).

Part 14 of the Civil Law (Miscellaneous Provisions) Bill 2006 amends a number of provisions of the Equal Status Acts 2000 to 2004. Section 57 of the Bill amends provisions in Section 5 by limiting the defences available to respondents in gender cases. Section 21 of the ESA 2000 to 2004 is also amended to allow claimants of discrimination on the gender ground, to refer a claim to the Circuit Court (instead of the Equality Tribunal). There is no financial limit to the order of compensation that the Circuit Court may make. The Circuit Court may make an order for compensation for the effects of the prohibited conduct concerned (including compensation for loss and damage suffered by the person injured as a result of the prohibited conduct in a way which is

dissuasive and proportionate to the loss and damage suffered). The Circuit Court may also make an order that a person or persons specified in the order take a course of action which is so specified.

The Bill does not explicitly amend the limit on compensation in Section 19 of the Intoxicating Liquor Act 2003 for gender discrimination claims or remove the statutory exemption in section 14 of the Equal Status Acts 2000 to 2004.

9.(5) Equality, Legislation and the Constitution

The “Equality, Legislation and the Constitution” Conference was organised jointly by the School of Law in NUI Galway, the Department of Justice, Equality and Law Reform and the Equality Authority. Brian Lenihan TD, Minister for Justice, Equality and Law Reform, opened the conference. Speakers included:

- Donncha O’Connell (NUI Galway)
- Eilís Barry BL (Equality Authority on the national legislative context for equality within a constitutional context)
- Des Hogan (Irish Human Rights Commission on the human right to equality)
- Dr Oran Doyle BL (Trinity College Dublin on the Constitution and equality)
- Professor Kathleen Mahoney (University of Calgary on the Canadian Constitution from an equality perspective)
- Colm O’Cinneide (University College London on comparative constitutional perspectives on equality)
- Dr Siobhán Mulally (University College Cork on caring, gender, sexual orientation and family issues)
- Professor Gerard Quinn (NUI Galway

on disability issues)

- Professor Gerry Whyte (Trinity College Dublin on religion and ethnicity issues)
- Professor William Binchy (Trinity College Dublin on human dignity issues)
- Nicolas Barnforth (Queens College Oxford on sexual orientation issues)
- Maire McGonagle (NUI Galway on privacy issues)
- Dr Padraic Kenna (NUI Galway on property and housing rights)
- Carthryn Costelloe (University of Oxford on freedom of association)
- Tarlach McGonagle (University of Amsterdam on incitement to hatred and free speech issues)
- Frank Callanan SC, Sinéad Lucey (Solicitor) and Brian Barrington BL on strategic litigation.

It is proposed to publish these papers in 2008.

9.(6) Gender Equality - Thirty Years of Gender Equality Legislation

The conference on “Gender Equality Thirty Years of Gender Equality Legislation Progress Made and Future Perspectives” was opened by Mary Robinson, former President of Ireland. Speakers included:

- Catherine Barnard (Trinity College Cambridge on ‘An Overview of EU Legislation’)
- Carol Baxter (Equality Authority on ‘The Current Situation and Experience of Women in Ireland’)
- Síle Larkin (Legal Advisor to the Equality Tribunal on ‘Scale and Pattern of Cases Taken under Gender quality Legislation’)
- Kiwana Ennis BL (on ‘Family Friendly Legislation Statutory Leave Entitlements’)

- Carol Ann Woulfe (Solicitor, Equality Authority on 'Pregnancy Related Discrimination')
- Geraldine Hynes (Solicitor, Equality Authority on 'Sexual Harassment')
- Mary Honan BL (on 'Indirect Discrimination and Equal Pay')
- Robin Allen QC (Cloisters on 'Towards a Dignity Discourse')
- Cathryn Costello (University of Oxford on 'The Right to Associate vs the Right not to be Discriminated Against')
- Dr Siobhán Mulally (University College Cork on 'Intersectional Perspective on Gender Equality Laws')
- Karen Monaghan QC (Matrix Chambers on 'A New Generation of Gender Equality Legislation')
- Niall Crowley (CEO, Equality Authority on 'A Strategic Framework for Action in Equality')
- Sandra Fredman (Oxford University on 'Achieving Substantive Equality')

It is proposed to publish these papers in 2008.

Casework Activity 2007

Equal Status Acts 2000 - 2004 Casework Activity Types of Complaint Dealt with by Ground

Complaint Details	Age	Disability	Family Status	Gender	Marital Status	Mixed	Outside Scope	Race	Religious Belief	Sexual Orientation	Traveller	Victimisation	Grand Total
Access To Pub (Old Act)	0	0	0	0	0	0	0	0	0	0	14	0	14
Accom. Private	2	2	0	0	0	1	0	1	0	0	1	0	7
Accom. Public	0	3	0	0	0	5	0	0	0	1	13	0	22
Advertising	0	1	0	2	0	0	1	0	0	0	0	0	4
Bank Financial	5	4	0	0	1	1	0	3	1	0	0	0	15
Discriminatory Clubs	3	0	0	4	0	0	0	0	0	0	3	0	10
Education 3rd Level	0	3	0	0	0	0	0	1	0	0	0	0	4
Education Primary	0	7	0	10	0	1	0	0	4	0	10	0	32
Education Secondary	0	14	0	0	0	4	0	2	2	1	2	0	25
Governments Departments	5	12	1	3	0	1	3	4	1	1	0	0	31
Harassment	0	0	0	0	0	0	0	4	0	0	0	0	4
Life Insurance	0	4	1	2	0	0	0	2	0	0	0	0	9
Motor Insurance	0	1	0	0	0	0	0	0	0	0	1	0	2
Travel Insurance	7	0	0	0	0	0	0	0	0	0	0	0	7
Other	1	6	0	1	0	3	1	0	0	1	2	0	15
Outside Scope	0	0	0	0	0	0	0	0	0	0	0	0	0
Provision of Services - Health Agencies	4	15	1	1	1	1	1	11	0	0	2	0	37
Provision of Services - Local Authorities	1	11	0	2	0	3	0	0	0	0	10	2	29
Provision of Services - Shops	2	7	0	0	0	1	0	1	0	0	3	0	14
Provision of Services - Social Welfare	3	3	0	3	1	1	2	2	1	0	1	0	17
State Agencies	1	6	0	1	0	2	0	0	0	0	1	0	11
Transport	3	11	0	2	0	0	0	1	0	0	0	0	17
Victimisation	0	0	0	0	0	1	0	0	0	0	0	1	2
Total	37	110	3	31	3	25	8	32	9	4	63	3	328

Equal Status Acts 2000 - 2004 Casework Activity Types of Complaint Dealt with by Sector

Sector	Age	Disability	Family Status	Gender	Marital Status	Mixed	Outside Scope	Race	Religious Belief	Sexual Orientation	Traveller	Victimisation	Grand Total
Clubs	3	0	0	4	0	0	0	0	0	0	4	0	11
Construction	0	0	0	0	0	1	0	0	0	0	0	0	1
Education	0	22	0	9	0	5	0	2	4	1	9	1	53
Financial & Business Services	10	11	1	3	2	1	1	4	1	0	1	0	35
Government Departments & State Agencies	11	43	1	10	0	13	4	20	3	1	29	2	137
Health	3	7	1	1	0	1	1	0	0	0	0	0	14
Hotels, Restaurants & Licensed Premises	1	3	0	0	0	1	0	1	0	1	16	0	23
Other Services	1	8	0	3	0	1	1	3	0	1	1	0	19
Private Household	0	0	0	0	0	2	0	0	0	0	0	0	2
Social Welfare	1	1	0	0	1	0	0	0	1	0	1	0	5
Transport, Storage & Communication	5	11	0	1	0	0	0	1	0	0	0	0	18
Wholesale & Retail	2	4	0	0	0	0	1	1	0	0	2	0	10
Total	37	110	3	31	3	25	8	32	9	4	63	3	328

Gender Breakdown

Breakdown	
Equality Authority	21
Female	151
Male	154
Transgender	2
Total	328

Geographical Breakdown

Breakdown	
Leinster	215
Ulster	14
Munster	51
Connacht	24
Outside State	10
UnKnown	14
Total	328

Reasons for Closed Cases

Reasons	
Advice Given	18
Declined to proceed	24
Insufficient Grounds to Proceed	5
Lost Case	2
Other Reasons	12
Outside Scope	8
Private Settlement	18
Referred to own Solicitor	1
Resolved to satisfaction	9
Settled at Mediation	1
Won Case	7
Total	105

New Cases Opened in 2007 by Sector

Sector	
Clubs	5
Education	13
Financial & Business Services	13
Government Departments & State Agencies	33
Health	7
Other Services	4
Transport, Storage & Communication	3
Wholesale & Retail	2
Total	80

Current Situation of Open cases

Current Situation	
Awaiting E.O. Assignment	18
Awaiting Hearing	6
Awaiting Mediation	1
Case Lodged	10
Decision Issued	11
Pre S67	37
Preliminary Authorisation	136
S67 Granted	3
Submission	1
Total	223

Types of Cases dealt with during 2007

Type of Case	
Advice	26
Appeal on point of Law	4
Enforcement Proceedings	2
Enquiry	84
Substantive case	212
Total	328

New Cases dealt with in 2007 by Ground

Ground	
Age	15
Disability	31
Family Status	2
Gender	4
Marital Status	1
Membership of the Traveller Community	9
Mixed	5
Outside Scope	5
Race	3
Religious Belief	1
Sexual Orientation	1
Victimisation	3
Total	80

Casework Activity 2007

Employment Equality Acts 1998 - 2007 Casework Activity Type of Complaint Dealt with by Ground

Complaint Details	Age	Disability	Family Status	Gender	Marital Status	Mixed	Outside Scope	Race	Religious Belief	Sexual Orientation	Traveller	Grand Total
Access To Employment	19	16	0	4	3	10	1	24	3	0	0	80
Access to Promotion	4	0	0	6	0	3	0	5	0	2	0	20
Access to Training	5	5	0	0	0	0	0	1	0	0	0	11
Advertising	8	2	0	2	0	2	0	3	0	0	0	17
Dismissal	3	7	1	12	0	9	0	16	0	2	1	51
Equal Pay	9	2	2	2	0	0	1	6	0	0	0	22
Harassment	8	5	0	8	0	5	0	0	0	2	0	28
Other	0	0	0	0	0	0	0	0	0	0	0	0
Outside Scope	1	1	0	0	0	1	9	0	0	0	0	12
Sexual Harassment	0	0	0	5	0	0	0	0	0	0	0	5
State Agencies	1	0	0	0	0	0	0	0	0	0	0	1
Victimisation	1	0	0	8	0	0	0	2	0	0	0	11
Working Conditions	28	21	0	18	2	14	1	11	5	2	0	102
Total	87	59	3	65	5	44	12	68	8	8	1	360

Employment Equality Acts 1998 - 2007 Casework Activity Types of Complaint Dealt with by Ground

Complaint Details	Age	Disability	Family Status	Gender	Marital Status	Mixed	Outside Scope	Race	Religious Belief	Sexual Orientation	Traveller	Grand Total
Agriculture	0	0	0	0	0	1	0	1	0	0	0	2
Clubs	0	0	0	0	0	1	0	0	0	0	0	1
Construction	1	1	0	6	2	0	1	6	0	0	0	17
Education	15	7	0	8	1	2	0	2	2	1	0	38
Financial & Business Services	6	3	0	9	0	1	0	3	0	1	0	23
Forestry & Fishing	1	0	0	0	0	1	0	0	0	0	0	2
Government Departments & State Agencies	42	21	1	7	2	7	5	6	3	2	0	96
Health	5	7	0	3	0	6	1	19	0	0	0	41
Hotels, Restaurants & Licensed Premises	1	0	0	4	0	6	0	1	0	2	0	14
Manufacturing	4	3	0	2	0	5	0	1	0	0	0	15
Other Services	8	9	1	12	0	11	5	9	1	1	0	57
Private Household	0	0	0	1	0	0	0	1	0	0	0	2
Transport, Storage & Communication	2	6	1	4	0	2	0	1	0	0	0	16
Wholesale & Retail	2	2	0	9	0	1	0	18	2	1	1	36
Total	87	59	3	65	5	44	12	68	8	8	1	360

Gender Breakdown E.E.A.

Breakdown	
Equality Authority	20
Female	147
Male	191
Transgender	2
Total	360

Geographical Breakdown E.E.A.

Breakdown	
Leinster	216
Ulster	16
Munster	44
Connacht	46
Outside State	11
UnKnown	27
Total	360

Reasons for Closed Cases

Advice Given	22
Complainant Taking Case	3
Declined to Proceed	14
Insufficient Grounds to Proceed	2
Lost Case	1
Other Reasons	14
Outside Scope	4
Private Settlement	8
Referred to own Solicitor	3
Referred to Trade Union	4
Representation Refused	1
Representation Withdrawn	1
Resolved to Satisfaction	15
Settled at Mediation	1
Won Case	6
Total	99

New Cases Opened in 2007 by Sector

Sector	
Construction	4
Education	13
Financial & Business Services	3
Government Departments & State Agencies	38
Health	9
Hotels, Restaurants	2
Manufacturing	2
Other Services	24
Private Household	1
Transport, Storage & Communication	5
Wholesale & Retail	6
Total	107

Current Situation of Open cases

Current Situation	
Awaiting Decision	2
Awaiting E.O. Assignment	17
Awaiting Hearing	11
Awaiting Mediation	4
Case Lodged	43
Decision Issued	22
Pre S67	15
Preliminary Authorisation	125
S67 Granted	10
S67 Refused	1
Submission	11
Total	261

Types of Cases dealt with during 2007

Type of Case	
Advice	25
Appeal	10
Case Stated	6
Enforcement Proceedings	1
Enquiry	83
Substantive case	235
Total	360

New Cases Opened in 2007 by Ground

Ground	
Age	28
Disability	20
Family Status	1
Gender	18
Marital Status	2
Mixed	12
Outside Scope	9
Race	9
Religious Belief	6
Sexual Orientation	2
Total	107

Casework Activity 2007

Intoxicating Liquor Act 2003 Casework Activity Types of Complaint Dealt with by Ground

Complaint Details	Age	Disability	Family Status	Gender	Marital Status	Mixed	Outside Scope	Race	Religious Belief	Sexual Orientation	Traveller	Grand Total
Nightclubs	0	1	0	0	0	0	0	2	0	1	0	4
Public Houses	1	5	0	1	0	1	0	3	0	3	29	43
Restaurants	0	2	0	0	0	0	0	0	0	0	0	2
Total	1	8	0	1	0	1	0	5	0	4	29	49

Intoxicating Liquor Act 2003 Casework Activity Types of Complaint Dealt with by Sector

Complaint Details	Age	Disability	Family Status	Gender	Marital Status	Mixed	Outside Scope	Race	Religious Belief	Sexual Orientation	Traveller	Grand Total
Hotels, Restaurants & Licensed Premises	1	8	0	1	0	1	0	5	0	4	29	49
Total	1	8	0	1	0	1	0	5	0	4	29	49

Gender Breakdown I.L.A.

Equality Authority	1
Female	16
Male	32
Transgender	0
Total	49

Geographical Breakdown I.L.A.

Leinster	32
Ulster	0
Munster	10
Connacht	6
Outside State	0
UnKnown	1
Total	49

Reason for Closed Cases during 2007

Reasons for Closed Cases	
Advice Given	9
Declined to proceed	4
Other Reasons	2
Private Settlement	5
Referred to own Solicitor	4
Resolved to satisfaction	2
Won Case	2
Total	28

Current Situation of Open cases

Current Situation	
Awaiting Hearing	1
Decision Issued	1
Pre S67	3
Preliminary Authorisation	16
Total	21

Types of Cases dealt with during 2007

Type of Case	
Advice	1
Appeal	1
Case Stated	1
Enquiry	20
Substantive case	26
Total	49

New Cases Opened in 2007 by Ground

Ground	
Disability	3
Membership of the Traveller Community	11
Race	1
Sexual Orientation	2
Total	17

New Cases Opened in 2007 by Sector

Sector	
Hotels, Restaurants & Licensed Premises	17
Total	17



Enquiries to the Public Information Centre

The Equality Authority has an information function in relation to:

- the Employment Equality Acts 1998 to 2007,
- the Equal Status Acts 2000 to 2004,
- the Maternity Protection Acts 1994 and 2004,
- the Adoptive Leave Acts 1995 and 2005, and
- the Parental Leave Acts 1998 and 2006.

Information is provided in a number of formats including:

- a voice mail option on our local number with frequently asked questions (FAQs) on the Maternity Protection Acts and the Parental and Adoptive Leave Acts and an option to speak directly to a communications officer;
- a public information telephone service;
- regularly updated information on our website www.equality.ie;
- an e-mail contact system: info@equality.ie;
- provision of materials through Citizen Information Centres and City and County Libraries or by request;
- booklets providing information in various formats and languages on all five pieces of legislation; and
- information videos / dvds on the equality legislation.

Key Information Statistics

The total number of information queries on the five pieces of legislation was 10,993 in 2007 - an increase of 3.9% on 2006. This increase in recorded public enquiries is accompanied by an increase in information accessed online and in other formats. There were 507,666 visits to the homepage of the Equality Authority website recorded in 2007. This is a 7.6% increase on web activity over 2006 and breaks the 500,000 mark for the first time.

During the year it was decided that the Public Information Centre would form part of the advance office of the Equality Authority in Roscrea under the decentralisation programme. There was a substantial movement of staff in and out of the PIC to enable this change.

Enquiries under the Employment Equality Acts rose by 3.9% totalling 3,047. General enquiries, access to employment, working conditions, dismissal, harassment and bullying were the dominant areas of enquiry. The grounds of gender, disability, race and age made up the majority of the enquiries in the employment area.

The numbers of enquiries under the Equal Status Acts remained consistent with 2006, totalling 1559. The main areas of enquiry covered access to educational establishments and service provision.

The grounds of disability, age, race, Traveller community and Gender made up the majority of enquiries in the equal status area.

In total, enquiries under the Equality Acts rose by 2.5% in 2007, totalling 4,606.

The Equality Authority does not have a statutory information function specified for Section 19 of the Intoxicating Liquor Act 2003. The Equality Authority has to process all information queries under the Intoxicating Liquor Act as applications for legal assistance.

Enquiries under the Family Leave legislation increased by 4.8% on 2006, totalling 6,387.

There was a growth of 14.6% in the number of enquiries under the Maternity Protection Acts rising from 3,716 in 2006 to 4,257 in 2007. Leave entitlements and enquiries specific to annual leave, additional maternity leave, public holidays and paternity leave made up 45% of the total enquiries under the Maternity Protection Acts. Enquiries under the Parental Leave Act fell by approximately 9% on 2006 falling from 2,195 in 2006 to 1,996 in 2007. General entitlements, Force Majeure Leave and broken leave made up most of the enquiries under the Parental Leave Acts. Enquiries on the Adoptive Leave Act fell from 181 in 2006 to 134 in 2007.

Queries under the Employment Equality Acts for 2007

Type of Query	
General Information	1,117
Access to Employment	252
Access to Promotion	76
Equal Pay	104
Vocational Training	14
Dismissal	211
Working Conditions	253
Access to Trade Union	2
Harassment	166
Sexual Harassment	57
Constructive Dismissal	22
Equal opportunities	28
Positive Action	9
Job Advertisements	30
Bullying	143
Victimisation	31
Workplace Anti-Racism	27
Other	505
Total	3047

Ground	
Gender	338
Marital Status	50
Family Status	81
Sexual Orientation	63
Religion	45
Age	278
Disability	338
Race	299
Traveller Community	33
N/A	1522
Total	3047

Regional Breakdown	
Dublin	745
Rest of Leinster	244
Munster	240
Connacht	91
Ulster (ROI)	39
Ulster (NI)	7
Not Specified	1681
Total	3047

County	
Dublin	745
Kildare	43
Meath	36
Wicklow	40
Louth	24
Wexford	21
Waterford	23
Westmeath	10
Offaly	14
Laois	19
Carlow	15
Tipperary	31
Cork	103
Kerry	20
Clare	22
Limerick	41
Galway	41
Mayo	14
Sligo	19
Donegal	23
Monaghan	8
Cavan	8
Roscommon	12
Leitrim	5
Longford	8
Kilkenny	14
Down	1
Fermanagh	0
Armagh	0
Tyrone	1
Antrim	1
Derry	4
Not Specified	1681
Total	3047

Queries under the Equal Status Acts for 2007

Type of Query	
General Information	480
Harassment	19
Sexual Harassment	6
Access to Pub	84
Accommodation	63
Educational Establishments	152
Advertising	22
Registered Clubs	14
Victimisation	11
Transport	21
Access to Shop	36
Provision of Service	195
Banking/Loans	22
Car Insurance	28
Health Insurance	30
Mortgage Protection	11
Reasonable Accommodation	37
Best Practice	8
Other	320
Total	1559

Ground	
Gender	82
Marital Status	37
Family Status	67
Sexual Orientation	49
Religion	67
Age	166
Disability	341
Race	145
Traveller Community	84
N/A	521
Total	1559

Regional Breakdown	
Dublin	381
Rest of Leinster	135
Munster	149
Connacht	55
Ulster (ROI)	21
Ulster (NI)	1
Not Specified	817
Total	1559

County	
Dublin	381
Kildare	24
Meath	17
Wicklow	23
Louth	10
Wexford	25
Waterford	10
Westmeath	9
Offaly	9
Laois	6
Carlow	4
Tipperary	14
Cork	73
Kerry	18
Clare	14
Limerick	20
Galway	27
Mayo	13
Sligo	7
Donegal	12
Monaghan	2
Cavan	7
Roscommon	7
Leitrim	1
Longford	4
Kilkenny	4
Tyrone	1
Antrim	0
Armagh	0
Down	0
Fermanagh	0
Derry	0
Not Specified	817
Total	1559

Queries under the Maternity Protection Acts for 2007

Type of Query	
Additional Maternity	282
Ante Natal/Post Natal Care	169
Leave for Fathers	34
Notification	111
Public Holidays	335
Annual Leave	426
Return to Work	275
Redundancy	139
Leave Entitlements	635
Ante-Natal Classes	17
Paternity Leave	162
Social Welfare Benefit	127
Sick While Pregnant	56
Time off for Breast feeding	31
Other	1458
Total	4257

Regional Breakdown	
Dublin	582
Rest of Leinster	201
Munster	204
Connacht	84
Ulster (ROI)	34
Ulster (NI)	2
Not Specified	3150
Total	4257

County	
Dublin	582
Kildare	41
Meath	37
Wicklow	31
Louth	16
Wexford	13
Waterford	16
Westmeath	12
Offaly	10
Laois	8
Carlow	14
Tipperary	19
Cork	104
Kerry	13
Clare	19
Limerick	33
Galway	50
Mayo	13
Sligo	8
Donegal	20
Monaghan	8
Cavan	6
Roscommon	7
Leitrim	6
Longford	3
Kilkenny	16
Down	0
Fermanagh	0
Armagh	0
Tyrone	0
Antrim	0
Derry	2
Not Specified	3150
Total	4257

Queries under the Parental Leave Acts for 2007

Type of Query	
Force Majeure	374
Notification	49
Annual Leave	85
Public Holidays	58
Pay	24
General Entitlements	529
Broken Leave	178
Social Welfare Benefit	11
Sick while on Parental Leave	43
PRSI	62
Disputes	49
Other	534
Total	1996

Regional Breakdown	
Dublin	267
Rest of Leinster	122
Munster	127
Connacht	57
Ulster (ROI)	12
Ulster (NI)	1
Not Specified	1410
Total	1996

County	
Dublin	267
Kildare	25
Meath	23
Wicklow	9
Louth	15
Wexford	10
Waterford	8
Westmeath	8
Offaly	9
Laois	2
Carlow	7
Tipperary	21
Cork	59
Kerry	10
Clare	12
Limerick	17
Galway	36
Mayo	11
Sligo	2
Donegal	4
Monaghan	4
Cavan	4
Roscommon	5
Leitrim	3
Longford	4
Kilkenny	10
Down	1
Fermanagh	0
Armagh	0
Tyrone	0
Antrim	0
Derry	0
Not Specified	1410
Total	1996

Queries under the Adoptive Leave Acts for 2007

Type of Query	
Additional Leave	6
Certificate of Placement	4
Foreign Adoption	5
Notification	10
Leave Entitlements	24
Public Holidays	5
Annual Leave	6
Return to Work	9
Social Welfare Benefit	5
Sick while on Leave	2
Leave for foster Parents	2
Disputes	3
Other	53
Total	134

Regional Breakdown	
Dublin	21
Rest of Leinster	12
Munster	8
Connacht	5
Ulster (ROI)	0
Ulster (NI)	0
Not Specified	88
Total	134

County	
Dublin	21
Kildare	0
Meath	0
Wicklow	2
Louth	0
Wexford	1
Waterford	1
Westmeath	0
Offaly	0
Laois	0
Carlow	0
Tipperary	1
Cork	5
Kerry	0
Clare	0
Limerick	1
Galway	1
Mayo	0
Sligo	0
Donegal	0
Monaghan	0
Cavan	0
Roscommon	1
Leitrim	3
Longford	4
Kilkenny	5
Down	0
Fermanagh	0
Armagh	0
Tyrone	0
Antrim	0
Derry	0
Not Specified	88
Total	134



European Year of Equal Opportunities for All

Introduction

2007 was designated as the European Year of Equal Opportunities for All by the European Council and the European Parliament. The Equality Authority was nominated as the National Implementing Body for Ireland and managed European Year activities in Ireland.

The aim of the Irish strategy for the European Year was to celebrate progress made in promoting equal opportunities for all and in combating discrimination, to acknowledge the significant inequalities that persist, and to renew commitment to a more equal society and to build an ambition to achieve full equality in practice for all groups experiencing inequality across the nine grounds. The Equality Authority was particularly concerned that there should be a long term legacy from the European Year.

The strategy for the European Year, entitled *Play Your Part*, was launched by the former Taoiseach, Bertie Ahern, TD, on 5th February 2007 in Dublin Castle. The launch event was celebratory in nature and gave the opportunity for national NGOs representing each of the equality grounds to showcase their work. The event attracted a large audience drawn from state agencies, private companies, government departments, trade unions, politics, the judiciary, and the non-governmental sector.

The Irish strategy was drawn up following an extensive process of consultation in the second half of 2006 with civil society and other stakeholders. The Equality Authority

continued this consultative approach in terms of managing the European Year, convening an Advisory Committee of social partners, of organisations representing groups experiencing inequality under the nine grounds named in Irish equality legislation and of state agencies and Government departments to support the implementation of the strategy.

The participative nature of the European Year was also reflected in the organisation of two NGO fora. These fora provided a focus for NGOs to consider the European and national aspects of two themes - equality and caring issues and the equality dimension of social inclusion policies and programmes. The forum met in Dublin in April 2007 and in Galway in October 2007, with speakers from European and Irish NGOs.

The Irish Strategy

The strategy set out six priorities and 33 specific actions for the Year for Ireland. These actions were grouped under six 'priorities', as shown below:

- Priority 1: Information and Advocacy – 5 actions
- Priority 2: Equality Mainstreaming – 4 actions
- Priority 3: Equality Competence – 7 actions
- Priority 4: Equality Debate – 11 actions
- Priority 5: Burning Issues – 1 overall action (which subsequently provided funding for 15 specific pieces of work)
- Priority 6: Multiple Discrimination – 5 actions

A full description of actions undertaken during the European Year is contained in the report of the European Year which has been published.

1. Information and advocacy

Research on Innovation in the Provision of Information on Rights

The Equality Authority brought together a range of agencies with a remit to provide information on rights to stimulate and support innovation in this area of work. A steering Committee was formed of the Equality Authority, the Citizen's Information Board, the Office of the Ombudsman, the National Employment Rights Authority, the Reception and Integration Agency, the Department of Social and Family Affairs and the Health Service Executive. The steering committee commissioned research by Goodbody Economic Consultants on "Effective and Innovative Strategies for Providing Information on Rights to the Public". The research forms the basis for further cooperation between these agencies in 2008.

Building a Profile for the European Year

A nationwide public awareness campaign was developed to promote the European Year of Equal Opportunities for All. This involved radio, press and outdoor advertising. The objective of the awareness campaign was to encourage active participation from a wide variety of stakeholders during the European Year. The theme of the campaign was 'Play Your Part' which was then featured in the four further public awareness campaigns on specific equality issues that were run during the Year.

Irish Events with a European Dimension

The National Forum for Europe held a special session in Dublin on 8th November 2007 on the topic of equality and the legacy of the European Year of Equal Opportunities for All.

On 18th July, a consultation exercise was organised by the European Commission Representation in Ireland and the Equality Authority, to discuss work being developed by the European Commission to take stock of the social situation in the European Union, with a particular emphasis on questions of 'access and opportunity'. The consultation exercise involved representatives of organisations representing groups experiencing inequality across the nine grounds of Irish equality legislation. A report of the consultation was launched by the European Commission and the Equality Authority in December 2007.

2. Equality Mainstreaming

Equality Mainstreaming Unit

The Equality Authority received funding under the Human Capital Investment Operational Programme of the National Strategic Reference Framework, 2007-2013, to establish an Equality Mainstreaming Unit to provide equality mainstreaming supports for employers and labour market training providers. Work began on recruiting staff for the Unit during the Year.

Special Statistical Release on Equality in Ireland

The Central Statistics Office (CSO) published a report entitled 'Equality in Ireland 2007'. This is the first time that such a publication

was prepared bringing together data on the situation of groups experiencing inequality from across the nine grounds. The report provides a valuable benchmark against which to monitor progress on promoting equality across the nine grounds.

Equality Proofing in Government Departments

The Department of Health and Children and the Department of Education and Science began work on reviewing current policy making and programme design systems in specific parts of their Departments. The purpose of this exercise was to identify how an equality mainstreaming process could be developed in these systems and what steps were required to develop such a process. This work is continuing in 2008.

Developing an Equality Mainstreaming Tool in Vocational Education

The Irish Vocational Education Association (IVEA), the organisation that represents the 33 Vocational Education Committees (VECs), and the Equality Authority convened a working group to develop guidelines on conducting equality impact assessments as part of the process of developing or reviewing significant policies, plans or programmes in the sector. The resulting publication, *Guidelines for Conducting Equality Impact Assessments on IVEA and VEC Policies, Plans and Programmes*, was launched at the IVEA Annual Congress in Killarney, Co Kerry on 27th September 2007. The guidelines outline a five-stage process for assessing how effectively a plan, policy or programme promotes equality, accommodates diversity and combats discrimination. A detailed template for use in conducting an equality impact assessment was developed as

part of the project and is supplied with the Guidelines.

3. Equality Competence

Establishment of a Networking Process in the Private Sector for Equality and Diversity

A networking process was established during the European Year for private sector companies interested in accessing the business opportunities offered by investing in equality and diversity strategies. Irish Business and Employers Confederation (IBEC) led this capacity-building initiative, entitled '*Promoting the Business Case for Diversity*'.

The first networking meeting took place at the IBEC headquarters in Dublin in May 2007. Seminars for HR managers in IBEC member companies were held by IBEC in five regional centres: Kildare, Cork, Donegal, Galway and Waterford. These half-day sessions were used to offer advice on the development of diversity and equality management strategies, to highlight available supports and resources and to seek members' involvement in a newly established diversity learning network.

Feedback from these events was collated and will inform a plan for the development of IBEC's HR services in 2008. The feedback is also being used to inform the work of the IBEC diversity working group, which consists of 20 large companies with extensive experience in the diversity management field. A webpage dedicated to diversity management and related issues is being set up on the IBEC member website.

Establishment of a Learning Network in the Public Sector

A public sector Learning Network, chaired by FÁS, was established and was active throughout the European Year. Members of the network initiated a number of pilot actions to support public sector institutions in having a planned and systematic approach to equality for their customers. MET Éireann led a project to develop equal status policies for public sector bodies. Laois County Council, Dublin City Council and the Local Government Management Services Board led an action to integrate an equality dimension into induction training. Dublin City University led an action to support web-based networking among network members.

A learning seminar entitled 'Cultural Diversity and Customer Service' was held in Dublin in November 2007 to mark Anti-Racist Workplace Week. This gave participants from the public sector learning network an opportunity to share ideas, exchange information and discuss experiences in taking action to accommodate cultural diversity in service provision.

The work and energy of this network resulted in its members deciding at the end of 2007 to keep the network alive into 2008. This will allow for completion of the pilot actions mentioned above and the development of similar actions in further public sector organisations.

4. Equality Debate

Conference on Equality, Legislation and the Constitution

The Equality Authority, the Faculty of Law at the National University of Ireland, Galway and the Department of Justice, Equality and Law Reform organised a conference entitled 'Equality, Legislation and the Constitution', on 6th October 2007. This conference marked the 70th anniversary of Irish Constitution. It was opened by the former Minister for Justice, Equality and Law reform, Brian Lenihan T.D. The conference featured Irish and international speakers examining constitutional law and its potential for supporting equality.

Articulating the Interests of Groups that Experience Inequality

The role and aspirations of Non-governmental Organisations (NGOs) in relation to representing the interests of groups experiencing inequality were explored through two actions.

A research report was commissioned from WRC Social and Economic Consultants and based on interviews with 18 community and voluntary organisations, on focus groups in Dublin, Mullingar and Limerick and on interviews with funding agencies. A conference was organised in November at which the results of the research study were presented. Speakers included the Minister for Community, Rural and Gaeltacht Affairs, Eamon O'Cuiv T.D. and Dermot McCarthy, Secretary General of the Department of the Taoiseach. A publication of the research and of the conference proceedings is now being prepared.

Thirty Years of Gender Legislation in Ireland

An international legal conference was organised on 18th and 19th December 2007, entitled 'Thirty Years of Gender Equality Legislation – Progress Made and Future Perspectives'. The conference marked the 30th anniversary of the Employment Equality Act 1977. The conference examined progress made in implementing the legislation in Ireland and the development of new legal concepts and approaches for the future development of gender equality legislation. The conference included a keynote address by Mary Robinson, former President of Ireland.

Trade Union Work to Support the Equality Agenda

The Irish Congress of Trade Unions identified "Equality for All" as the theme for its Biennial Delegate Conference (held in Bundoran in July 2007). Congress commissioned a series of five policy papers on issues relating to equality in the workplace including:

- Access to the workplace and promotions;
- Flexible working and work-life balance issues;
- Equal pay;
- Workplace culture – anti-harassment, pro-diversity; and
- Promoting equality – positive action, accommodating diversity.

Equality themes were also incorporated into the annual conferences of the Teachers Union of Ireland, the Association of Secondary Teachers of Ireland and the Irish National Teachers Organisation. The annual Services Industrial Professional and Technical Union (SIPTU) conference also featured an equality

theme to mark the European Year.

5. Burning Issues

Burning Issues funded projects

Fifteen 'burning issue' projects were undertaken by fourteen national non-governmental organisations (NGOs) as well as the National University of Ireland at Maynooth. These burning issues had been identified by the NGO sector during the consultation phase for the strategy as key issues needing to be progressed during the European Year for groups experiencing inequality across the nine grounds.

Gender

National Women's Council of Ireland: held a symposium/roundtable to discuss the sharing of care and household responsibilities between women and men, to highlight international good practice in promoting an equal sharing of these responsibilities and to identify possible ways forward.

Men's Development Network: convened five round-table discussions (in the South-East, North-West, South-West, Midlands and Dublin) on the role of men in gender equality.

Transgender Equality Network of Ireland: produced an information brochure aimed at GPs providing services to third-level institutions on the condition of Gender Identity Disorder.

BeLonG To youth project: established a support group for young Transgender people to offer them a safe and supportive space to meet their peers, exchange views and

receive information on transgender issues.

Religion

NUI Maynooth Dept of Anthropology: completed three small scale research projects to explore majority community attitudes to Islam and the Muslim community.

Family Status

One Parent Exchange Network: developed and disseminated a fact sheet and a policy briefing paper and convened two consultation seminars in order to promote an understanding of and a profile for accommodation issues experienced by one-parent families.

The Carers' Association: convened eight regional consultative fora for family carers, the general public and other interested parties, on the issues which need to be addressed in the forthcoming National Carers' Strategy.

Age

Age Action Ireland: conducted a survey and produced a report on the issue of upper age limits which exist in respect of health and social services and which prevent older people from accessing those services.

Disability

Alzheimer Society: organised a seminar and produced a resource pack (aimed at public and private residential care providers), to provide information on the new mandatory standards for residential care provision vis

a vis people with dementia in residential care settings.

Inclusion Ireland: developed and disseminated an information leaflet on long-stay charges in residential settings for people with intellectual disabilities. It delivered three training workshops for staff, one seminar for parents of people with intellectual disabilities and training workshops for people with intellectual disabilities on the issue of long-stay charges.

Irish Family Planning Association (IFPA) on behalf of RESPECT: initiated a number of actions to improve access to IFPA services for people with disabilities including developing and disseminating good practice guidelines and protocols, integrating a focus on disability into mainstream sexual and reproductive health training and piloting a cervical screening programme for women with disabilities.

Sexual Orientation

National Lesbian and Gay Federation: hosted an international symposium entitled '*Full and Equal Rights- Marriage and Partnership Rights for Lesbian and Gay People*'.

Race

European Network Against Racism: convened a roundtable to explore and highlight the opportunities and obstacles around the participation of Black and minority ethnic groups in public policy development and in the planning and delivery of public services.

Membership of the Traveller community

Irish Traveller Movement: explored the development of a pilot programme to develop a scheme to promote intercultural approaches to education at primary level.

Marital Status

Immigrant Council of Ireland: worked in partnership with the One Parent Exchange Network and key NGOs (from across the nine grounds) to seek the establishment of May 15th (UN Day of Families) as Family Diversity Day in Ireland.

6. Multiple Discrimination

The Equality Authority commissioned the Centre for Gender and Women's Studies in Trinity College Dublin to prepare a background paper on the diversity of women and multiple discrimination. The background paper explored the experience of multiple discrimination of transsexual women, women parenting alone, women carers, women Travellers, women with disabilities, lesbian and bisexual women, women from different religious backgrounds, Black and minority ethnic women, young women and older women. The National Disability Authority worked with the National Women's Council of Ireland to focus attention on women with disability and with the National Council on Ageing and Older People to focus attention on older people with disabilities.

A middle-aged man with a mustache and a brown baseball cap with a white logo is sitting on a stone ledge. He is wearing a dark jacket over a patterned shirt and blue jeans. He is holding a green sign with white text. The sign reads "Equality means Access to EMPLOYMENT". The background shows a stone building and a black metal fence.

Equality means

Access to
EMPLOYMENT

Strategic Objective 1

To stimulate and support initiatives that enable the systems and practices of key organisations and institutions to promote and achieve full equality in practice

A. Supporting planned and systematic approaches to workplace equality

1. Equal Opportunities Framework Committee

The Equality Authority continued to convene the National Framework Committee for Equal Opportunities at the Level of the Enterprise. This is a social partner committee which brings together representatives of Irish Business and Employers Confederation (IBEC), Congress, the Departments of Justice, Equality and Law Reform and of Finance, the Local Government Management Services Board, the Health Services Executive Employers Agency and the Equality and Diversity Network. The Committee aims to support planned and systematic approaches to equality at enterprise level.

The Framework Committee pursued initiatives in the following two strands:

Support for SMEs

(small and medium sized enterprises with less than 250 employees) to develop and implement equal opportunities initiatives

The Framework Committee provides funding to SMEs for up to five days consultancy. This support is designed to enable SMEs to put in place employment equality policies and equal status policies, or to develop a strategy for equality and diversity training in

accordance with the guidelines prepared by the Framework Committee. The Framework Committee also provides funding for follow-up work to ensure the effective implementation of the equality policies and of the equality and diversity training strategies developed by the organisation.

During 2007, 103 SMEs were supported at a total cost of €348,122.50. In addition, 16 SMEs received funding for follow-up supports at a total cost of €8,712. A broad range of SMEs availed of this funding. Those supported included manufacturing and services enterprises across the hospitality, care of older people, architecture and engineering sectors. Community enterprise, partnership and sports organisations were also supported.

Assisting employer networks and trade unions in developing and supporting good practice in promoting equality in the workplace

a) IBEC Training Project

IBEC was supported by the Committee to develop a course for human resource practitioners on equality legislation and on developing equality competence within organisations. The course has received accreditation from the Dublin Institute of Technology and will run in a number of locations over coming years.

b) Athlone Promoting Workplace Equality Project

The Committee provided funding for the Athlone Promoting Workplace Equality Project which aimed at developing planned and systematic approaches to equality within businesses in Athlone. The project was led by Athlone Chamber of Commerce and was undertaken as one of the actions for the European Year of Equal Opportunities for All. The project will continue into 2008.

The project group members included representatives of businesses, trade unions, public bodies and community organisations in Athlone. Members included Athlone Chamber, Dr Stevens Centre, Matrix Recruitment, Athlone Trade Unions, Westmeath Community Development, Ericsson, St. Joseph's Summerhill, Infor, Fair & Murtagh, Esker House, Athlone Institute of Technology, Collane HR Solutions and Corporate Community.

Key actions undertaken in 2007 included the following:

- Launch of the project at a business lunch on 8th June 2007. A leaflet on the project was launched at the event;
- Development of project website in October/November 2007;
- Athlone Communities Together event held on 29th September 2007 and organised on a partnership basis with community organisations in Athlone. The organising committee included Athlone Chamber (on behalf of the Athlone Promoting Workplace Equality

Project), Westmeath Community Development, ACT, Monsignor McCarty Family Resource Centre, Harmony CDP, Ebony Womens Group, Athlone Womens Network, the Health Service Executive. The event facilitated the development of new partnership links between the business and community development sectors in Athlone.

- Support provided to twelve companies to develop equality policies and equality and diversity training strategies. A network of equality officers from each of the companies supported was established and will continue to meet in 2008.

c) Local Government Equality Infrastructure Project

The Local Government Management Services Board (LGMSB) received funding from the Committee to undertake a survey to establish the degree to which local authorities had developed an equality infrastructure, including employment equality or equal status policies, to support equality in their employment and service delivery functions. This action was undertaken as part of the European Year of Equal Opportunities for All. The LGMSB undertook the survey from September to November 2007. The survey found that most local authorities had employment equality policies in place but that fewer local authorities had equal status policies to address issues relating to equality and customer service. The survey is to be launched in 2008.

The LGMSB introduced a prominent equality dimension into the first all-Ireland HR conference, 'Shaping the Future of HR',

which was held in Newcastle Co. Down on 21-23 November 2007 and organised jointly by the LGMSB and the Local Government Staff Commission for Northern Ireland. Presentations and discussions addressed issues relating to equality, equality mainstreaming and gender mainstreaming.

d) Irish Hospitality Institute

The Equal Opportunities Framework Committee began work on a project in cooperation with the Irish Hospitality Institute (IHI) to support the integration of equality into HR and customer service in the hospitality sector. A roundtable was organized on 15th November 2007 with representatives of the Irish Hospitality Institute, hotels, recruitment agencies and equality consultants to identify priorities for equality projects for the hospitality sector and to share information on equality. Work with the IHI will continue in 2008.

2. Employment Equality Review and Action Plan Scheme

The Equality Authority continued to manage the Employment Equality Review and Action Plan (ERAP) Scheme which is funded by the Department of Justice, Equality and Law Reform under the Equality for Women Measure of the National Development Plan 2000-2006. The scheme assists companies and organisations to review the situation of equality across the nine grounds in their workplace and the workplace policies, procedures and practices for their impact on equality. It also assists in the preparation of an equality action plan aimed at ensuring that equality is effectively integrated into the organisation's policies, practices and

procedures and at enhancing the situation of equality in the workplace. Three reviews started or were concluded during 2007 encompassing more than 6,500 employees:

These were:

- **Tipperary Institute** – this third level institution with campuses in Clonmel and Thurles employs a total of 157 staff;
- **Stewarts Hospital Services Ltd** - this was the first equality review and action plan in a health institution employing approximately 915 staff;
- **Iarnród Éireann** – the company currently has a workforce of approximately 5,500 people throughout Ireland working to deliver passenger and freight transport services.

The ERAP scheme also provides for a follow-up review with the companies and organisations that have previously participated in the scheme. This follow-up review is to evaluate progress on and to support companies in implementing the equality action plan.

Follow-up reviews in respect of the following companies were completed in 2007:

- Kerry Education Service;
- Irish Aviation Authority;
- Dublin Airport Authority; and
- Dublin City University.

An evaluation was commissioned to examine the overall effectiveness of the Scheme. The evaluation had the following aims:

- To assess the degree to which the scheme

provides value for money in meeting its objectives;

- To identify examples of good practice in the promotion of equality, particularly gender equality, but also across the other equality grounds, that have emerged in the implementation of the scheme; and
- To make recommendations in relation to the future evolution of the scheme.

The evaluation report on the Equality Review and Action Plan Scheme is positive about the scheme and confirms that it has been successful in meeting the objective of supporting organisations to integrate an equality focus in their policies and practices. The report has been referred to the Department of Justice, Equality and Law Reform for consideration in relation to the future funding of this scheme.

3. Work Life Balance

The Equality Authority is a member of the National Framework Committee for Work-life Balance. This is a social partner committee chaired by the Department of Enterprise, Trade and Employment, which has responsibility for promoting awareness of work-life balance and supporting the implementation of work life balance initiatives within enterprises.

The seventh annual Work Life Balance Day was organised by the Committee on 1st March, 2007 and was marked by a national conference in the Mansion House in Dublin to highlight international good practice in relation to work-life balance. The conference was organised by the Equality Authority on behalf of the Committee. Minister of State

Tony Killeen T.D., former Minister for Labour Affairs at the Department of Enterprise, Trade and Employment, spoke at the conference. Guest speakers included Rob Anderson, Research Manager, European Foundation for the Improvement of Living and Working Conditions and Stephen Bevan, Director of Research, the Work Foundation, UK. A booklet prepared by the Equality Authority, on behalf of the Committee, on promoting planned and systematic approaches to work life balance was launched at the event.

The Equality Authority managed a public awareness campaign to mark National Work-life Balance Day, on behalf of the Committee. The campaign included radio and newspaper advertising, workplace posters and leaflets (distributed to workplaces throughout Ireland), internet advertising and outdoor advertising displayed throughout Ireland.

The National Framework Committee for Work-life Balance Policies also gave the Equality Authority responsibility for managing the establishment and operation of a panel of consultants who will support organisations, in particular small and medium sized enterprises, in developing and implementing work-life balance arrangements for their staff. The panel of 10 consultants was selected following interviews in September, 2007. The Minister for Labour Affairs at the Department of Enterprise, Trade and Employment, Mr Billy Kelleher TD, announced the launch of the scheme on 21st November, 2007.

4. Research on Equality in the Workplace

The National Workplace Strategy *Working to*

Our Advantage was published by the National Centre for Partnership and Performance (NCP) in 2005 following the conclusion of the Forum on the Workplace of the Future. The National Workplace Strategy highlights the need to address barriers relating to all nine grounds defined under the equality legislation, and identifies particular challenges in supporting women, older workers, lone parents, people with disabilities, non-national workers, and people from other marginalised groups such as the Traveller community. It emphasises that at the enterprise level, the competitive and innovative capacity of organisations across the public and private sectors depends more and more on the contribution of the workforce. In this context equality and diversity is an increasingly important factor in attracting and retaining talented employees and when managed well can be a significant source of competitive advantage. The Equality Authority is committed to working closely with all stakeholders to promote a focus on this equality and diversity factor within the National Workplace Strategy.

The Equality Authority and the NCP are engaged in a joint programme of work to explore the business case for workplace equality and diversity strategies. In 2007 two joint research projects were completed. These are:

1) *The Business Impact of Equality and Diversity: The International Evidence* (Professor Kathy Monks)

The report reviews a wide range of research evidence on the relationship between equality and diversity on one hand, and organisational

performance on the other. It concludes that:

- There is a positive relationship between the existence of equality policies and employee outcomes including, commitment, job satisfaction, life satisfaction, work-life balance and reduced stress;
- There are positive employee-performance outcomes arising from the implementation of equality and diversity initiatives, such as reductions in absenteeism and staff turnover, improved employee relations and workplace innovation and creativity, and
- Organisations perceive performance outcomes from investment in equality and diversity initiatives in four inter-related areas:
 - o Human capital benefits, such as the ability to resolve labour shortages and recruit and retain high-calibre staff;
 - o Increased market opportunities, with access to more diverse markets;
 - o Enhancement of organisational reputation to suppliers, customers and prospective and existing employees, and
 - o Changes to organisational culture, such as improved working relations and reductions in litigation.

2) *New Models of High Performance Work Systems: The Business Case for Strategic HRM, Partnership and Diversity and Equality Systems* (Professor Patrick C. Flood, Dr James P. Guthrie, Dr Wenchuan Liu, Dr Claire Armstrong, Dr Sarah MacCurtain, Thaddeus Mkamwa, Cathal O'Regan)

Drawing on a dedicated survey of medium

and large private sector companies in Ireland, this study empirically analyses the relationship between high performance work practices - including strategic HRM, partnership and diversity and equality systems and flexible work systems - and business performance in terms of productivity, innovation and employee turnover. The report statistically establishes a positive relationship between diversity and equality systems in companies and each of these three aspects of business performance. This report therefore empirically establishes, for the first time in an Irish context, a compelling business case for companies to invest in equality and diversity strategies, and to integrate these strategies into their corporate strategy and culture. Equality and diversity strategies are now clearly associated with higher labour productivity, increased workplace innovation and lower employee turnover.

B. Promoting the Inclusive Schools

1. Equal Status Reviews in Primary Schools

An equal status review is an audit of the level of equality that exists in the provision of services by an organisation. Work on developing a methodology and tools for conducting equal status reviews for the primary sector began in 2007. A meeting of the education partners in the sector was convened. This involved the Department of Education and Science, the School Development Planning Support (Primary) Service, the Irish National Teachers'

Organisation (INTO), the Catholic Primary School Management Association, the Church of Ireland Board of Education, Educate Together, An Foras Pátrúnachta na Scoileanna Lán-Ghaeilge, the Patron of Muslim Schools, the Irish Primary Principals' Network, and the Principals and Deputy Principals Forum of the INTO. The partners in the sector provided advice at this meeting for the Equality Authority on suitable approaches to working with primary schools in conducting equal status reviews. A small group of expert consultants with experience in primary teaching was recruited to develop the methodology and tools for an equal status review within primary schools. The project is expected to be completed in 2008.

2. Guidelines on Embedding Equality in School Development Planning at Second Level

Schools are required under education legislation to prepare school development plans. The Equality Authority made significant progress in 2007 on the development of guidelines on how second-level schools can embed equality in their development plans. The project brings together a range of partners in the second-level sector, including the teacher unions, school management bodies, the Department of Education and Science and the School Development Planning Initiative.

3. Admission Policies at Second Level

The Education Department at the National University of Ireland at Maynooth was commissioned by the Equality Authority to conduct research on how the admission

policies of second-level schools reflect equality and non-discrimination across the nine grounds named in the equality legislation. The field work, involving a representative sample of second-level schools, was conducted in 2007, and a report by the researchers on the findings is to be presented to the Equality Authority in early 2008.

4. Education Provision in Balbriggan and Diswellstown

The Equality Authority responded to a significant issue in relation to education provision at primary level in Balbriggan and Diswellstown. A situation emerged where the practice of school admissions and the under provision of school places in this area resulted, in effect, in segregated provision for Black and minority ethnic pupils. The practice of school admissions, which was reported as being based on new requirements on pupils to present their Baptismal Certificates to gain access to Catholic primary schools, was publicly justified on the basis of the religious ethos exemption in the Equal Status Acts. The Equality Authority responded to this situation pointing out that the religious ethos exemption could not necessarily be relied upon to allow carte blanche preferential treatment to pupils who belong to a particular denomination without reference to the provision that refusals of admission that result must be essential to maintain the ethos of the school; and that the provisions of the European Union 'Race' Directive must also be taken into account in a context where Black and minority ethnic pupils were in effect segregated as a result of the admissions practice of the schools.

5. Research on Addressing Homophobic Bullying

In late 2006 the Equality Authority commissioned Dr. James O'Higgins-Norman of the School of Education Studies, Dublin City University, to carry out a research project on *Developing Good Practice in Addressing Homophobic Bullying in Second-Level Schools*. The aim of this project is to provide evidence-based guidance for educational practitioners and, in particular, for those in leadership positions in schools, on good practice in developing and implementing school level strategies and actions to address homophobic bullying. The focus of the research is on school level actions i.e. policies, practices and cultures that can be developed and managed at school level. This project progressed to final draft stage during 2007 and will be completed and published in 2008.

C. Supporting Equality Competent Health Services

1. Promoting Service User Participation in Health Service Planning and Delivery

The Equality Authority participated in the development of the forthcoming Health Service Executive (HSE) and Department of Health and Children strategy to promote service user and community involvement in health and social services. This strategy will seek to ensure that a systematic approach is developed within the HSE to involve service users in the design, development, delivery and evaluation of health and social services.

2. Promoting the Health Needs of Transsexual People and People with Gender Identity Disorder

The Equality Authority continued to lead a working group (with representatives from the HSE, the Department of Health and Children and organisations of transsexual people/ people with Gender Identity Disorder) to promote and develop an appropriate health care response to transsexual people. During 2007 two key initiatives were prioritised: the development of a draft HSE statement on the health needs of transsexual people and people with gender identity disorder; and the organisation of a symposium for medical professionals on the health needs of transsexual people (scheduled for early 2008).

3. Equality Impact Assessment

A project to support the Department of Health and Children to identify a strategic approach to equality impact assessment of new plans, policies and programmes was developed during 2007. This work involves a small scale review of current policy making and programme development systems within the Department in order to develop a strategy to support equality impact assessments on future policies and programmes. The Equality Authority is working with the Health Promotion Section to carry out this exercise on its Draft National Nutrition Policy. This action was undertaken as part of the European Year of Equal Opportunities for All.

4. Research on Recognising LGB Sexual Identity in Health Services

A joint Equality Authority/ Health Services Executive research report on *Recognising LGB Sexual Identities in Health Services: The Experiences of Lesbian, Gay and Bisexual People with Health Services in North West Ireland* (Maria Gibbons, Mary Manandhar, Caoimhe Gleeson and Joan Mullan) was completed during the year. Drawing upon in-depth interviews with 43 lesbian, gay or bisexual respondents, this report explores their experiences as health service users and their perspectives on the quality of care that they receive.

Deciding whether to tell practitioners about their LGB sexual orientation emerged as a major concern for most research participants in their interactions with health services. Factors that encourage LGB people to be more open about their sexual identity in health care settings were clearly identified. These included the quality of the relationship with the practitioner and whether the environment:

- reflected a general openness to the possibility that clients can be lesbian, gay or bisexual;
- fostered a sense of safety in the encounter in terms of assured confidentiality and
- provided a comfortable and private space for consultations to take place.

This study also suggests that there are positive health benefits for LGB people when they disclose their sexual orientation to practitioners.

The following key themes were also highlighted by those interviewed:

- concerns about the status of same-sex partners and implications for next of kin in relation to health service provision. A number of women also raised more general concerns regarding their treatment as lesbians if they decide to have a child in the future. These concerns were highlighted in the context of a lack of legal recognition of same-sex relationships;
- mental health was identified as a central issue in the health care of LGB people. Interviewees stressed the need for mental health professionals to offer a welcoming, listening space and to have sensitivity to all the issues involved. Even supportive service providers were not always felt to have an understanding of the particular experiences of LGB clients and the impact of heterosexism on their lives; and
- sexual health was also identified as a key issue for LGB people. Confidentiality was a significant concern in relation to sexual health matters, particularly given the rural nature of the area.

D. Promoting Equality in Accommodation Provision

1. The Equality Authority undertook work on an equality module for a housing manual for local authorities being prepared by the Centre for Housing Research. This project will be finalised in 2008.
2. The Equality Authority developed an initiative in cooperation with Threshold to provide training to Threshold's staff

and volunteers on the accommodation provisions of the Equal Status Acts 2000 to 2004. Training was provided by the Equality Authority for Threshold staff and volunteers in April 2007 as one of the actions undertaken under the European Year of Equal Opportunities for All.

E. Supporting Labour Market Measures to Accommodate Diversity

1. The Equality Authority was responsible for implementing a technical assistance measure under the Employment and Human Resources Development Operational Programme (EHRDOP) of the National Development Plan 2000-2006. This was called the Equality Studies Unit (ESU) and was required to address inequality and discrimination in the labour market focusing on a number of groups named in the EHRDOP: people with disabilities, older workers, minority ethnic people and Travellers.

The ESU supported a rolling programme of measure studies, examining equality policy and practice in individual EHRDOP education and training measures. These studies aimed to identify and promote changes required in the planning, design and delivery of the measures comprising the EHRDOP to enhance their capacity to accommodate diversity and to promote equality. The final outputs of each study were subject to the decision of the measure implementing agency and the studies are therefore owned by those organisations. The Equality Authority managed the implementation of the studies

and was responsible for dissemination of learning arising, including the electronic publication of the studies. Two final wider Equality Measure Studies were completed and electronically published during 2007.

These were:

- Early School Leavers - Youthreach and Travellers in the Department of Education and Science (Measure 11B in the operational programme); and
- Vocational Training and Pathways to Employment for People with Disabilities in FAS (Measure 16 in the operational programme).

'Mainstreaming Equality? promoting equality and accommodating diversity in further education, training and labour market programmes' was published in October 2007. This publication brings together the papers presented at an ESU conference on this theme hosted by the Equality Authority, the Department of Enterprise, Trade and Employment and the Department of Education and Science in November 2006. These papers: examine the legal and accreditation frameworks supporting the promotion of equality and accommodation of diversity in the further education and training sector; present examples of relevant strategic approaches to developing and achieving equality and diversity in this sector; and explore the key lessons learned from current practice for strategies for effective equality mainstreaming.

A third annual conference on *'Mainstreaming Equality'* was held in November 2007. This event was jointly sponsored by the Department of Education and Science, the Department of Enterprise Trade and

Employment and the Equality Authority. This conference, which heard an opening address from Mr. Sean Haughey TD, Minister for Lifelong Learning focused on understanding the implications of promoting equality and accommodating diversity for the work of further education and training practitioners.

Keynote speakers and facilitated workshops:

- examined the importance of promoting equality for the diverse workplace of the future (Mr. Peter Cassells, Chairperson, NCPP);
- explored the implications of equality and diversity for students and practitioners in further education and training (Professor Miriam David, Institute of Education, University of London); and
- identified key lessons learned from promoting equality in the further education sector (Dr. Barney O'Reilly, CEO, Kerry Education Service).

2. The Equality Authority received funding under the Human Capital Investment Operational Programme of the National Strategic Reference Framework, 2007-2013, to establish an Equality Mainstreaming Unit to provide equality mainstreaming supports for employers and labour market programme providers. Work began on recruiting staff for the Unit. Supports were developed and provided to Small and Medium Sized Enterprises, to the local authority and hospitality sectors. Preparatory work was undertaken on developing support packages for labour market programme providers aimed at assisting them in developing and integrating an equality mainstreaming approach in the design, delivery and monitoring of labour market programmes.

Other Partners

An Garda Síochána

The Equality Authority participated in the Strategic Human Rights Advisory Committee (SHRAC) established to advise An Garda Síochána on integrating a human rights perspective into its policing, customer service and employment functions.



Strategic Objective 2

To maintain and further develop a culture of compliance with the equality legislation

1. The Equality Authority provides Information on the Equality Legislation and on the Parental Leave, Maternity Protection and Adoptive Leave Legislation.

The Equality Authority dealt with 10,993 queries on 5 pieces of legislation during 2007.

2. The Equality Authority provides Legal Advice and Representation in Cases Under the Legislation in Accordance with the Criteria Established and kept under review by the Equality Authority.

The Equality Authority had 737 casefiles during 2007 - 360 casefiles under the Employment Equality Acts, 328 casefiles under the Equal Status Acts and 49 casefiles under the Intoxicating Liquor Act.

3. The Equality Authority seeks to Encourage and Assist a Broad range of organisations to provide supports to individual claimants under the Equality Legislation.

Advocacy is a practice of negotiation by or on behalf of individuals who are marginalised or vulnerable. Advocacy practice involves empowering people to speak and lobby on their own behalf or on behalf of others, through training education and life experience.

Since 2004, the Equality Authority has participated on the steering group in the development and implementation of the first distance education to train advocates

– the Higher Certificate in Arts in Advocacy Studies. Other key partners on the group include the Citizens Information Board and the Institute of Technology, Sligo, which provides and accredits the course.

The course programme is supplemented by a number of seminars in Dublin, Sligo and Limerick. It includes a module on equality and aims to develop skills for use in a range of settings. The year 2007 saw the highest intake of students with a total of 94 students participating in the two year programme. Throughout 2007 the Equality Authority provided funding, developed course materials, and facilitated with delivery of seminars.

The Equality Authority's advocacy work programme also includes participation on the Information Providers Programme of the Citizen Information Board. This programme delivered to support and enable personnel of Citizens Information Centres to provide a quality information service in the community. Part of the programme includes a module 'Information Giving in an Equality Context' which describes the equality legislation provisions and caselaw, examines case studies and identifies procedures in advocating for equality.

4. The Equality Authority seeks to Utilise the full range of Functions and Powers available to it.

The Equality Authority explored the implementation issues in relation to its power of inquiry during 2007.



Strategic Objective 3

To contribute to the further development of a strategic framework for action on equality

1. To Promote further Development of Equality Legislation

The Equality Authority made a submission to the Minister for Justice, Equality and Law Reform in relation to a number of technical amendments to be made to the equality legislation. These are detailed in part 9 of the casework report.

2. To Support Equality Proofing in the Public Sector

The Equality Authority continued to participate on the Equality Proofing Working Group convened by the Department of Justice, Equality and Law Reform. During 2007 a number of initiatives were progressed by the working group with the support of the Equality Authority which included the following:-

Sub-Committee on Equality Indicator Data

The objective of the sub-committee was to identify key national data sources where information relevant to the nine grounds under the equality legislation could be collected and to identify gaps in the information available and suggest ways for improving data sets. During 2007 a paper was drafted outlining the issues in key national data sources. This paper will form the basis for further work in this area by the Equality Proofing Working Group.

Value for Money and Policy Reviews (VFMPR)

The VFMPR process which is overseen by the Department of Finance, was identified

by the working group as a potential area for the integration of equality proofing. In 2007 a scoping paper was developed outlining the process for VFMPR and indicating where an equality focus could be integrated within this process.

Equality Proofing in Government Departments

Two equality proofing initiatives were begun in 2007 with Government Departments, one with the Department of Education and Science, and the other with the Department of Health and Children. The aim of these initiatives is to assist the respective Departments in developing a strategy to establish a capacity to implement equality impact assessments on future policies, plans and programmes. The initiative with the Department of Health and Children is focused on that Department's national nutrition policy while the initiative with the Department of Education and Science is focused on the Inspectorate's work. These initiatives formed part of the European Year of Equal Opportunities for All.

Regulatory Bodies

Regulatory bodies have a valuable contribution to make to equality proofing. This contribution can most effectively be achieved by the insertion of a focus on equality in standards required by regulatory bodies. In 2007 a scoping paper was developed outlining the range of regulatory bodies and indicating a strategy for working with these bodies to promote equality proofing.

3. To Promote Collection of Equality Data

Data on the nine grounds is essential to underpinning effective equality strategies. The Equality Authority continued to liaise with the Department of the Taoiseach, the Central Statistics Office (CSO) and other relevant bodies on a range of equality data issues. In particular the Equality Authority worked closely with the CSO on the preparation of the thematic report *'Equality in Ireland, 2007'*, which was published by the CSO in November 2007.

A *'Research Programme on Equality and Discrimination'* is being carried out by the ESRI on behalf of the Equality Authority. The primary purpose of this research programme is to promote knowledge and understanding of the comparative social position of groups who face discrimination on the nine grounds covered by the equality legislation, and of the extent and nature of discrimination in Ireland.

The following five research projects were progressed by the ESRI within this programme during the year:

- *'The Experience of Discrimination in Ireland: Analysis of the QNHS Equality Module'*
- *'Gender Inequalities in Time Use: The Distribution of Caring, Housework and Employment Among Women and Men in Ireland'*
- *'Immigrants at Work: Ethnicity and Nationality in the Irish Labour Market'*
- *'Public Attitudes and the Equality agenda in Ireland: a Review of Conceptual and Data Issues'*

- *'The Gender Pay Gap: Examining the Latest Evidence on Gender pay Differentials in Ireland'*.

4. To Support Debate on Equality Issues

Engagement with the media is an important aspect of the Equality Authority's work to support public debate on equality issues. The Equality Authority engages in public debate via the print and electronic media.

In 2007 the Equality Authority issued 60 media releases, had 10 opinion pieces published in major newspapers and conducted 72 media interviews. A significant number of media queries were received and responded to.

Media coverage throughout 2007, that involved the Equality Authority included a focus on the following issues: the European Year of Equal Opportunities for All, ageism, pregnancy dismissal within employment, racism within the workplace, paid maternity and parental leave, worklife balance, facilitating the needs of people with disabilities, accessing education, the rights of same sex couples, health service delivery, harassment, the glass ceiling for women in work, gender pay issues, the needs of carers and childcare. A number of key casework outcomes which were supported by the Equality Authority were highlighted in the media. This coverage assists a wider impact from individual casework outcomes.



Equality means
Having Real
CHOICES!



Jennifer, Zoe & Josh Garvey

Strategic Objective 4

To stimulate and support a response to core equality issues for specific groups experiencing inequality.

A. Gender Ground

The Equality Authority undertook a range of projects on stereotyping, with particular emphasis on gender stereotyping during 2007.

The Equality Authority commissioned the Centre for Gender and Women's Studies in Trinity College Dublin to prepare an introductory study examining the extent to which gender stereotyping is present in marketing directed at children. The introductory study entitled *'An Introduction to Gender Equality Issues in the Marketing and Design of Goods for Children'* was launched on 1st November 2007 by the author Eilís Ní Dhuibhne at an event in the Equality Authority. The study found gender stereotyping can be present in the content of advertising and marketing directed at children, and in the production techniques used. Advertising and marketing strategies were identified on the basis of this stereotyping as having a capacity to diminish and limit the range of possibilities available to children on the basis of their gender. The stereotyping posed boys as independent, active and aggressive and posed girls as dependent, passive and nurturing. The study also found that advertising and marketing could sexualise girls and incite gender rivalry between boys and girls.

The Equality Authority commissioned Dr Debbie Ging of Dublin City University to undertake research examining the extent

of stereotyping of women in advertising in Ireland. The research is looking at gender stereotyping in advertising from the perspective of the diversity of women across the equality grounds. The research will be completed in 2008.

A conference on *'Gender Equality - Thirty Years of Gender Equality Legislation - Progress Made and Future Perspectives'* was organised to mark thirty years of gender equality legislation in Ireland.

B. Age Ground

The Equality Authority undertook a project, in cooperation with the National Youth Council of Ireland to develop a *'Resource Pack on Stereotyping of Young People'* to enable young people to understand and challenge this stereotyping of young people. The pack is targeted at youth clubs and organisations. It provides information and exercises to enable young people to challenge both the stereotyping of young people and the stereotypical attitudes that young people may have towards other groups. The pack will be launched in early 2008.

The Equality Authority commissioned a legal paper setting out the case for removing the lower age limit in the definition of the age ground under the Equal Status Acts. This was prepared by Ursula Kilkelly of University College Cork.

The Equality Authority, the National Council on Ageing and Older People and the Health Service Executive organised the annual 'Say No To Ageism Week'. The Week aims to build public awareness of ageism, of how ageism is given expression and of the impact of ageism on older people. A public awareness campaign was implemented which involved outdoor advertising, national and local radio infomercials, beer mats in public houses and posters that focussed on a variety of perspectives on age, age equality and ageism. The Week also aims to promote new practice in key sectors to enhance 'age-friendly' customer service. The HSE organised a conference to launch a report on its work of enhancing 'age-friendly' service provision. Likewise Bus Éireann, Dublin Bus, Iarnród Éireann, Veolia Transport and the Rural Transport Initiative organised an event to launch a report on their work to enhance 'age-friendly' customer service. The Week was launched at an event in the Equality Authority.

C. Disability Ground

The Equality Authority worked to support Cavan and Kildare County Councils to enhance accessibility for people with disabilities in all areas of service provision. The project with Cavan County Council, *Creating Reasonable Accommodation in Cavan (CRAIC)*, worked on making reasonable accommodation for people with disabilities in the county's library, motor tax and water services, office buildings and web-based contact with customers. The project covered signage, communications, information exchange and physical access.

The project with Kildare County Council, *Delivering Access Rights for All (DARA)*, covered access to public buildings, IT services, playgrounds, housing, road and street design, electoral registers and information produced by the County Council. A report outlining the learning arising from both projects entitled '*Dara has the Craic*' was launched by the Equality Authority in cooperation with Cavan County Council and Kildare County Council at Cavan County Library on 23rd May 2007.

The Equality Authority continued to work with the Irish Pharmacy Union (IPU) and the Irish College of Continuing Pharmaceutical Education (ICCPE) on supporting pharmacists to make reasonable accommodation of people with disabilities. The Equality Authority organised training events for pharmacists in cooperation with the ICCPE. The Equality Authority also prepared a publication, in cooperation with the IPU, giving guidance to pharmacists on responding to the needs of customers with diverse disabilities. This publication will be launched in 2008.

The Equality Authority initiated a project in cooperation with the Irish League of Credit Unions (ILCU) to support credit unions in making reasonable accommodation for staff and customers with disabilities. The project is being undertaken on an all-island basis and involves the Equality Commission of Northern Ireland. Six credit unions were selected to participate in the pilot phase of the project in which existing practices within credit unions will be reviewed. Draft guidelines on accessibility for customers with disabilities to credit union services are being prepared

for testing with the six credit unions in the pilot project. The lessons from the pilot will inform the final version of the guidelines to be circulated to all ILCU members. The project will continue in 2008.

The Equality Authority and the Department of Justice, Equality and Law Reform organised a public awareness campaign to promote accessibility for people with disabilities in service provision. This involved the use of cinema based advertising in December 2007. The advertisement promoted reasonable accommodation for customers with disabilities and emphasised requirements in this regard under the Equal Status Acts. The campaign formed part of the programme for the European Year of Equal Opportunities for All.

D. Race and Traveller Grounds

The eighth Anti-Racist Workplace Week took place from 5-11th November in 2007. It was organised by the Equality Authority and Congress, Irish Business and Employers Confederation (IBEC), the Construction Industry Federation, Chambers Ireland, the Small Firms Association and the Department of Justice, Equality and Law Reform. It was an all island initiative undertaken in conjunction with the Equality Commission for Northern Ireland, with activities happening simultaneously in Ireland and Northern Ireland. Funding for the week was provided by the Equality Authority, the Department of Justice, Equality and Law Reform under the National Action Plan Against Racism and the European Commission Progress Programme.

The Week was launched by Conor Lenihan,

Minister of State at the Department of Community, Rural and Gaeltacht Affairs, at the Department of Education and Science and at the Department of Justice, Equality and Law Reform (with special responsibility for Integration Policy) at an event in the Equality Authority.

Nine local driver organisations in Ballymun, Clare, Clondalkin, Cork, Limerick, Galway, Letterkenny, Tallaght and Wexford acted as local partners in devising and implementing local action plans to mark Anti-Racist Workplace Week 2007. The local driver organisations supported Anti-Racist Workplace Week by disseminating posters, leaflets, coasters and postcards in their own area and by highlighting Anti-Racist Workplace Week in local media. Each local driver organisation implemented a local action plan to mark the week. These plans included employer seminars, diversity and equality training seminars, events to support migrant workers access to information on rights, and events to celebrate cultural diversity in the local community.

During the week the Equality Authority disseminated 23,000 information packs which contained a poster, brochure, postcard and drinks coasters to a broad range of organisations throughout the country. The Week had its own website www.ARWW.ie. The postcard prepared for the Week had detachable stickers with the logo "Racism Free Zone" which employees could display on their PCs, work benches, offices etc. Resource materials were also distributed to workplaces and public bodies nationwide. A public awareness campaign involved outdoor advertising in particular at airports, railway and bus stations, on buses, in shopping

streets and centres and internet cafes. Advertisements also ran on radio and in the newspapers.

The partner organisations sought to encourage and support their members to take actions to develop integrated workplaces. The integrated workplace involves:-

- support to migrant workers and Traveller employees to adapt to the workplace;
- support to all employees to engage effectively in a culturally diverse workplace; and
- the review and further development of all workplace policies and procedures to ensure that they adequately take account of cultural and linguistic diversity in the workplace.

In April 2007 the Equality Authority commissioned a review of the Anti-Racist Workplace Week to cover the period from the year 2000 to 2006.

The stakeholders interviewed for the review expressed strong support for a public awareness initiative to address the issues raised by cultural diversity in the workplace. They considered that Anti-Racist Workplace Week had been highly effective in using the limited resources at its disposal to raise awareness of the need for action at workplace level to combat racism. Some stakeholders believed that the anti-racism message should be presented in a positive manner. The consultants highlighted the range of audiences targeted by the initiative and suggested that the partners decide on priority audiences and on targeted initiatives

specifically directed to those audiences. They recommended that a positive action orientated message be developed at a national level highlighting and celebrating the benefits of workplace cultural diversity for the economy. They also welcomed the work that had been done on developing the local driver organisation initiative and recommended that the initiative should build on this to increase its visibility 'on the ground' within workplaces. On foot of the review the partner organisations decided that Anti-Racist Workplace Week 2007 would be the last such initiative. It was agreed that it was now possible to build on the work done to develop a year long strategy that would involve a range of practical supports to organisations and enterprises for the development of integrated workplaces.

The Equality Authority continued to work with the Irish Management Institute (IMI) and the National Action Plan Against Racism to support the IMI Bizlab on Cultural Diversity in the Workplace. The Bizlab brings together a range of companies and organisations to explore good practice in the management of cultural diversity, to develop supports for companies in this area and to embed a focus on cultural diversity in the various functions of the IMI. The Bizlab was launched at a photocall in February 2007. A research report on the business case for cultural diversity and on frameworks for the effective management of cultural diversity was launched at the IMI Annual Conference. A group of companies were recruited to the Bizlab and have begun meeting on a regular basis to share good practice.

E. Religion Ground

The Equality Authority was invited by the Department of Foreign Affairs to join an initiative, chaired by Dr Martin McAleese, and including representatives of the Department of Community, Rural and Gaeltacht Affairs and of local authorities in the Southern border counties to open a dialogue with representatives of the Orange Order in the Southern border area in response to concerns expressed by the Orange Order about discrimination and sectarianism against its members. The Equality Authority developed an information initiative to inform Protestant communities living in the Southern border counties of their rights under the equality legislation. This initiative is ongoing.

Equality means

respect



Strategic Objective 5

To sustain and further develop the standing, expertise and capacity of the Equality Authority at international, national and local levels

European Union Level Initiatives

1. EQUINET

EQUINET is the European Network of specialised equality bodies. The network was formally launched in Brussels during 2007. The network has been identified by the European Commission as an important legacy from the European Year of Equal Opportunities for All. EQUINET had existed prior to 2007, however it has now received European Union funding from the PROGRESS programme which has enabled it to open a Brussels office and to employ staff.

The Equality Authority is a member of the Board of EQUINET and participated on the EQUINET working groups on strategic enforcement, promoting good practice and policy formation. The Equality Authority participated in the development of an EQUINET opinion on the legacy from the European Year of Equal Opportunities for All which was launched at an event during the closing conference in Lisbon for the European Year.

2. European Commission

The Equality Authority was an active participant on two European Commission committees during 2007.

The Equality Authority is a member of the Advisory Committee on Equal Opportunities between women and men. The Equality

Authority coordinated the preparation of an opinion of the committee on the new guidelines for Member State National Reform Programmes.

The Equality Authority participated on the Committee of National Implementation Bodies convened by the European Commission for the European Year of Equal Opportunities for All.

3. National Strategic Reference Framework

The Equality Authority supported the Southern and Eastern and the Border, Midlands and Western Regional Assemblies in their work to integrate a focus on equality as one of the horizontal principles underpinning the new Operational Programmes for the expenditure of EU structural funds in each region for the period 2007–2013. The Equality Authority provided support to the Ireland–Wales Programme 2007–2013 in the development of equality criteria for use in selecting projects for support under the programme. The Equality Authority advised the Special EU Programmes Body on embedding equality considerations into the PEACE III cross-border programme.

North-South Co-operation

A joint Equality Authority/Equality Commission for Northern Ireland research project on *Enabling Lesbian, Gay and Bisexual Individuals to Access their Rights under*

Equality Law was completed during 2007. This report combines findings from key informant interviews with a literature review and an appraisal of current legislation, policy and practice. It analyses the obstacles lesbian, gay and bisexual individuals who have experienced discrimination face in pursuing redress under the provisions of the equality legislation. The report also examines strategies whereby specialised equality bodies and others can enable lesbian, gay and bisexual individuals to secure their rights under equality law. The report makes recommendations to enhance access for lesbian, gay and bisexual people to their rights under equality legislation. The Equality Authority is developing a response to these recommendations as part of a broader 'Access to Rights' initiative being developed for implementation in 2008.

Decentralisation

An advance office of the Equality Authority was established at Birchgrove House, Roscrea. Staff from the Equality Authority began occupying the premises for office use in late March 2007. By year end, ten staff were operating elements of the Administration, Communications and Development functions of the Equality Authority from the Advance Office. The establishment of the advance office was formally announced by the then Tánaiste and Minister for Justice, Equality & Law Reform, Michael McDowell TD, at a ceremony in the Blackmill Centre, Roscrea, on 12th May 2007. Alongside the establishment of an advance office, the OPW has continued to seek progress on a permanent office solution for the Equality Authority in Roscrea.

Staffing

The roll-out of the Government's decentralisation programme during 2007 included the opening and staffing of the advance office of the Equality Authority in Roscrea alongside the existing Dublin office. From the end of March 2007, therefore, the Equality Authority has been operating across two office locations.

Against this background there was an unprecedented level of personnel change at the Equality Authority during 2007. In all 11 people left on outward assignment while 18 new staff joined the organisation. The vast majority of these 29 staff moves, both inward and outward, were facilitated by the *Central Applications Facility* which allocates personnel in support of the Government's decentralisation programme. Two appointments were made in support of the establishment of a new *Equality Mainstreaming Unit* under the EU-supported Human Capital Investment Operational Programme 2007-2013. The close cooperation received from the Department of Justice, Equality & Law Reform, in supporting these ongoing changes is greatly appreciated.

The substantial changeover of personnel during 2007 took place in the context of an approved staffing level for the Equality Authority of 53 posts. At the beginning of 2007 there were 51 staff (including 12 worksharers) with the organisation. At year end there were 58 staff of whom 10 were working at the new office in Roscrea. The total of 58 staff includes 12 worksharers, 1 new Service Officer post for Roscrea

and 2 additional posts for the *Equality Mainstreaming Unit*.

We would like to thank our eleven colleagues who left the Equality Authority during 2007 for the important contribution they have made to our work. We wish them well in their new assignments. They are Ann Butler; Tara Coogan; James Jack; Aoife Joyce; Jason McCabe; Eileen McGuone; Bridget McNulty; Caroline McSweeney; Gavin O' Brien; Anne Timoney and Clara Toner.

It is a tribute to all of the staff concerned that substantial change has been initiated during 2007 without the disruption of core services and while performing the additional duties of designated National Implementation Body for *European Year of Equal Opportunities for All*.

Information Technology & Communications

Priority was given to the enhancement of the information technology and telephone links between the Dublin and Roscrea offices of the Equality Authority during 2007. Data and voice links between both offices were identified as essential operational supports for the effective allocation and conduct of work across the organisation. Significant difficulties were encountered in completing the required infrastructure for these links.

An initial data link was established with the Dublin office through a temporary and secure web-based solution. However, this approach has technical limitations and could only be of initial benefit. A new 10mb ethernet data link between the Dublin and Roscrea offices was put on order for delivery early in 2008.

In parallel, quotations were obtained by the Equality Authority from qualified providers for the linking and upgrading of the respective internal telephone systems of the Dublin and Roscrea offices. This would enable both offices to operate on a shared platform creating operational and cost efficiencies. An order was made for delivery of the requisite equipment by year end 2007 to be put into service early in 2008.

The costs of upgrading the data and voice links between the Dublin and Roscrea offices during 2007 is being met by the Equality Authority. They represent an important investment by the Equality Authority in its continued provision of services to clients and stakeholders as part of the Government's decentralisation programme.

Health & Safety

Work continued on the implementation of the 2006 Safety Statement and Action Plan of the Equality Authority. The scope of the Statement and Action Plan was extended to include the new advance office premises in Roscrea. A Risk Assessment of the new premises was commissioned and was conducted in December 2007. This identified a number of priority actions to be taken, including a number in conjunction with the OPW.

The Safety Committee, which has members from all sections in the Authority and meets quarterly, is taking an active role in respect of the revised Safety Statement and the implementation of the priority actions. In response to staff changes during 2007, three new safety officers were appointed and a number of staff members received

first-aid training.

A workstation analysis exercise was conducted for staff of both the Dublin and Roscrea offices under the Health & Safety Action Plan. This was done in the latter part of the year to include as many of the new staff intake as possible.

During the year, three alarm evacuations were conducted during office hours at the Dublin office and safety equipment at both office locations was serviced under contract.

Annual Staff Meeting

The annual staff meeting of the Equality Authority was held at the new advance office in Birchgrove House, Roscrea, on Tuesday 17th July 2007. This was the first such meeting held at the new office venue. The meeting was an important opportunity for new and existing staff to develop shared and forward-looking perspectives on the Equality Authority, its mandate, role and objectives.

The meeting took stock of the content and focus of the Equality Authority's ongoing work. Looking ahead, staff explored how the Equality Authority might best function and develop across the two offices. Staff discussed the work of the Equality Authority in preparing a new Strategic Plan for 2009-2011. Consideration was given by staff to the kind of changes we might need to develop in response to these and other ongoing challenges.

Training and PMDS

Early in 2007 a new staff training document was prepared entitled '*Staff Capacity & Development Training 2007-2008*'. This

document aims to put the provision of training across the organisation on a more programmatic footing. The new document was circulated to all staff and included as part of the induction pack provided for the new staff arrivals. The document includes a '*Training Needs Survey*' form which staff have been using to help identify training priorities. In response to the completed survey and to those individual training needs identified for staff under the *Performance Management and Development System (PMDS)*, a programme of training was initiated and continues during 2008.

A total of 56 training days were provided for staff in 2007. The highest take up of training was in courses supporting the roll-out of the integrated model of PMDS which became operational during 2007. The operational scope of PMDS was extended from its initial developmental focus to include formal, individual performance evaluation. All staff participated in the implementation of the integrated PMDS model during the year. The support received from the Department of Justice, Equality & Law Reform in providing training is appreciated.

The second most active area of training during 2007 was that relating to information technology. This reflects the high intake of new staff during the year and the continuing need to link the technology of the two office operations. Other areas in which training was provided include, first aid, HR management, public relations, policy analysis, law, HR management and finance.

Training continued to be given to staff in supporting and stimulating an organisational culture rooted in the equality dimension that encompasses the nine grounds of

discrimination identified in the equality legislation. Training was provided for staff on the grounds of disability, race, sexual orientation and membership of the Traveller community as part of a continuous training programme.

Customer Service

The Equality Authority continued to implement its Customer Service Charter and the Customer Service Action Plan. Customers continued to be encouraged to provide feedback on the services provided by the Equality Authority. Comments may also be made through the dedicated customer feedback page on the website. A Comment Card is made available in the reception area and through the Public Information Centre. In the course of 2007, three customer complaints were received. Of these, two related to delays in responding to correspondence and one related to difficulties in getting through by telephone to the Public Information Centre.

The Equality Authority continued its cycle of meetings with the community and voluntary sector. These meetings provide an established and active forum in which national representative organisations of groups experiencing inequality from across the nine grounds discuss the service provision, work and effectiveness of the Equality Authority, share information and explore issues of common concern. The Equality Authority's engagement as National implementation Body for *European Year of Equal Opportunities for All* in 2007 with a broad range of partner organisations provided a further valuable opportunity for active engagement with key stakeholders.

Conference and Meeting Facilitation

Meeting facilities at the Equality Authority were in constant use throughout the year. These facilities were used to support many of the partner organisations implementing initiatives under the *European Year of Equal Opportunities for All*. Over 200 meetings, including the launches and events covered elsewhere in this report, took place. Nearly 80 of these meetings were held by stakeholder organisations with logistical support from staff of the Equality Authority.

Under the *Advocacy Training Programme* which is run in conjunction with Comhairle and Sligo Institute of Technology, the Equality Authority hosted a total of seventeen weekend seminars during the year.

Towards 2016

The Equality Authority continued to implement its Action Plan for the modernisation process under the National Partnership Agreement, Towards 2016. The current Action Plan covers the period up to September 2008. Under the continuing verification process of the partnership agreement the Equality Authority submitted a Second Progress Report in March 2007 followed by a Third Progress Report in December 2007. These reports reflected a year of exceptional change and work flexibility at the Equality Authority.

Freedom of Information

The Freedom of Information Acts 1997 to 2003 apply to the Equality Authority. The Act asserts the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to

privacy of individuals. Two Freedom of Information requests were received during 2007. One was granted in full, the other was part granted.

Procurement

During 2007, ten Requests for Tender were issued and eight contracts were signed.

Prompt Payment of Accounts Act, 1997

The Equality Authority complies with the requirements of the Prompt Payment of Accounts Act, 1997. All invoices presented for payment are examined to ensure they are in compliance. The Equality Authority's procedures provide reasonable but not absolute assurance against material non-compliance with the Act. During the year ended 31st December 2007, the total amount of interest paid in respect of late payments was €1,569.62. The overall proportion in monetary terms of late payments to total invoiced payments was 0.042 %.

Staffing Chart

Chief Executive Officer Niall Crowley PA to CEO Orla Fogarty				
Administration Section	Communications Section	Development Section	Legal Section	Research Section
Head of Administration	Head of Communications	Head of Development	Legal Advisor to the Equality Authority & Head of Legal	Head of Research
Richard Fallon	Brian Merriman	Carol Baxter	Eilis Barry	Laurence Bond
Éamon Mulligan	Patrick O'Leary	Vincent Edwards	Carol Ann Woulfe	Torben Krings
Bríd McGovern	Sandra Kavanagh	Brian D'Arcy	Geraldine Hynes	Ciarán O hUltacháin
Ruth Dillon	Brien Henderson	Carole Sullivan	Garret O'Neill	Elaine O'Neill
Ursula O'Meara	Rena Sparling	Cathal Kelly	Ann Lawler	
Seán McNamara	Robert O'Connor	Rachel Mullen	Martina Kelly	
Tony Delaney	Catherine McGrath	Deirdre Toomey	Denise O'Mahony	
Caroline Campion	Nigel Hickey	Caroline Fitzpatrick	Deirdre Blake	
Ann Duignan	Ciara England	Caroline Jones	Martin Hunt	
Julie Carey	Nicola Twamley	Amanda McCrudden	Kenneth Loughman	
Frank Martin	June Gibney		Mary Maher	
Mary Kenny	Susan Shields		Robert Scott	
Dermot Ryan	Seán Delaney		Rowena Tighe	
			Mary Ryan	
			Susanne Cleary	
			Mairéad Gaffney	

A photograph of a man holding a baby and a sign. The man is in the center, smiling, wearing a dark t-shirt and jeans. He is holding a baby in a blue and white striped onesie. The baby is looking to the right. In the background, two young girls are standing on a wooden play structure. One girl is wearing glasses and a striped shirt, the other is wearing a light green shirt. A sign is held in front of the man, with the text "Equality means Sharing Caring + Household Work." written on it. The sign has a blue border and white background with black text. The background is an outdoor setting with greenery and a wooden play structure.

Equality means

Sharing Caring
+ Household Work.

Appendix 1

Publications and Public Awareness Campaigns 2007

Publications 2007

Play Your Part - 2007 European Year of Equal Opportunities for All - A National Strategy for Ireland.
Implementing An Action Plan on Age-Friendly Service Provision in the HSE
Implementing An Action Plan to Promote more Age-Friendly Transport Services
Equality Authority Annual Report 2006
Equality Authority Annual Report 2006 (Irish)
The Business Impact of Equality and Diversity
The International Evidence (Joint EA/NCPP)
Guidelines for conducting equality impact assessments on IVEA and VEC plans, policies and programmes
An Introduction to Gender Equality Issues in the Marketing and Design of Goods for Children
Mainstreaming Equality 2006 Conference Proceedings
Europe's Social Reality
Dara has the Craic

Public Awareness Campaigns 2007

European Year of Equal Opportunites for All - posters, badges, postcards, advertising campaign
Work Life Balance - posters, leaflets, advertising campaign
Say No to Ageism - posters, advertising campaign
Anti-Racist Workplace Week - posters, leaflets, post-its, advertising campaign
Reasonable Accommodation of People with Disabilities - cinema advertising campaign

Equality means

Strong and effective
equality laws.

Appendix 2

Equality Authority Publications List 2007

A. Information Publications on the Equality Legislation	About the Maternity Protection Acts 1994 and 2004: Information on Entitlements under Maternity Legislation
B. Statutory Code of Practice	60pp
C. Equality Authority Policy Positions and Submissions	About the Parental Leave Act 1998 28pp
D. Good Practice Development Initiatives	About the Adoptive Leave Act 1995 8pp
E. Conference Reports and Proceedings	
F. Legal Studies	Equal Status Acts 2000 to 2004 and Provision of Health Services
G. Research Reports	(published with the Department of Health and Children and the Health Service Executive)
H. Corporate Publications	18pp
I. Equality News	Schools and the Equal Status Act – Na Scoileanna agus na hAchtanna un Stádas Comhionann (2nd Edition)
A. Information Publications on the Equality Legislation	(published with the Department of Education and Science)
The Employment Equality Acts 1998 to 2007 - Na hAchtanna um Chomhionannas Fostaíochata 1998 go 2007	48pp
Also available in English, Irish, Arabic, Chinese, Croatian, Czech, French, Lithuanian, Polish, Portuguese, Romanian, Russian, Serbian and Spanish	Videos / DVDS
28pp	Quality through Equality - how to build an equality infrastructure in the workplace
The Equal Status Acts 2000 to 2004 – Na hAchtanna um Stádas Comhionann 2000 go 2004	The Employment Equality Acts 1998 and 2004 (The dvd version incorporates Irish Sign Language.)
Also available in English, Irish, Arabic, Chinese, Croatian, Czech, French, Lithuanian, Polish, Portuguese, Romanian, Russian, Serbian and Spanish	The Equal Status Acts 2000 to 2004
36pp	Since the introduction of the Equality Act 2004, the information DVD about the Equal Status Acts 2000-2004 is currently being updated.

B. Statutory Code of Practice

Code of Practice on Sexual Harassment and Harassment at Work
2002 28pp

C. Equality Authority Policy Positions and Submissions

Embedding Equality in Immigration Policy
2006 52pp

Traveller Ethnicity: an Equality Authority Report
2006 72pp

Implementing Equality for Carers
2005 160pp

Building a Strategic Framework for Equality at European Union level: A submission by the Equality Authority to the European Commission on the Green Paper "Equality and Non Discrimination in an Enlarged Europe"
2004 40pp

Building an Inclusive Workplace: Equality Authority Submission to the Forum on the Workplace of the Future
2004 50pp

Overview of the Employment Equality Act 1998 and the Equal Status Act 2000 in light of the transposition of the EU 'Race' Directive, Framework Employment Directive (FED) and the Gender Equal Treatment Directive (GETD)
Available only at our library for reference
2003 82pp

Building an Intercultural Society
2003 36pp

Implementing Equality for Older People
2003 108pp

Implementing Equality for Lesbians, Gays and Bisexuals
2002 88pp

Review of Discriminatory Grounds covered by the Employment Equality Act 1998: an Equality Authority Position
Available only at our library for reference.
2002 18pp

Equality Authority Position on the National Action Plan for Social Inclusion
2001 76pp

Towards a Vision for a Gender Equal Society
2001 20pp

D. Good Practice Development Initiatives

1. National Framework Committee for the Development of Equal Opportunities at the Level of the Enterprise (all published with IBEC and CONGRESS)

Guidelines for Equal Status Policies in Enterprises
2005 40pp

Delivering Equal Opportunities at the Level of the Enterprise - Experience and Challenge by Maria Hegarty and Breda McNally
2004 34pp

Promoting Equality of Opportunity in Small and Medium Sized Enterprises
by Breda McNally and Maria Hegarty
2002 26pp

Guidelines on Equality and Diversity Training in Enterprises
2002 48pp

Guidelines for Employment Equality Policies in Enterprises
2001 54pp

Framework for the Development of Equal Opportunities at the Level of the Enterprise
2000 6pp

2. National Framework Committee for Work-Life Balance Policies (all published with IBEC and CONGRESS)

Work Life Balance: a planned and systematic approach at enterprise level
2007 34pp

An Introduction to Family Friendly Working Arrangements
2001 12pp

3. Anti Racist Workplace Week

An Introduction to the Situation and Experience of Migrant Women Workers in Ireland
by Jane Pillinger
2006 28pp

Equality and Migrant Workers on the Farm
(published with the Irish Farmers Association)
2005 6pp

Promoting Equality in Intercultural Workplaces
(published with IBEC, CONGRESS, CIF, IFA, CCI, National Anti-Racism Awareness Programme)
2004 32pp

Achieving Equality in Intercultural Workplaces: an Agenda for Action
by Patrick Taran and August Gachter
(published with IBEC, CONGRESS, CIF, SFA, National Anti-Racism Awareness Programme)
2003 34pp

Migrant Workers and their Experiences
by Pauline Conroy and Aoife Brennan
(published with IBEC, CONGRESS, CIF, National Anti-Racism Awareness Programme)
2003 52pp

Towards a Workplace Equality Infrastructure: an overview of the equality infrastructure in organisations with special reference to minority ethnic workers including members of the Traveller community
by Millward Brown IMS (published with IBEC, CONGRESS, CIF, National Anti-Racism Awareness Programme)
2002 28pp

Promoting an Intercultural Workplace: Examples of Good Practice
Nexus Research (published with IBEC, CONGRESS, CIF, National Anti-Racism Awareness Programme)
2001 32pp

Supporting an Anti-Racist Workplace: Resource Pack
(published with IBEC, CONGRESS, CIF)
Available only at our library for reference.
2000 18pp

4. Say No to Ageism week

An Action Programme in the Transport Sector: For Say No to Ageism Week 2006

(published with the National Council on Ageing and Older People, the Health Service Executive, Dublin Bus, Iarnrod Eireann, Bus Eireann, Veolia Transport and the Rural Transport Initiative)
2006 6pp

An Action Programme in the Health Service Executive: For Say No to Ageism Week 2006

(published with the National Council on Ageing and Older People and the Health Service Executive)
2006 12pp

Towards Age Friendly Provision of Goods and Services

(published with the National Council on Ageing and Older People)
2005 40pp

I dTreo an tSolathair Earraí agus Seirbhísi Ata Aisúil don Aois

2005 52pp

5. Campaign Against Homophobic Bullying in Schools

Making Your School Safe – for Lesbian, Gay, Bisexual and Transgender Students

(published with Belong To Youth Project)
October 2006 12pp

6. Reasonable Accommodation for People with Disabilities

Community Pharmacies Serving People with Disabilities

(published with the Irish
Pharmaceutical Union)
2004 28pp

Serving the Community: It doesn't take much to accommodate the needs of customers with disabilities – here's how to do it!

(published with the Retail, Grocery,
Dairy and Allied Trades' Association)
2004 24pp

Making Access Happen

(published with An Chomhairle Leabharlanna)
2004 24pp

Library Access

(published with An Chomhairle Leabharlanna)
2003 32pp

Reasonable Accommodation of People with Disabilities in the Provision of Goods and Services

2002 10pp

Disability Resource Pack: Positive Action for the Recruitment and Retention of People with Disabilities in the State Sector

(published with the Department of Justice,
Equality and Law Reform)
2002 28pp

Positive Action for People with Disabilities: Assisting Public Sector Bodies to achieve the 3% employment target

(published with the Department of Justice,
Equality and Law Reform)
2000 6pp

7. Equality Proofing

Equality Impact Assessment: Initial Guidelines for the City and County Development Boards
2004 28pp

Equality Commitments in City/County Development Board Strategy Plans
2004 134pp

An Equality Proofing Template for the City and County Development Boards
2004 22pp

8. Public Service Modernisation Quality Customer Service (all published with Strategic Management Initiative QCS Working Group)

Support Pack on the Equality/Diversity Aspects of Quality Customer Service for the Civil and Public Service
2001 50pp

Research Report on Equality/Diversity and Quality Customer Service – Executive Summary
2001 6pp

9. European Union

Guide to Equality and the Policies, Institutions and Programmes of the European Union
by Brian Harvey
2002 80pp

E. Conference Proceedings

Equality in VET? Promoting equality and accommodating diversity in vocational education, training and labour market programmes

Proceedings of joint conference of the Equality Authority and the Department of Enterprise, Trade and Employment, held on 8th June 2005.
2006 84pp

An Equality Driven Health Service: How to Get there?

Proceedings of the joint conference of the Equality Authority and the Irish Medical Organisation held on November 11th 2004
2006 80pp

The Inclusive School

Proceedings of joint conference of the Irish National Teachers Organisation and the Equality Authority held on 27 March 2004
2006 76pp

Mainstreaming Equality: Models for a Statutory Duty

Proceedings of the Conference held on 27th February 2003 organised by the Equality Authority in association with the Disability Rights Commission UK, Equal Opportunities Commission UK, Commission for Racial Equality UK, Northern Ireland Human Rights Commission, Equality Commission for Northern Ireland and Irish Human Rights Commission.
2004 48pp

Towards a Strategy for Equality Data: Conference Report

Report of the joint Equality Authority; National Economic and Social Council (NESCC) and

Department of the Taoiseach Conference held on 7th March 2002.
2002 12pp

Equality and Education

Proceedings of the joint Equality Authority and ASTI Conference held on 29th September 2001.
2002 56pp

F. Legal Studies

Equivalence in Promoting Equality: The implications of the multi-party agreement for the further development of equality measures for Northern Ireland and Ireland
by Colm O'Coinneide (published with the Equality Commission for Northern Ireland)
2005 76pp

Equality in Diversity: the New Equality Directives
edited by Cathryn Costello and Eilís Barry (published with the Irish Centre for European Law)
2003 536pp

Partnership Rights for Same-Sex Couples
by John Mee & Kaye Ronayne
2000 56pp

G. Research Reports

The Dynamics of Disability and Social Inclusion
by Brenda Gannon and Brian Nolan (published with the National Disability Authority)
2006 60pp

Inequality and the Stereotyping of Young People

by Maurice Devlin
(published with the National Youth Council of Ireland)
2006 72pp

Equality at Work? Workplace Equality Policies, Flexible Working Arrangements and the Quality of Work

by Philip J.O'Connell and Helen Russell.
2005 80pp

Disability and Social Inclusion in Ireland

by Brenda Gannon and Brian Nolan (published with the National Disability Authority)
2005 78pp

Access to Health Services for Transsexual People

by Eoin Collins and Brian Sheehan
2004 56pp

Diversity at School

edited by Anne Lodge and Kathleen Lynch
2004 132pp

Caring, Working and Public Policy

by Kevin Cullen, Sarah Delaney and Petrina Duff
2004 84pp

Ageing and Labour Market Participation

by Helen Russell and Tony Fahey
2004 64pp

Disability and Labour Market Participation

by Brenda Gannon and Brian Nolan
2004 64pp

**Accommodating Diversity in
Labour Market Programmes**

by WRC Social and Economic Consultants
2003 52pp

**Travellers' Experiences of Labour
Market Programmes: Barriers to
Access and Participation**

by Pearn Kandola Occupational
Psychologists
2003 36pp

**Minority Ethnic People with
Disabilities in Ireland**

by Maria Pierce
2003 48pp

Re-thinking Identity:

The Challenge of Diversity

edited by Katherine E. Zappone
(published with the Disability Rights
Commission UK, Equal Opportunities
Commission UK, Commission for Racial
Equality UK, Northern Ireland Human
Rights Commission, Equality Commission
for Northern Ireland and Irish Human
Rights Commission)
2003 164pp

**Poverty and Inequality: applying an
equality dimension to poverty proofing**

by Nexus Research Co-operative
and John Baker
(published with the Combat Poverty Agency)
2003 76pp

**Effective Recruitment of People with
Disabilities into the Public Service**

by Pauline Conroy and Sarah Fanagan
(published with the Department of Justice,
Equality and Law Reform)
2001 108pp

Equality Research Database

by Ursula Barry & Áine McCarthy
2001 100pp

Charting the Equality Agenda

by Katherine Zappone
(published with the Equality
Commission for Northern Ireland)
2001 12pp

**Investing in People: Family-friendly
work arrangements in small and
medium sized enterprises**

by Hugh Fisher
(available only through our website
or at our library for reference)
2000 100pp

**Building the Picture: The Role of
Data in Achieving Equality**

by Ursula Barry
2000 48pp

H. Corporate Publications

Embedding Equality: Strategic Plan

2006 to 2008
36pp

Strategic Plan for the Equality Authority

2003 to 2005
34pp

Equality in a Diverse Ireland:

Strategic Plan 2000 to 2002
28pp

Annual Report 2006

116pp

Tuarascáil Bhliantúil 2006
130pp

Annual Report 2005
136pp

Tuarascáil Bhliantúil 2005
148pp

Annual Report 2004
142pp

Tuarascáil Bhliantúil 2004
142pp

Annual Report 2003
110pp

Annual Report 2003 - Summary
28pp

Tuarascáil Bhliantúil 2003
108pp

Achoimre ar an Tuarascáil Bhliantúil 2003

Annual Report 2002
80pp

Annual Report 2001
Available only through our website
or at our library for reference.
84pp

Annual Report 2000
Available only through our website
or at our library for reference.
82pp

Customer Charter
8pp

Customer Service Action Plan 2003-2005
28pp

Freedom of Information Act, 1997, Section 15
Reference Booklet : Functions and Records of
the Equality Authority
16pp

Equal Status Policy for the Equality Authority
6pp

An Employment Equality Policy for the
Equality Authority
6pp

I. Equality News

'Equality News', the magazine of the Equality
Authority, is published three times per annum.



Equality means

*Accommodating
Differences*



Appendix 3

Current Representation on Policy Committees

National Steering Committee for the
Development of a Men's Health Policy
Tara Coogan

Economic and Social Infrastructure
Operational Programme Monitoring
Committee
Carol Baxter

PEACE III Consultative Partnership Group
Tara Coogan

INTERREG IIIA Monitoring Committee
Tara Coogan

INTERREG IV Consultation Meeting
Tara Coogan

Employment and Human Resource
Development Operational Programme
Monitoring Committee
Carole Sullivan

Border, Midland and Western Region
Operational Programme Monitoring
Committee
Brian D'Arcy

Southern and Eastern Region Operational
Programme Monitoring Committee
Cathal Kelly

Productive Sector Operational Programme
Monitoring Committee
Vincent Edwards

Garda Siochána Strategic Human Rights
Advisory Committee
Carol Baxter

Law Society - Sub Committee
on Employment Law
Geraldine Hynes

Equality Proofing Working Group
Niall Crowley, Carole Sullivan, Rachel Mullen

CSF/NDP Monitoring Committee
Niall Crowley, Carol Baxter

Health Service Executive, National Equality
Programme Steering Committee
Niall Crowley, Rachel Mullen

NAPS Social Inclusion Consultative Group
Department of Social & Family Affairs
Laurence Bond, Niall Crowley

Office of Social Inclusion
Technical Advisory Group
Laurence Bond

FETAC Standards Advisory Group on Awards
Laurence Bond

National Longitudinal Study of Children in
Ireland - Research Ethics Committee
Laurence Bond



Appendix 4

Equality Authority Joint Initiatives in 2007

Age Action Ireland	Citizens Information Board
Age and Opportunity	Clare Immigrant Support Centre
Alzheimer Society of Ireland	Clondalkin Partnership
An Foras Patrúnacha	Combat Poverty Agency
An Garda Síochána	Community Workers' Cooperative
Association of Community and Comprehensive Schools	Construction Industry Federation
Association of Secondary Teachers of Ireland	Cork City Partnership
Athlone Chamber	County Dublin Vocational Education Committee
Ballymun Intercultural Group	County Kilkenny Vocational Education Committee
BeLonG To	County Roscommon Vocational Education Committee
Border Midland Western Regional Assembly	County Wexford Vocational Education Committee
Bus Eireann	County Wicklow Vocational Education Committee
Business in the Community	Court Service
Carers Association	Department of Education and Science
Catholic Primary School Management Association	Department of Enterprise, Trade and Employment
Cavan County Council	Department of Finance
Central Statistics Office	Department of Social and Family Affairs
Chambers Ireland	Department of the Taoiseach
Church of Ireland Board of Education	

Dept of Arts, Sports and Tourism	IBEC
Dept of Enterprise, Trade and Employment	Immigrant Council of Ireland
Dept of Environment and Local Government	Inclusion Ireland
Dept of Foreign Affairs	Ireland Wales Territorial Cooperation Programme
Dept of Health and Children	Irish Aviation Authority
Dept of Justice Equality and Law Reform	Irish Congress of Trade Unions
Dept of Social and Family Affairs	Irish Family Planning Association
Doras Luimni	Irish Human Rights Commission
Dublin Bus	Irish Hospitality Institute
Dublin City Council	Irish League of Credit Unions
Dublin City University	Irish National Teachers Organisation
Dublin Port Authority	Irish Pharmacy Union
Educate Together	Irish Primary Principals' Network
EQUAL Initiative	Irish Senior Citizens Parliament
Equality Commission for Northern Ireland	Irish Senior Citizens Parliament
European Network Against Racism	Irish Traveller Movement
FÁS	Irish Vocational Education Association
Forum of People with Disabilities	Joint Managerial Body
Galway City Development Board	Kerry Education Service
Galway City Partnership	Kildare County Council
Gay and Lesbian Equality Network	Laois County Council
Health Service Executive	Leitrim County Council
Higher Education Authority	Letterkenny Community Development Project
Iarnród Éireann	Local Government Management

Services Board	Pavee Point
Men's Development Network	People with Disabilities Ireland
Met Éireann	Pobal
Meteor	Reception and Integration Agency School Development Planning Initiative
National Centre for Partnership and Performance	School Development Planning Support (Primary)
National Consultative Committee on Racism and Interculturalism	Services Industrial Professional and Technical Union
National Council on Ageing and Older People	Siemens Business Services Ltd.
National Disability Authority	Small Firms Association
National Economic & Social Forum	Southern and Eastern Regional Assembly
National Educational Welfare Board	Special EU Programmes Body
National Employment Rights Authority	Stewart's Hospital
National Framework Committee for Work-Life Balance Policies	Tallaght Partnership
National Lesbian and Gay Federation	Teachers Union of Ireland
National Qualifications Authority of Ireland	Teaching Council
National University of Ireland Galway	Irish Aviation Authority
National Women's Council of Ireland	Tipperary Institute
National Youth Council of Ireland	Transgender Network of Ireland
NUI Maynooth	Trinity College Dublin
Office of Social Inclusion, Ombudsman's Office	University College Cork
One Parent Exchange Network	University College Dublin
Organon Pharmaceutical	Wexford Area Partnership
Patron of Muslim Schools	Working Group of Domestic Partnerships



Equality means

Quality
of Life

Appendix 5

Criteria that are applied in decisions governing the granting of assistance and referring claims of discrimination

The Equality Authority is not in a position to provide assistance to everyone who contacts it. Everyone who contacts the Equality Authority for assistance is told at the outset about the criteria that have been set down by the Board of the Equality Authority which govern the selection of casefiles for the provision of legal assistance. They are also informed that an application for assistance will take some time, that it may involve correspondence with the respondent/potential respondent, and that it may delay the progress of their claim. They are also told at the outset if it appears that the claim falls outside the criteria. The following criteria govern the selection of casefiles for the provision of legal advice and assistance. They are current from the 18th November 2003.

Applications for Assistance

Applicants may apply to the Equality Authority for assistance in taking proceedings under the Employment Equality Acts 1998 and 2007,

the Equal Status Acts 2000 to 2004, or Section 19 of the Intoxicating Liquor Act 2003, (pursuant to section 67 of the Employment Equality Act 1998 as amended by paragraph 1 of the schedule to the Equal Status Act 2000 and Section 19(7) of the Intoxicating Liquor Act 2003).

Decision

The Chief Executive Officer makes a preliminary decision to enable a casefile to be opened and worked on. The Chief Executive Officer (or other person delegated by the Board) considers the request and may, at his/her discretion, provide assistance to the claimant. Assistance shall be in such form and in such amount and duration and he/she in his/her discretion thinks fit. In coming to his/her decision as to whether to grant or withdraw any assistance to a claimant, the CEO (or other person delegated by the Board) shall consider the matter under the then current criteria. The decision may be based on one or more of the criteria and the criteria are not mutually exclusive. The decision as to the level and type of assistance, if any, granted to the claimant will be communicated to the claimant in writing. A claimant dissatisfied with the decision may have that decision reviewed by the Board.

Review

After each major step in the matter has been reached, the CEO (or other person delegated by the Board) will review the matter and will decide whether to continue the assistance in whole or in part in light of the then current criteria. His/her decision will be communicated to the claimant who may apply to have that decision reviewed by the Board.

The CEO (or other person delegated by the Board) will fully review annually each case in which assistance has been granted and will decide whether to continue or withdraw the assistance in whole or in part in light of the then current criteria. His/her decision will be communicated to the claimant who may apply to have that decision reviewed by the Board.

The CEO (or other person delegated by the Board) may at any time at his/her discretion review a case in which assistance has been granted and decide whether to continue its assistance in whole or in part in light of the then current criteria. His/her decision will be communicated to the claimant who may apply to have that decision reviewed by the Board.

A. Principle/Precedent/ Strategic Priorities

- That the matter raises an important matter of principle;
- That the matter raises issues that refer to grounds where any or significant case law has not been developed;
- The extent to which precedent has already been established in relation to the matter.
- That the proceedings will or are likely to have a beneficial impact for the development of equality policies or practices;
- That the proceedings will or are likely to have a beneficial impact on the standing or perception of the Authority in the pursuance of its functions;
- The geographic spread of the claims.
- That the matter falls within the themes of the then current strategic plan; and

- The extent to which the matter raises an issue which is appropriate to be decided by the Circuit Court.

B. Ability

- The capacity of the claimant to represent themselves;
- The capacity of the claimant to obtain representation through lawyers, Trade Unions or advocacy;
- The previous use of such resources.
- Alternative remedies;
- The complexity of the issues;
- The availability of material which will assist the claimant to represent themselves; and
- The investigative nature of the hearing in the Equality Tribunal.

C. Nature of Claim

- The severity of the matters alleged;
- The past, present and future likely effect on the claimant of the matters alleged;
- The respondent's response to the claim;
- The number of grounds of discrimination; and
- The subject of the matter of the claim.

D. Resources

- The workload of the Authority;
- The backlog of cases;
- The resources then available to the Authority;
- The likely cost of the proceedings;
- The likely duration of the proceedings; and
- The likely award or order.

E. Claimant

- The cooperation of the claimant with the Authority;
- The willingness of the claimant to follow advice or a reasonable request of the Authority; and
- The behaviour and/or honesty of the claimant.

F. General

- Where new information comes to light;
- Any other matters that appear to the Authority to have a bearing on the issues;
- The priorities as may be determined by the Board from time to time; and
- Staff recommendations and/or legal opinion.

Application of Criteria in other cases

The above criteria are also to be applied by the CEO in exercising the delegated functions of the Equality Authority pursuant to Section 49(2) of the Employment Equality Act 1998 as amended in relation to:

- Section 8(3) of the Equal Status Act 2000 (discriminating clubs);
- Section 10 of the Employment Equality Act 1998 and Section 10 of the Equal Status Act 2000 (discriminating advertising);
- Section 85 of the Employment Equality Act 1998 and section 23 of the Equal Status Act 2000 (general practice claims etc.); and
- Section 19(6) of the Intoxicating Liquor Act 2003 (licensed premises).





THE EQUALITY AUTHORITY
AN tÚDARÁS COMHIONANNAIS

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



9 781905 628780