

Equality Coalition Seminar Report

Equality Bill 2004

*16 February 2004
Chief O'Neill's Hotel
Smithfield, Dublin 7*

*Seminar organised by
Amnesty International (Irish Section) and the
Irish Council for Civil Liberties (ICCL)
for the Equality Coalition*

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Equality Coalition

The Equality Coalition is an alliance of groups and organisations concerned with equality issues. Convened by the ICCL, the Coalition evolved out of a recognised need to monitor Irish anti-discrimination law, to safeguard the legislation against efforts to row back or undermine its provisions, and to campaign for the improvement of existing measures. The Equality Coalition comprises non-governmental organisations spanning the various constituencies whose rights are protected by the Employment Equality Act 1998 and the Equal Status Act 2000. The organisations share the common goal of creating a more equal society and see legislation as a key means of achieving this vision. In that regard we mirror and complement the work of the Equality Coalition in Northern Ireland, which comments in particular on the enforcement of the statutory duty to promote equality under Section 75 of the Northern Ireland Act, 1998. The Equality Coalition recalls that Chapter Six of the Good Friday Agreement requires the Irish Government to “ensure at least equivalent protection of human rights as will prevail in Northern Ireland” and that this obligation extends to all equal protection against discrimination.

Biography of Seminar Chair and Speakers

Seminar Chair:

Marie Mulholland, Gay Community News¹

Marie was the co-founder and Director of the Women's Support Network in Belfast for most of the nineties and a founder member of the PAFT (later Equality) Coalition in Northern Ireland. From 2000 to 2002 she worked with the Equality Authority in Dublin and more recently as Manager of Gay Community News. She has an MA in Women's Studies, a passion for women's history and is author of, *The Politics and Relationships of Kathleen Lynn* (Woodfield Press).

Speakers:

Niall Crowley, Equality Authority²

Niall became heavily involved in the Dublin Traveller Education and Development Group, whilst working as Director of Pavee Point, developing his personal skills as a mediator and a committed teamworker. As a member of the National Economic and Social Forum and as a representative of the community and voluntary sector during the negotiations on *Partnership 2000*, he has a heightened appreciation of the issues of concern to many forgotten sections within the community who have suffered varying degrees of social exclusion - like travellers, refugees, gays, lesbians, women and the elderly. He has been Chief Executive of the Equality Authority since its inception in 1999.

¹ www.gcn.ie

² www.equality.ie

*Tim Cunningham, Committee for the Administration of Justice (CAJ)*³

Tim is currently employed as an Equality Project Worker with CAJ and is involved in the Equality Coalition in Northern Ireland. CAJ, with UNISON, are co-convenors of the Equality Coalition, an alliance of non-governmental groups which work to ensure that the Section 75 Statutory Duty is put into practice, and to increase the public profile of the equality agenda in Northern Ireland. Co-convened with the public sector union UNISON, Coalition members cover all the Section 75 groups, and beyond.

*Katrina Goldstone, Amnesty International (Irish Section)*⁴

Katrina is the Anti-Racism Policy Officer for Amnesty International (Irish Section). She has been involved in campaigning and lobbying for asylum seekers and refugees and in anti-racism work since 1997. She has written and broadcast on anti-Semitism, racism and attitudes to minorities. She also researched and co-scripted the documentary, *No More Blooms*, for Ireland's national television station RTE, about the refusal of the Irish Government to accept Jewish refugees during World War II.

³ www.caj.org.uk

⁴ www.amnesty.ie

*Judy Walsh, UCD*⁵

Judy holds undergraduate and postgraduate law degrees from the National University of Ireland, Cork and is a Barrister-at-Law (BL). Co-Chair of the ICCL since 2003, Judy lectures at the Equality Studies Centre (University College Dublin). Previously she has worked for the ICCL, and has lectured in the Dublin Institute of Technology in property and criminal law and in Trinity College Dublin in gender and the law. She has published a number of articles on equality and gender related matters and is co-editor of a forthcoming book entitled, *Equality: From Theory to Action* (London: Palgrave-Macmillan 2004).

*Tanya Ward, ICCL*⁶

Tanya joined the Irish Council for Civil Liberties (ICCL) in November 2003 as the organisation's Senior Research and Policy Officer. Previously she has worked with the City of Dublin Vocational Education Committee, the Curriculum Development Unit, the Irish Refugee Council and the Irish Centre for Migration Studies. Tanya has also researched and written several major reports on: asylum seekers, separated children, adult education, racism and immigration. Tanya is completing an LLM in Human Rights Law at Queens University Belfast.

⁵ www.ucd.ie/esc/

⁶ www.iccl.ie

***1. Introduction by Seminar Chair
Marie Mullholland***

- 1.1 There is a strong sense of déjà vu in this gathering. It feels like many of us have been here before, perhaps not always in this combination, nor in this venue but in different rooms on different parts of the island, but nearly always with the same focus- to define, claim and hold on to that piece of ground called equality.
- 1.2 Certainly in the last decade, rooms of people like this have made an enormous difference to the rights landscape of Ireland with significant successes: the equality clause of the Belfast Agreement; the Employment Equality Act 1998 and Equal Status Act 2000 in the Republic; and the equality legislation of the North, most notably section 75 of which you will hear more shortly.
- 1.3 But in recent years the gains won have been under siege, rights to equal treatment are a long way from ever being taken for granted as part of the fabric of Irish society. The Intoxicating Liquors Bill was a wake up call. The reality check came with the deliberate evasions and betrayals which comprised both the last and the current Disability Bill. And now we have today's subject, the Equality Bill- further evidence if it were ever needed that anti-discrimination and equality are regarded by this administration as inconveniences not as fundamental, non-negotiable rights.

- 1.4 Today's seminar, certainly wants to focus on that Bill and how best to articulate a co-ordinated response to it, but there is another strategic reason for inviting you to this event and that is to use the opportunity to think about a longer term plan. Not just a reactive, defence move to at best prevent the Bill from going forward as it is, but to take ownership of this issue again, to forge a route map to progress and cement equality in Ireland; to discuss what time/priority it would take to coalesce- a little longer, a little more regularly to greater effect.

There are essentially three dimensions to the day:

- A need to address the immediate problem posed by the Equality Bill draft
- An opportunity to hear the thoughts and ideas of the platform on possible ways forward and
- Thirdly a consideration for all of you on how we do those two things in coalition with one another.

1.5 Every one of us will know people in this room who make us politically uncomfortable because they do not share our individual or organisation's views: they may be sexist, homophobic, patronising or insensitive. Unfortunately, that is what it takes to create a coalition- people who are not like you. African-American activist and gospel singer, Bernice Johnson Reagon (BJR) says: "There's nowhere you can go and only be with people who are like you- Give it Up!".

1.6 A coalition is a bringing together of diverse individuals/ organisations that do not necessarily have the same goals or values in common, but for the purpose of achieving a common goal around a specific issue in which they agree to work together. As BJR said, "you don't go into coalition because you like it". And she is right; we do it because we need to.

1.7 A coalition can only be as strong as the sum of its parts. In light of what experience will have taught many in the room, here are some points that might be worth bearing in mind:

- We need to recognise from the outset that each organisation and its individuals come to the coalition from a place of difference. If we are to avoid a lot of pain, frustration and anger with one another then we have to avoid assumptions about areas and issues that have never been discussed or included in the original agreement to work together towards a common goal
- We also need to consider the merits of an approach to safeguarding equality. This includes not only addressing equality in an overarching way on the basis of all grounds, but in weighing in behind specific grounds whose rights are under attack or have not yet been secured to the same extent as other grounds

- There will always be familiar faces at events of this kind and thank god for them for they are the reliable bulwark against injustice. Part of coalition-building is to keep looking around the room to see who else needs to be there, for instance who is most directly affected? Who will most directly benefit from our goal's achievement? Who can serve as an ally in that work?

I think that is more than enough for everyone to chew on so early on a Monday morning so let me introduce the panel.

2. Building Equality Coalitions: The Northern Ireland Experience

Tim Cunningham

- 2.1 The Committee for the Administration of Justice (CAJ) is the secretariat for Northern Ireland's Equality Coalition and I do the co-ordination work. The Coalition is a group of organisations that have come together to work on mutual issues of equality and I work on this full-time.
- 2.2 The coalition has relied on different models in the past. Previously, it was the PAFT Alliance, named after the discretionary Policy Appraisal and Fair Treatment Guidelines which preceded Section 75 of the Northern Ireland Act 1998. The coalition came together because there was a feeling that working together, we could be greater than the sum of our individual parts.
- 2.3 One of the benefits of having a Coalition is information exchanges, so for example, if one member organisation is invited to a meeting; they can provide feedback to the rest of the Coalition subsequently.
- 2.4 We generally have points of agreement but we are not an umbrella group. I do not speak on behalf of anyone. Often the Government and people come to me seeking a perspective on a particular issue. I forward on these queries to the appropriate group to comment on. Of course the Government would prefer a "one-stop-shop".
- 2.5 On occasions, we have been able to raise the profile of the needs of our constituent groups during government consultations. The Coalition on Sexual Orientation (COSO) asked other members to support the inclusion of homophobia in the legislation covering race and sectarian hate crime. This was done, and as a result the legislation was amended to cover this issue.
- 2.6 The Coalition itself came into being after the Northern Ireland Act 1998. There was a realisation that we needed to pool our resources. On implementing the Section 75 obligation (equality proofing), the Government was already trying to get out of its obligations.
- 2.7 The Coalition is good for transferring information and meeting monthly. There are a lot of groups and they change personnel regularly so the Coalition is useful for consistency. The Coalition is also a useful initiative in building trust. At the beginning, some organisation asked, "I'm joining this coalition, what do I have to give up?". The answer is nothing; all Coalition members retain their own independence.
- 2.8 We do not bid for joint funding for joint work, although some groups do training. There is only funding for my salary. The Coalition sticks together when strategising, campaigning and talking.
- 2.9 I am not saying that our coalition model is the only model but we have found it useful for us. It is the best way of presenting a united front. There are always areas where people disagree of course.

2.10 There are a hardcore group of 15 groups and another 10-15 organisations, which are not interested in equality issues *per se*, but equality impinges on their work, so their policy officers come along. Other groups do not come but maintain a link through information networking and send out general responses.

2.11 In recent consultations around a new community relations' strategy, Coalition members emphasised the need for good relations to be build on the foundation of equality.

2.12 We also try to hold statutory bodies to account in the area of equality, in particular the Equality Commission of Northern Ireland.⁷ We have more clout together than individually. Without wanting to be critical of individuals in the Equality Commission, it is an organisation with over 100 people working on a lot of issues. Some things can fall by the wayside. Nine of us met last week with the Commission to collectively outline our concerns as coalition members. It is really important for the statutory sector to know that we are not just one organisation.

2.13 As a Coalition, on occasions we have been able to play to our political strengths. Some politicians, who are not known for their support for issues around religious/political discrimination for example, supported the Coalition's position on the Northern Ireland Act, because the disability lobby approached them, and this was a constituency that they were interested in supporting.

2.14 There are a range of politicians, who are more sympathetic to some constituencies than others – hence the value of having everyone on board. Those who may be less sympathetic to the views of ethnic minorities for example, may be very sympathetic to representations made on behalf of older people. That in essence is the reason for having a Coalition – by sticking together, we can maximise our impact.

⁷ www.equalityni.org

3. Enforcement Models and the Equality Bill 2004: Prevention or Cure?

Judy Walsh

3.1 Introduction

3.1.1 While the most immediate task at hand is responding effectively to the Equality Bill 2004, ICCL hopes that the Equality Coalition will also work together on other short and medium term projects. For example, the forthcoming Disabilities Bill has both political and practical connections to the draft legislation being considered today. These links are practical in that issues such as basic health provision and accessible transport inevitably affect one's ability to participate in the labour market. They are political in the sense that the two Bills exemplify the Government's negative attitude to equality.

3.1.2 As will be apparent from today's session at best a minimum compliance approach has been adopted with regard to the Equality Bill and it would seem that the Disabilities Bill will not be much better than its ill-fated predecessor. ICCL believes that the Equality Coalition needs to place the draft laws in the context of this administration's regressive record on a whole spectrum of equality matters from immigration to Travellers' rights.

3.1.3 Katrina and Tanya will present a critical overview of the Equality Bill later this morning so I am going to focus on what types of reform the Bill could contain, but does not. First I am going to run through some basic features of our current legislative framework and try to tie this in with Niall's paper on equality proofing. I will essentially argue that the **model of enforcement** adopted in the existing Acts and carried over in the Bill is flawed and needs to be changed. This is primarily because it involves a reactive and negative approach to discrimination rather than one which is proactive and positive. It also focuses on individual justice and pays little attention to group relations.

3.2 The Current Legislative Framework

3.2.1 Under both the Equal Status Act 2000 and the Employment Equality Act 1998 four principal categories of discrimination are prohibited:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation.

3.2.2 The Employment Equality Act 1998 covers *access to employment* (including advertising and interviews) and *conditions of employment* (such as pay, promotion, training and work experience) while the Equal Status Act 2000 is directed at the *provision of goods and services* (education and provision of accommodation being two examples).

3.2.3 **Direct discrimination** is less favourable treatment of a person on one of (or several of) the grounds stipulated in the Employment Equality Act 1998 and Equal Status Act 2000.⁸ Examples of such practices would be refusal of access to a restaurant on the basis of ethnicity or different wage rates for male and female employees engaged in like/same work.

3.2.4 Some instances of discrimination are less obvious because the rule or practice in question is based on criteria that appear to be neutral (for example, height/language/educational requirements), but they impact disproportionately upon members of particular groups. These criteria may fall foul of the prohibition on **indirect discrimination** contained in the Acts.⁹ This concept is useful because it can capture unintentional discrimination, that is, where an employer/service provider innocently applies a requirement that in fact has an adverse effect. But the claim may not be successful if the criterion in question can be justified, essentially because it pursues a legitimate aim and the means of

⁸ The Acts identify nine relevant characteristics namely: age, disability, gender, family status, membership of the Travelling community, marital status, 'race', religion and sexual orientation.

⁹ ID on the gender ground under the Employment Equality Act 1998 is prohibited by section 19(4) re pay and section 22 in relation to other work matters. Grounds other than gender are dealt with in sections 29 (pay) and 31 (other matters).

achieving that aim are proportionate and necessary.¹⁰ For example, an English language standard for a job in a call centre may indirectly discriminate against a given person on the 'race' ground but may be considered legitimate if the employer proves that it is necessary to performance of the job in question.

3.2.5 Under the Acts **harassment**¹¹ is basically any unwanted conduct that violates a person's dignity and creates a hostile, degrading, offensive, humiliating or intimidating environment.¹²

3.2.6 Finally, **victimisation** is designed to prevent people from being adversely treated for pursuing remedies under Acts/ enabling other to do so.¹³

¹⁰ This definition draws on EU law – its precise meaning and proposed changes under the Bill will be dealt with further during the course of this seminar.

¹¹ Irish law must be changed to reflect the new definitions contained in the Directives. As it stands section 32 of the Employment Equality Act 1998 prohibits harassment in relation to any of the grounds of discrimination. See also section 11 of the Equal Status Act 2000.

¹² The prohibition on sexual harassment is similar but is aimed at conduct of a sexual nature. Applicable provisions include Article 2 of the Equal Treatment Directive 2002/73/EC, Section 23 Employment Equality Act and section 11 Equal Status Act 2000.

¹³ See section 74(2) of the Employment Equality Act 2000.

3.2.7 These various provisions are activated when someone takes a case before the Equality Tribunal.¹⁴ As can be seen from this short description our anti-discrimination laws operate in a *reactive* and *negative* manner. Prohibitions on discrimination are negative in character in that they tell employers and service providers what they should *not* do.

3.2.8 They are *reactive* because an objectionable practice must occur in order to trigger the legislation. This means that even blatant discrimination goes unchallenged unless an aggrieved individual is in a position to take a case. The ICCL believes that the Acts place an unrealistic burden on people who are already vulnerable because of their minority group status, in fact many may not even be aware of their rights.

3.2.9 A related feature of the law is that it is not preventative. It does not require restructuring to prevent discriminatory patterns arising time and again. A quick glance at the website of the Equality Tribunal illustrates this point.¹⁵ There is a high degree of repetition in the types of cases being pursued under the legislation. Travellers for example are routinely denied access to the same basic services.

¹⁴ Certain cases may also be brought before the Circuit Court or Labour Court. Upon a finding of discrimination Equality Tribunal can make an order for equal treatment in whatever respect is relevant to the case. The usual remedy is compensation. However, increasingly Equality Officers have recommended that employers introduce various measures aimed at improving the conduct of their business for the benefit of *all* employees e.g. introduction of equal opportunities/sexual harassment policies.

¹⁵ <http://www.odei.ie/>

3.2.10 The Irish enforcement model is also limited because the intention is not to advance the overall position of disadvantaged social *groups* but rather to capture discrimination against particular *individuals*. By zoning in on individual agency, discriminatory practices are presented to the wider public as an aberration,¹⁶ or as isolated incidents. Sexism, racism, homophobia and so on are misrepresented as unreasonable and misguided differentiation, and so the basic message is that nothing stands in need of transformation. The minority groups represented here today know that discrimination is in fact systemic, it is built into the very culture and practices of organisations and wider society. Many instances of discrimination originate in the same social realities. The conditions under which various groups participate in the labour market and obtain services are unequal at every juncture due to factors such as prejudicial attitudes (for example, homophobia, racism) and due to socio-cultural patterns such as differential distributions of wealth, child rearing, and other home responsibilities. Accordingly the current anti-discrimination laws could be considered as a remedy to treat some of the symptoms rather than as a mechanism aimed at treating the cause of inequalities.

¹⁶ Lacey, N. (1998) *Unspeakable Subjects: Feminist Essays in Legal and Social Theory*, Oxford: Hart, p.23

3.2.11 Proactive and positive approaches to equality are needed to effect real change. In this jurisdiction weak versions of such approaches are embodied in the concepts of positive action and reasonable accommodation. Both are discussed further below but for now I would like to draw your attention to the fact that positive action¹⁷ is not mandatory but enabled. In other words, an employer or service provider who voluntarily wants to set up a positive action scheme may do so (within certain parameters) but there is no obligation contained in the legislation. Reasonable accommodation relates only to the disability ground and has been drained of real impact by the nominal cost exemption.

3.2.12 The Equality Bill 2004 presents the Government with an opportunity to enhance Ireland's equality legislation. Instead it has published a minimalist piece of legislation, which is largely unintelligible to non-lawyers. The Government has failed to take account of best practice by neglecting to oblige employers and service providers to take *proactive* steps to address inequalities.

¹⁷ Positive action is currently applicable only to certain groups but is to be extended to all grounds of discrimination under the Equality Bill 2004.

3.2.13 Before I move on to discuss the type of approach ICCL believes is necessary, I want to mention the role of the Equality Authority. One of its potentially more hard-hitting functions concerns the equality reviews and action plans provided for under Part VI of the Employment Equality Act 1998. The Authority may either invite a particular business or group of businesses to conduct an equality review of their workplace practices, or instigate one itself.¹⁸ Depending on the outcome of that review an equality action plan may issue, requiring the employer/s concerned to effect changes. Failure to comply is subject to review by the Circuit Court or High Court.

3.2.14 Deployment of these latter powers by the EA would facilitate enforcement of the Employment Equality Act 1998 at a macro level. Significantly the onus is not placed on individual employees. Entire industries may be the subject of review thereby getting around some of the confines of the usual anti-discrimination provisions. It is ICCL's understanding that to date the Equality Authority has *invited* a limited number of bodies to conduct reviews but has not exercised its power to commence such actions where co-operation is not forthcoming. Perhaps Niall can address this point later on, but at a minimum ICCL would like to see allocation of a dedicated and adequate budget for this aspect of the legislation.

¹⁸ Firms having less than 50 employees are exempt – a limitation which could be revised given the proliferation of small and medium sized enterprises in Ireland.

3.3 Suggested Amendments: A Positive Duty to Promote Equality

3.3.1 The following discussion is not meant to be comprehensive but seeks to give a flavour of some options that are open to the Irish Government in amending the Employment Equality Act 1998 and Equal Status Act 2000.

3.3.2 In some jurisdictions prohibitions on discrimination are supplemented by positive measures. The term ‘positive’ is used here in the sense that compliance on the part of employers/service providers is secured by taking active steps, nor are these policies generally reactive or contingent on a finding of liability.

3.3.3 As demonstrated by experience of the Irish legislation to date, voluntary initiatives, such as the equality reviews envisaged under the Employment Equality Act 1998 and positive action initiatives, will only be taken up by bodies that are already committed to equality objectives. In recognition of such difficulties several of our European counterparts, and mostly notably our closest neighbours in Northern Ireland and the United Kingdom (UK), have included statutory *duties* to promote equality within their legislative packets.¹⁹ These duties, which are directed at the public sector, have the merit of being designed to prevent discrimination occurring in the first place and of shifting the onus for compliance from individuals to the source of the problem, that is, the practices of employers and service providers.

¹⁹ For further details of these developments see Equality Authority (2003) *Mainstreaming Equality: Models for a Statutory Duty*, Report of Conference, 27th February 2003.

3.4 Compliance Mechanism

3.4.1 As stated above, mandatory equality audits and action plans are valuable devices in that they apply prospectively and potentially cover a wide range of employers/service providers, not just those found in default.²⁰ However, in common with other mainstreaming initiatives, most do not include in-built consultation mechanisms and simply transpose standards formulated elsewhere into workplaces. Under these ‘expert-bureaucratic’ models, the experiences and needs of affected groups are mediated by professionals located in statutory agencies.²¹ A participative-democratic model, by contrast, relies heavily on the secured involvement of relevant groups.

3.4.2 One such system, which covers all public policies and practices including those pertaining to employment, is now operational in Northern Ireland.²² Section 75 of the Northern Ireland Act 1998 imposes equality duties on designated public authorities and implementation is overseen by a statutory body, namely the Equality Commission. Compliance with these duties is secured through publication of ‘equality schemes’ which demonstrate to the Commission’s satisfaction how the public authority will promote equality of opportunity between certain different individuals and groups.²³ Schemes must state the agency’s

²⁰ See for example Chapter III of the South African Employment Equity Act 1998.

²¹ Nott, S. (2000) ‘Accentuating the Positive: Alternative Strategies for Promoting Gender Equality’, in Beveridge, F., Nott, S. and Stephen, K. (eds) *Making Women Count: Integrating Gender into Law and Policy-Making*, Aldershot: Ashgate, pp. 247-276.

²² McCrudden, C. (1999) ‘Mainstreaming Equality in the Governance of Northern Ireland’, *Fordham International Law Journal* 22, 1696-1775.

²³ Section 75 (1) of the 1998 Act provides: ‘A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity- (a) between persons of different

arrangements for consulting representatives of persons likely to be affected by its policies.²⁴ Early indications are that the inclusion of these consultation mechanisms has contributed quite significantly to the formulation of policy but is hampered by a failure to sufficiently resource the relevant groups.²⁵

3.4.3 Chapter Six of the Good Friday Agreement requires the Irish Government to “ensure at least equivalent protection of human rights as will prevail in Northern Ireland”; an obligation that extends to equality legislation. Quite simply, by leaving untouched the enforcement model set out in the Employment Equality Act 1998 and Equal Status Act 2000 the Government is not living up to its commitments. The ICCL contends that a similar duty to that applicable in Northern Ireland must be incorporated in the Equality Bill. It could be enforced by the Commission’s Southern equivalent, the Equality Authority.

religious belief, political opinion, racial group, age, marital status or sexual orientation; (b) between men and women generally; (c) between persons with a disability and persons without; and (d) between persons with dependants and persons without.’

²⁴ The duties of public authorities are specified in sections 4 (2) and 4(3) of Schedule 9. Section 5 goes on to provide: ‘Before submitting a scheme a public authority shall consult, in accordance with any directions given by the Commission- (a) representatives of persons likely to be affected by the scheme; and (b) such other persons as may be specified in the directions.’ The authority can be required to amend its scheme once it has been examined by the Commission and if ultimately found in default may be subject to directions issued by the Secretary of State.

²⁵ Donaghy, T. (2003) ‘Mainstreaming: Northern Ireland’s Participative-Democratic Approach’. *Occasional Paper No. 2*, Belfast: Centre for Advancement of Women in Politics School of Politics, Queens University Belfast.

3.5 Components of the Duty

Reasonable Accommodation

3.5.1 Laws aimed at accommodating ‘difference’ currently take a variety of forms.²⁶ Perhaps the most widely known is the duty to reasonably accommodate people with disabilities found in several jurisdictions, including the US, Canada, the UK and Australia. These provisions usually require adjustments in workplace/service provision practices and environments to enable participation in the labour market or access to goods and services.²⁷

3.5.2 Unfortunately, Irish legislation confines application of reasonable accommodation to the disability ground, and drains it of impact by requiring that no more than a nominal cost be expended in order to secure compliance.²⁸ This cap stems from a Supreme Court decision - *Re Article 26 and the Employment Equality Bill 1996* [1997] 2 IR. Draft legislation basically stated that employers might be justified in not expending resources on reasonable accommodation where this would impose an unreasonable burden. The court recognised that the section in question was an attempt by the Oireachtas to balance the employer’s property rights (especially the right to earn a livelihood) with the ‘common good’ aim of promotion of equality within the workplace, but found that it swung too far in favour of the latter. As a result the legislation was struck down, and when re-drafted the notion of ‘unreasonable burden’ was replaced by the current obligation to provide facilities etc. unless these would give rise to more than a nominal cost.

²⁶ One could include here statutory leave entitlements that can be availed of by persons with care responsibilities.

²⁷ For legislation applicable to Ireland see EC Directive 2000/78, Art. 5; Employment Equality Act 1998, section 35.

²⁸ Katrina and Tanya will discuss the reasonable accommodation provisions must be improved in order to comply with the Framework Directive.

3.5.3 I do not have time to engage in a detailed analysis of the court's reasoning but would like to make the following simple point. The alternative to sharing or 'transferring' costs is to leave things exactly as they are, which is to say that the costs of structural inequalities, both fiscal and personal, continue to be borne solely by members of disadvantaged groups, a fact which was acknowledged by the Canadian Supreme Court in *Brooks v. Canada Safeway* [1989] 1 S.C.R. 1219.

3.5.4 An expansive formulation of accommodation requirements has the capacity to deliver some degree of change. The ICCL argues that a duty to reasonably accommodate *all* employees should form a core element of the proposed statutory duty to promote equality. Reasonable accommodation is applied to every designated group under Chapter III of South Africa's Employment Equity Act 1998 and the most significant advances in the field of employment equality are arguably now being achieved through expansive readings of the duty to reasonably accommodate as interpreted by the Canadian judiciary.²⁹ Courts there have begun to apply that general duty so that it requires an employer to re-structure the workplace in a manner which accommodates the needs of all employees, not just the particular claimant in issue. Whereas the conventional approach emphasised an individual applicant's difference from the norm and required adjustments to allow that person to reach the standard set for others, the Supreme Court has held that the validity of the standard itself must be scrutinised in detail.³⁰ Employers are now required to identify and implement alternative approaches that do not have discriminatory effects.³¹ The clear benefit here is that the emphasis is on exclusionary institutional practices rather than on the assumed or actual attributes of individuals.³²

²⁹ See for example the decision in *British Columbia (Public Service Employee Relations Commission) v. British Columbia Government and Service Employees Union* [1999] 3 S.C.R. 3.

³⁰ Ibid. at para. 65.

³¹ While these decisions arose in the context of employment they could also be applied to public service provision.

³² The question of individual accommodation arises only where a general policy change cannot be effected for reasons of health and safety, business necessity or undue hardship. Refer to Sheppard, C. (2001) 'Of Forest Fires and Systemic Discrimination: A Review of British Columbia (Public Service Employee Relations Commission) v. B.C.G.S.E.U.', *McGill Law Journal* 46, p. 552-3).

3.5.5 To have a systematic impact, the duty to accommodate must apply at the stage at which policy and practice are designed. In other words, it should apply from part of the statutory duty so that it can be applied prospectively and not just when an individual makes a claim. Further, as argued in section 3.1 above, it must involve the input of individuals from groups that are ordinarily excluded from these processes.

Positive Action

3.5.6 The strongest conception of equal opportunity builds on prohibitions of discrimination by specifying that people should not be advantaged or hampered by their social background, and that their prospects in life should depend entirely on their own effort and abilities. Adherence to this principle can generate positive action³³ policies which regard under-representation of disadvantaged groups in given occupations as symptoms of inequality of opportunity prior to market entry.

3.5.7 While it is generally thought of in terms of workforce quotas, the forms that positive action can take are various and include outreach measures such as encouraging an underrepresented group to apply for a position, or preferring members of a target group for training. One primary distinction is whether such programmes are mandated or voluntary. Some states *require* designated employers to use positive action policies, for example South Africa³⁴ and Canada³⁵, while others merely *provide immunity from prosecution for discrimination* to employers who wish to implement such steps, as in the case of Ireland.³⁶ European Union provisions are also enabling rather than compulsory.³⁷

3.5.8 The ICCL believes that upon reviewing compliance with the statutory duty the Equality Authority should be empowered to recommend the introduction of mandatory positive action schemes where warranted. Moreover, in addition to looking at the under-representation of given groups in occupational sectors, equality schemes could also start from the opposite premise and regard the disproportionate numerical presence of white males as evidence of institutional bias in favour of one gender and ethnic group. Rules or practices that were originally constructed in ways that favoured particular groups would be reassessed. Structuring of work and state holidays around a given religious creed, or preferential rates of pay for male-dominated occupations could be considered discriminatory, in that they single one group out and accord its members special treatment. If this type of evaluation were undertaken, it may well emerge that although the original connection between privileged groups and

³³ These measures are variously known as ‘affirmative action’, ‘positive action’, ‘positive discrimination’ or ‘employment equity’ measures.

³⁴ Chapter III, Employment Equity Act 1998.

³⁵ Employment Equity Act 1995.

³⁶ Employment Equality Act 1998, sections 24(1) and 33.

³⁷ See for example, Article 141(1) of the EC Treaty re gender and Article 5 of the Race Directive.

particular practices is now hidden from view, their members continue to benefit from a positive action system designed with their interests and preferences in mind. When viewed from this perspective, the easy correlation between certain educational credentials or length of service and the merit standard applicable for a given job is also not as neutral as it may first appear. Some jurisdictions already require employers to probe qualification requirements for potentially exclusionary effects. Under section 20 of the South African Employment Equity Act 1998, a person may be suitably qualified for a job as a result of a combination factors including 'learning by doing and life learning' and the 'capacity to acquire, within a reasonable time, the ability to do the job'. This should be a standard provision in the revised equality legislation.

Pay Equity

3.5.9 I want to briefly mention one further measure that could be form part of the duty. Pay equity schemes are aimed at tackling directly the low rates of remuneration to which minorities may be subject. Legislation in some Canadian states, for example, requires employers to examine their pay scales for evidence that they devalue female labour and adjust them accordingly.³⁸ This type of provision, covering all grounds, would clearly be preferable to the current model, which again requires an individual employee to file a complaint and if successful only involves correcting the wages of individual employees.

³⁸ NAWL (2002) *Brief by the National Association of Women and the Law to the Pay Equity Task Force*. <http://www.payequityreview.gc.ca/>

4. Conclusion: The Need for Constitutional Change

4.1 Even if the above suggestions were taken on board we need to be mindful that more profound changes are required in order to combat inequality. First and most obviously equality legislation of the type we are considering has a limited scope. The employment limb revolves around work in the market and so excludes labour undertaken in the home by carers, who are predominantly women. The provision of goods and services element is undercut by a number of exemptions - the definition of "service" excludes many public sector activities including, for example a vast array of policing and immigration functions³⁹. Also section 14 (a) of the Equal Status Act 2000 excludes the taking of any action required under legislation or a court order from the scope of the Act. This means that the Equal Status Act (either now or under the proposed amendments) cannot be used to challenge crucial issues such as the growing level of economic inequality reinforced by the annual Finance Acts, the omission to enact legislation providing rights to a diverse range of families and partnerships and so on. Instead, these matters are covered by a range of separate laws and policies, which needs to be monitored and critiqued by social movements.

³⁹ The definition of 'service' is the subject of a recent decision - *Donovan v Garda Donnellan* (DEC-S2001-011) specifically whether the investigation and prosecution of crime by the Gardai is a service that is available to the public within the meaning of section 2(1). The Equality Officer quoted a statement made by the Minister for Justice, Equality and Law Reform in the course of the Dáil debates on the Bill:

"Not all actions of the State vis-à-vis members of the public can be regarded as services. There is a difference between controlling duties exercised by the State and services provided by the State. I am advised that immigration and citizenship matters, for example, are not services within the meaning of the Equal Status Bill but rather an expression of the State's duty as a sovereign power to control who it admits to the State. Controlling duties in the areas of policing, defence, and prisons would likewise not be regarded as services."

4.2 Second, the Constitution is the primary source of Irish law, which basically means that it provides the framework within which all other domestic sources of law must operate. Any legislative provision that conflicts with the Constitution is invalid. In practical terms then the Constitution sets a ceiling on the types of reforms that can be effected by legislation. Clearly then we need to adopt a constitutional reform agenda and make the most of ongoing opportunities, by for example, making presentations to the All-Party Oireachtas Committee on the Constitution. Of particular importance in this context is the private property guarantee. In light of previous Supreme Court decisions, in particular that in *Re Article 26 and the Employment Equality Bill 1996* [1997] 2 IR 1,⁴⁰ imposing anything more than minimal duties to promote equality on private service providers and employers is likely to be considered unconstitutional. There is however, no constitutional difficulty with public sector obligations, along the lines of the proposed statutory duty discussed in section 3.

⁴⁰ As we have seen the robust protection afforded the right to private property in that case resulted in dilution of the reasonable accommodation provision in the Employment Equality Act 1998 and Equal Status Act 2000.

4.3 The ICCL's strategic plan, which sets out our policy objectives for the coming years, has identified several issues of importance on equality agenda.⁴¹ These include promotion of the indivisibility of all human rights so that social, economic and cultural rights are elevated from their current position as non-justiciable⁴² policy objectives, questions of access to justice and advocacy, family diversity and so on. We hope that members of the Equality Coalition share some of these objectives and look forward to exploring possibilities for collaboration and mutual support.

Thank you.

⁴¹ The plan will be available for consultation on the ICCL website shortly – <http://www.iccl.ie/>

⁴² The phrase 'non-justiciable' refers to the fact that courts cannot enforce rights.

4. The Case for Equality Proofing

Niall Crowley

4.1 Introduction

4.1.1 This event is a valuable indicator of the emergence of a strong Equality Coalition within the NGO sector. This is important for:

- The solidarity that can be built and given expression to across the nine grounds covered in our equality legislation
- Its capacity to strengthen the voice for equality in our society
- Its ability to guard the gains that we have made in promoting greater equality, to make the case for a continuing focus on combating discrimination and promoting equality, and to advance provision in terms of legislation and funding for equality
- Developing coherent responses to new legislation such as the Immigration Bill, the Equality Bill, and the Disability Bill
- Its commitment to hold to account new equality institutions such as the Equality Authority.

4.2 Equality Proofing

4.2.1 Equality proofing is a key mechanism for securing an equality focus in policy making, in the design of programmes and in the development of organisational practices. It is a mechanism that has an equal relevance to both the public sector and the private sector. It does require a diversity of approaches for its implementation between and within these sectors. The core elements for equality proofing are:

- Establish equality objectives for the policy or programme
- Assess the impact of the policy or programme on these objectives and on the nine grounds covered by the equality legislation
- Secure participation from across the nine grounds in this impact assessment
- Gather and analyse data to monitor outcomes from the policy or programme across the nine grounds.

4.2.2 Finally it is important to acknowledge that this focus on equality proofing is at the heart of the debate on a statutory duty. The case for equality proofing is the case for a statutory duty. Voluntary approaches to equality proofing are limited. The Policy Appraisal and Fair Treatment experience in Northern Ireland is evidence of this. Statutory approaches to equality proofing are already emerging in for example Northern Ireland, Scotland, Wales and in Britain on the “race” and disability grounds.

4.3 Preconditions

4.3.1 Four preconditions can be identified for the emergence of effective equality proofing: (1) leadership, (2) a new knowledge base, (3) effective methodologies and (4) an Equality Coalition.

Leadership

4.3.2 Leadership is needed to promote equality proofing and to take on an equality agenda and bring it into the equality proofing process. Cross-sectoral leadership is needed that includes:

- Political leadership in bringing in necessary legislation
- Administrative leadership in ensuring equality proofing is implemented
- Social partner leadership in making the case for equality proofing and building a consensus behind it
- Leadership from the non-governmental organization (NGO) sector in participating in the process and setting standards in the process.

4.3.3 The Sustaining Progress national agreement provides valuable evidence of social partner leadership in committing to the “proofing of policies and services in the public sector to avoid unanticipated negative impact on any of the groups covered under the equality legislation, to ensure policy coherence and best use of resources”. This is the basis for a working group of the social partners which is convened by the Department of Justice Equality and Law Reform⁴³ and includes the Equality Authority to progress this commitment.

⁴³ www.justice.ie

4.3.4 Gender mainstreaming provides evidence of political and administrative leadership. Political leadership is evident in that the EU requirement to mainstreaming gender equality in the Structural Funds has been applied to the whole National Development Plan. Administrative leadership is evident in the creation of the Gender Mainstreaming Unit in the Department of Justice Equality and Law Reform to support the effective implementation of this commitment. The unit has supported better data collection, provided training on gender mainstreaming, developed guidelines for gender impact assessment and monitored gender equality outcomes.

4.3.5 Finally NGO leadership is also evident on this issue within social partner fora and with the emergence of this equality coalition.

Knowledge Base

4.3.6 If we are to effectively apply an equality focus we need a new equality knowledge base. This is not readily available due to data gaps and where data is not put together in a format to support equality proofing. We need a new knowledge base on diversity. A capacity to value diversity and to accommodate and make adjustments for the practical implications of difference is central to equality proofing. Difference requires a knowledge base on:

- Identity - the value base of different groups and the field of communication they establish
- Experience - the relationships of these groups with the wider society, relationships often characterised by hostility and abuse
- Situation - the economic, education, accommodation and health status of the groups.

4.3.7 With this knowledge base an impact assessment can effectively test new policies and programmes for their capacity to accommodate diversity and thus achieve change for those experiencing inequality.

Methodologies

4.3.8 Data gathering methodologies need to be developed. We need to find ways to gather and analyse data across the nine grounds, maintaining confidentiality and avoiding intrusion. Some grounds are sensitive to any increased visibility and being hidden can be part of survival strategies.

4.3.9 Impact assessment methodologies need to be developed. These will need to be able to test out the capacity of policies and programmes to accommodate diversity, to prevent discrimination and to advance equality. We also need to develop integrated methodologies that cover both equality and anti-poverty issues.

4.3.10 Finally we need to evolve methodologies for participation. Who gets to participate? Does participation happen in parallel or in an integrated manner, with all nine grounds? How do we ensure participation is proofing rather than the impact assessment just turning into another form of consultation.

Equality Coalition

4.3.11 The final prerequisite is an equality coalition with a capacity for solidarity between the grounds and for the trading of priorities necessary for effective negotiation and participation.

4.4 Making the Case

4.4.1 Eight reasons can be put forward to make the case for equality proofing

(1) Discrimination is persistent. Gender cases continue to be prominent in our case files under the Employment Equality Act 1998 despite nearly three decades of equality legislation in this area. Discrimination is quick to emerge as can be seen in the rapid growth of our cases under the Employment Equality Act 1998 on the race ground.

There are limitations to the individual enforcement model. The burden of enforcement is left to the individual complainant. It can only redress the wrong retrospectively as opposed to removing the discriminatory practice. It focuses only on individual outcomes rather than structures and patterns of behaviour. Finally it is limited to encouraging a response based on taking steps to avoid liability as opposed to proactive steps to value diversity and to promote equality.

For these reasons we need a new generation of equality legislation based on positive duties.

(2) There is a legal case for equality proofing. The Gender Equal Treatment Directive requires member states to actively take into account the objective of equality between women and men in formulating laws, policies etc., in the areas covered by the Directive and to encourage employers to promote equal treatment between men and women in a planned and systematic way. This should provide a legal basis for developing equality proofing, at least on the gender ground, in the public and private sector.

(3) Equality proofing is needed for its capacity to focus on the causes of inequality and on the institutional practices and patterns that are often hidden and are only visible in outcomes for groups across the nine grounds in key policy areas.

(4) Equality proofing is needed for its capacity to replace *ad hoc*, informal and reactive approaches to promoting equality and combating discrimination, with planned and systematic approaches within organisations, where equality is integrated into organisational planning and becomes a mainstream institutional focus.

(5) Equality proofing enhances a capacity to prevent discrimination because policies and programmes are assessed for their impact at design stage.

(6) Evidence based decision making is facilitated by equality proofing and quality is therefore enhanced in policy making and programme design.

(7) Equality proofing has a strong democratic rationale. It involves a participation in decision-making that is all too often denied minority groups and groups experiencing inequality.

(8) Equality proofing assists in sustaining an equality focus into the long term. It challenges indifference, which can often be a barrier to achieving equality outcomes, and it builds on the leadership that is now being demonstrated for this equality focus.

4.5 Challenges

4.5.1 There are four challenges that will need to be met for equality proofing to be effective. These are:

Being Integrated

4.5.2 We need to ensure there is an administrative do ability to our approach to equality proofing and that it is comprehensive including all groups experiencing inequality. It also needs to be holistic in taking account of all aspects of identity, experience and situation of these groups.

4.5.3 Integrating the nine grounds covered by equality legislation requires a dismantling of any hierarchies between the grounds. It allows for a focus on groups with multiple identities where the different grounds intersect.

4.5.4 Integrated approaches could also include a focus on equality and poverty, integrating these two dimensions is a significant challenge that goes beyond joining up the two dimensions and dealing with them in one exercise. It is an approach that needs to incorporate an integrated focus on difference to be accommodated and on barriers to be eliminated.

Defining the Change Sought

4.5.5 We need a clarity as to what we seek to achieve through equality proofing. The change sought could be at four different levels, change in:

- Institutional practice
- Policies made
- Resources allocated
- The experience and situation of groups experiencing inequality.

4.5.6 The Commission for Racial Equality⁴⁴ has done useful work on measures of success for a statutory duty. These cover:

- Outcomes from service provision
- User satisfaction with service provision
- Public confidence in service provision
- Employee representation
- Employee satisfaction
- Employee experiences
- Relations between groups.

What do we mean by Equality?

4.5.7 For effective equality proofing we need a clear and ambitious definition of equality. This needs to go beyond a focus on equality opportunity to include a focus on outcomes and an equality of outcomes. It needs to be a holistic definition that encompasses access to:

- Resources
- Decision-making
- Status and recognition of diversity
- Relationships of respect, trust and solidarity.

⁴⁴ www.cre.org.uk

Statutory Basis

- 4.5.8 Our current equality legislation seeks to be comprehensive with its coverage of nine different grounds. These could usefully be expanded especially with a new socio-economic status ground. The legislation also seeks to be holistic in covering the workplace and the provision of goods and services. A statutory duty would need to be equally comprehensive and holistic.
- 4.5.9 A statutory duty should be applied in both the private and the public sector. This would require a duty that has a flexibility of approach that reflects diversity between these sectors and within these sectors.
- 4.5.10 Enforcement will need to be a focus within any statutory duty to ensure it is effective. We are well positioned to define our own model for a statutory duty by learning from experience in other jurisdictions and from implementing the Sustaining Progress commitments.

5. Equality Bill 2004: An Overview

Katrina Goldstone and Tanya Ward

5.1 Introduction

5.1.1 Gender has been the main focus of European equality law over the last 25 years. However, the 1997 Treaty of Amsterdam introduced a new broad anti-discrimination provision.

5.1.2 Article 13 provides that the Council of the European Union – make take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

5.1.3 ‘Race’ Directive – Council Directive Implementing the Principle of Equal Treatment between Persons, irrespective of Racial or Ethnic Origin Directive 2000/43/EC.

5.1.4 Framework Employment Directive - Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

5.1.5 Gender Equal Treatment Directive - 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; and to revoke in part and enact in respect of.

5.1.6 Member States had until 19 July 2003, to bring their national laws into line. Ireland is obviously behind.

5.2 Equality Bill 2004

5.2.1 The Bill was presented at Seanad Éireann, 13 January 2004 (First Stage) and the Seanad debate will take place on 4 February (Second Stage).

5.2.2 The stated objective of the Bill is to amend the Employment Equality Act 1998 and the Equal Status Act 2000, to give full effect to Council Directives.

5.2.3 Other amendments relates to procedural changes and the rolling back of decisions from the Equality Tribunal in relation to ‘non-nationals’ to enable the state to discriminate on the basis of nationality.

5.2.4 The drafting style of the Bill renders it unclear and difficult to understand and this goes against recommendations from the Law Reform Commission.⁴⁵ Recommendations from the Commission supported plain language in legislative drafting and simplified explanations.

5.2.5 The Equality Authority had also advised that equality legislation should be drafted in accessible language.

⁴⁵ Law Reform Commission (2000) *Report in Statutory Drafting and Interpretation: Plain Language and the Law*, Law Reform Commission: Dublin.

5.2.6 The Minister for Justice, Equality and Law Reform did not refer the Bill to the Irish Human Rights Commission.⁴⁶

5.2.7 The Directives codify jurisprudence from the European Court of Justice (ECJ) on sanctions and remedies. Binding in Irish law, the ECJ has ruled that ways should be effective in order to have a deterrent effect and be adequate in relation to the damage sustained. The Bill includes no increase in sanctions. All cases of alleged prohibited conduct should have the option of going to the Circuit Court.

5.2.8 The Bill fails to include a statutory obligation to oblige employers and services providers engage in positive action.

5.2.9 All three Directives require Member States to enable non-governmental organisations and other legal entities, with legitimate interest in addressing discrimination to engage in judicial and administrative procedures to seek redress in respect of prohibited conduct. The Equality Bill does not transpose this feature.

5.3 Reducing Protection

5.3.1 Section 45 amends section 7 of the Equal Status Act 2000 in relation to educational establishments. This proposed amendment allows the Minister for Education and Science to discriminate on the basis of race (nationality) when providing further and higher education grants. In practice this section will prevent migrant workers, persons with complementary protection and long-term resident migrants from securing further/higher education grants.

5.3.2 This section is in direct response to a decision from the Equality Tribunal in 2003. The Tribunal decided that further and higher education grants are a service and that 'non-nationals' who are denied access to this service are being directly discriminated against. In its decision, the Tribunal advised the Minister for Education and Science that his current scheme was discriminatory and should be amended accordingly. Instead of taking on board the Tribunal's recommendation, the Government has decided to amend the Equal Status Act 2000.

5.3.3 Section 47 removes the protection of the Equal Status Act 2000 from persons who are: asylum seekers, former asylum seekers and individuals with applications for leave to remain. This proposed section allows central and local government, public authorities and other statutory agencies to discriminate against this category of persons in relation to certain measures and activities.

5.3.4 It is astonishing that the Government is proposing to reduce protection for a vulnerable group of persons at the same time as transposing the Race Directive. Moreover, this particular section violates the principles of non-regression in the Directives. Continuing a dangerous trend of chipping away at Ireland's unified equality regime, this section is also incompatible with Ireland's international and domestic human rights obligations.

⁴⁶ Since this paper was given the Commission has agreed to develop a position on the Equality Bill 2004. Refer to the Commission's website - www.ihrc.ie

5.4 Current Status

5.4.1 The Bill is at Committee Stage (third stage) in Seanad Éireann at 10.30am on Wednesday, 18 February 2004. This presents an opportunity to lobby Senators.

5.4.2 The Bill is likely to progress to final report stages in the week beginning 23 February 2004.

5.5 The Way Forward

- Do we work as a coalition to campaign and lobby on this document?
- Do we prepare a common position? Is this feasible given the diversity of the group?
- Do we prepare separate positions and critiques?
- Possibly lobby Opposition Parties
- Track development of Bill in Dáil
- Make representations at Committee stage
- Brief the media
- Public education
- Do we get the Irish Human Rights Commission on board
- Briefing to Parliamentarians (for all parties)
- Press conference.

Appendix 1: Organisations and bodies represented at the Equality Coalition seminar

- Access Ireland
- Amnesty International (Irish Section)
- Centre for Independent Living (CIL)
- Cherish (One Family)
- Comhlamh
- Community Workers Co-Operative
- Conference of Religious of Ireland (CORI)
- Disability Equality Specialist Support Agency (DESSA)
- Disability Federation of Ireland
- Disability Legal Resource
- Dominican Justice Office
- Equality Studies Centre, UCD
- Free Legal Advice Centre (FLAC)
- Focus Ireland
- Forum of People with Disabilities
- Immigrant Council of Ireland (ICI)
- Irish Congress of Trade Unions (ICTU)
- Irish Council for Civil Liberties (ICCL)
- Irish Traveller Movement (ITM)

- M.Phil Ethnic & Racial Studies Programme, Trinity College Dublin
- National Lesbian & Gay Federation (GLEN)
- National Consultative Committee on Racism and Interculturalism (NCCRI)
- National Youth Council of Ireland (NYCI)
- National Women's Council of Ireland (NWCI)
- Nexus
- Northside Community Law Centre
- One Parent Exchange Network
- Outhouse
- Ralaheen Ltd
- The Wheel
- Treoir.