



Equality Policies for Lesbian, Gay and Bisexual People: Implementation Issues

Forum Report No. 27

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Foreword

Over recent years notable progress has been made in making legislative provision and protection for the rights of discriminated groups, including that for lesbians, gays and bisexuals (LGBs). At the same time, this legislation has been accompanied with new institutional structures and supports for accessing these rights, most notably the Equality Authority, the ODEI – the equality tribunal, the National Disability Authority and the Human Rights Commission. With these enactments, this country has now one of the most comprehensive anti-discrimination codes in Europe.

Despite all these advances, there is still a community of Irish men and women, however, who continue to suffer significant discrimination and exclusion from full citizenship because of their sexual orientation.

Parallel with and facilitating the above developments, there have been unprecedented social and economic changes with the result that we now have a more open, tolerant and better informed society and a climate that is more conducive to at least discussing the changes that are needed if we wish to create a more equal and inclusive society.

The Equality Authority recently published a report entitled *Implementing Equality for Lesbians, Gays and Bisexuals*. The five key themes covered by the recommendations in that report are:

- the need to mainstream LGB people's circumstances and needs into the design, delivery and implementation of economic and social policies and services;
- strategic development of the LGB community;
- training to enhance decision-makers' understanding of the LGB community;
- participation by LGB people and their organisations in decision-making that impacts on them; and
- the recognition of same-sex partnerships with regard to parenting, inheritance, property, healthcare, pensions and immigration.

The Social Partners committed themselves under the *Programme for Prosperity and Fairness* to considering how best the recommendations in the above report can be carried forward. Given its monitoring and evaluation role in relation to equality and social inclusion issues, it was decided that it would be appropriate that the Forum should undertake this work.

The focus of the present report is on the implementation of the recommendations contained in the Equality Authority's report, with particular reference to identifying potential implementation barriers and challenges on a selected list of main priorities and how best these could be resolved.

This has provided an opportunity to explore, on a pilot basis, a new approach to policy-making and a new working method and role for the Forum in seeking to realise an agenda for change in the policy implementation process. This has proved to be a valuable exercise and the learning from this has positive lessons for other policy areas facing similar challenges, not only at national but also especially at local community levels. One such area is that of implementing an equality agenda for older people and a Forum Project Team is at present finalising a policy report for the Forum and it is hoped to have this published shortly.

Executive Summary

Executive Summary

- i The Forum established a Project Team on Implementing Equality for Lesbian, Gay and Bisexual (LGB) People in July 2002. The focus of the Team's work was to identify potential implementation barriers and challenges to the main priority recommendations in the Equality Authority's report on this issue, and to comment and advise on how these might be resolved.
- ii The Team was drawn from the four strands of the Forum's membership and included representatives of the relevant Community and Voluntary Sector organisations, notably LGB groups and women's organisations, Employer and Trade Union interests, and representatives from the Department of Justice, Equality and Law Reform, the Equality Authority and the Local Authorities.
- iii This is the first time that the Forum engaged in work of this nature, involving as it did a new working method in the policy implementation and evaluation process.
- iv During the course of its work, the Team consulted with a wide range of Government Departments and other relevant bodies. Resulting from this process of engagement and dialogue, the Team identified the following over-arching issues that apply across a range of Department policies and programmes:

- ***Strategy Statements and Business Plans*** – the Team examined implementation 'hooks' or policy implementation frameworks, such as Departments' Strategy Statements and Business Plans, and at a local level, the recently completed ten-year City and County Development Strategic Plans. These frameworks have the potential to achieve real improvements in equality for LGB people. The Team concluded, however, that the sexual orientation ground of the Equality legislation needs to be more fully addressed by these frameworks in many cases.

The Team recommends that a Government Decision should be issued requiring that all Government Departments, and State Agencies where appropriate, should from here on in have incorporated in their Strategy Statements and Business Plans a more proactive commitment to achieving equality for all the groups covered by the legislation in this area.

- ***Equality Proofing*** – The Team found considerable interest among Departments in relation to equality proofing, but identified the following as significant barriers to its implementation:
 - the tendency for sexual orientation to be either glossed over or overlooked in the proofing process, particularly with regard to poverty/equality proofing;

- the lack of profile data and research which acts as a major barrier to effective monitoring; however, this should not be a barrier to progress; action needs to be taken first by official bodies and the data will then follow; and
- the lack of examples or models of how to successfully operationalise equality proofing is a serious drawback.

To address these barriers, **the Team recommends that:**

- **LGBs should be specifically addressed in all equality proofing exercises;**
- **examples of sexual orientation in equality proofing processes should be documented and disseminated; and**
- **all data regarding social inclusion and equality should include LGB as a target group.**

FÁS and the Department of Education and Science are currently undertaking equality proofing pilot exercises. **The Team recommends that sexual orientation should be specifically included as a relevant ground in these two pilot exercises.¹**

- ***Service Provision*** – all public service providers have an obligation to be aware of the need to provide accessible and appropriate services to the LGB community as an aspect of ensuring that their services are efficient and effective. They also need to take into account the potential risk of LGB customers experiencing harassment and discrimination while availing of services. **The Team recommends that all Departments and State Agencies should take the necessary steps to ensure that they are aware of the needs of their LGB clients or service users, the extent to which their needs are currently met and how these needs are included in the planning and review of services, programmes and schemes. More specifically, the Team recommends that all Departments and State Agencies should put in place employment equality policies, equal status policies and anti-harassment policies that name LGBs as a target group.**

The Team found varying degrees of appreciation among service providers about the types of discrimination experienced by LGB people, and its often hidden nature. To highlight and begin to address this issue, **the Team recommends that all public services should undertake a risk assessment to ensure that the service provided is accessible and appropriate to the LGB community (e.g. for employment services in relation to the risk of harassment in work placements and how to deal with any such incidences). These assessments should be undertaken in partnership with service providers, employees and their trade unions and customers.**

¹ The Team is pleased to note that FÁS has now commenced work in this area.

The Team also recommends that training and staff supports regarding equality generally and sexual orientation in particular should be built-in to all public services.

The Team recommends that the Department of Justice, Equality and Law Reform should encourage an evaluation of the Garda Liaison service for the LGB community with a view to mainstreaming the learning gained and its application in other policy areas.

- **Representation and Funding**– the lack of an effective and adequately-resourced infrastructure to help LGB people better inform and input their views into the policy-making process was highlighted as a barrier on a number of occasions during the Team’s consultations. Even bodies well versed in other equality issues may not appreciate the specific concerns and issues arising for other groups such as LGBs. The lack of visibility of LGB groups in policy design and review and the tendency for LGB issues often not to be specifically addressed in policy and practice were main contributory factors in this regard.

The Team concluded that addressing representation and funding is a key requirement to reducing the barriers that exist to policy improvements and effective implementation in this area. This would have beneficial outcomes for LGB people, Government Departments and society in general. **The Team recommends that:**

- **All Boards of State Agencies charged with pursuing equality and social inclusion issues should ensure that they have adequate expertise and timely advice regarding the specific needs of the LGB community, particularly those who are cumulatively disadvantaged.**
- **Disadvantaged LGB people should be explicitly targeted as a vulnerable group under the NAPS, in the same way that women are.**
- **As an immediate stop-gap response to the needs of LGB groups, the Department of Justice, Equality and Law Reform should consider providing funding to LGB organisations to develop their infrastructure and facilitate their input to policy-making.**
- **In the design and operation of funding schemes under equality, community development and social inclusion programmes, it should be borne in mind that within any group in Irish society (e.g. women, ethnic minorities, and poor people) there will be members who are also lesbian, gay or bisexual. For this reason, organisations representing lesbians, gays and bisexuals should, in principle, be eligible for such funding.**

- **Legislation** – The Team was very aware of the difficulties in advancing any new legislation, particularly the time lag involved for the type of complex legislation that would be required and that the parliamentary legislative programme is already very full. It became increasingly clear to the Team, however, that the absence of equal recognition on a legislative basis for same-sex couples was a substantial barrier to implementing equality for LGB people. **The Team recommends that:**

- **Future legislation should recognise the diversity of families now present in Irish society, including the Family Law Bill, currently at Draft Stage.**
- **In its deliberations on legal reform in relation to co-habitation, the Law Reform Commission should include consideration of the feasibility of different models to achieve equal rights for same-sex partnerships, drawing on the experiences of other countries which have recently legislated in this regard.**
- **The Human Rights Commission should specifically address issues relevant to LGB people in its review of legislation and State practices. In undertaking its work, the Commission should consult with LGB organisations.**
- **The Department of Finance should establish a Working Group to examine the taxation and pension situation of same-sex couples from an equality perspective.**
- **In the context of transposing the EU Employment Directive, provision should be made for positive action in relation to sexual orientation to be taken.**

v The Team’s work has been valuable in a number of ways, but most significantly:

- It has highlighted the lack of attention previously given to sexual orientation as an equality ground and the need for a more developed, coherent and integrated institutional response to the needs of the LGB community.
- The Team found some models of good practice, both in policy terms and practices, and of how institutions respond effectively to emerging needs e.g. the Department of Health and Children and the Garda Síochána.
- The consultation process undertaken by the Team has acted as a catalyst in facilitating and encouraging Departments to consider more fully and in greater detail the implementation issues arising from the Equality Authority report.

vi The Team has also achieved other concrete results from Departments through, for instance:

- commitments that LGB issues will be included in strategic planning;
- acknowledgement that LGB organisations should be considered as a target group for funding; and

- the development of institutional frameworks and structures to process the recommendations made in this report.

The Team recommends that it be reconvened by the Forum within a year to review progress.

The Team also recommends that the Department of Justice, Equality and Law Reform should be given an overview and monitoring role by the Government in relation to implementing equality for LGB people, similar to the role it plays at present in relation to gender and the Traveller community.

- vii Partnership rights for same-sex couples was identified by the Team as the issue which faces the most substantial barriers to implementation. These should include rights to: nominate a beneficiary of pensions and inheritance; designate a next-of-kin for medical reasons; nominate a partner as co-parent or guardian of a child; the right of a non-EU partner of an Irish person to live and work in Ireland; and the civil recognition of the partnership.
- viii The Team felt that the extension of these rights to same-sex couples would have a profound impact on achieving greater equality for this group. Evidence from other EU countries points to a general shift in recent years in societal attitudes and to greater social acceptance of State recognition and official supports for such partnerships. It was strongly of the view, however, that such recognition by the State is not essential for the Government to make progress in relation to implementing equality for LGB people and should not, therefore, be regarded as a barrier.
- ix Finally, it should be noted that implementing many of the recommendations in the Equality Authority report will not have substantial cost implications and indeed many have the potential to have positive economic and public expenditure impacts. What is more required instead is a change in mindset and approach, to one which is more inclusive of diversity. The Team acknowledges the good-will evident among the Departmental and State Agency officials with whom it consulted, and welcomes the many advances achieved since the publication of the Equality Authority report. It was clear to the Team, however, that substantial progress has still to be made in achieving equality for LGB people.

Section I

Introduction and Contextual Setting

Introduction and Contextual Setting

- 1.1 The enactment of the Employment Equality Act, 1998 and the Equal Status Act, 2000 mark a new and more positive era for lesbian, gay and bisexual (LGB) people in Ireland. Taken together, these two pieces of legislation seek to promote equality and to prohibit discrimination and harassment on nine grounds,² including sexual orientation, in relation to employment, training, and promotion and in the provision of goods, services, facilities, accommodation and education.
- 1.2 This legislation provides formal rights and opportunities for LGB people. It is clear, however, that legislation can only create the conditions to facilitate equality of participation and cannot of itself guarantee equality of outcome.³ Many LGB people are still hesitant to 'come out' and make their sexuality known in Irish society, fearing negative consequences, such as discrimination or social isolation, if they do so.
- 1.3 A recent European values survey indicates that LGB people in Ireland have cause for concern in relation to making their sexuality known publicly. It found that over a quarter (26.9 per cent) of people surveyed in Ireland said that they would not like to have a homosexual as a neighbour. This did not compare favourably with the results from our European Union neighbours - only Greece, Northern Ireland and Italy scored higher (Halman, 2001: 42).
- 1.4 In some respects, social policies may also underpin these apprehensions. For example:
 - despite prohibiting discrimination, the State does not give positive legal recognition to same-sex partnerships;
 - even in relation to prohibiting discrimination, many State Bodies and Agencies often lack clear anti-discrimination policies and practices in relation to sexual orientation;⁴
 - public service providers do not sufficiently recognise or promote diversity and lack clear proactive equality policies; and
 - LGB groups generally lack representation (visibility) on policy-making fora and are under-funded.

2 The nine grounds are: age, disability, family status, gender, marital status, membership of the Traveller community, race, sexual orientation and religion.

3 See Forum Report No 10. Equality Proofing Issues (February 1996) for further discussion of this point.

4 In a recent survey, less than half (48 per cent) of Public Sector organisations (excluding Government Departments) said that they had taken steps to promote equality and / or avoid discrimination in relation to sexual orientation. Of the nine grounds, sexual orientation was the only one to score less than 50 per cent, with disability, gender, race, family status and age all scoring over 60 per cent (Millward Brown IMS, 2002: 13).

- 1.5 The consequences of this are both *personal* in terms of the impact on the individual's health, social well-being and personal development, and also *social* with regard to the lost contribution to the broader community.⁵ For those LGB people who come from disadvantaged backgrounds, reaction to their sexual orientation may lead to even further isolation and marginalisation. This point has implications for social policy responses to tackle poverty and to ensure that disadvantaged groups and individuals are facilitated to participate as fully as possible in Irish political, social, economic and cultural life.

Equality Authority's Report on Implementing Equality for Lesbian, Gay and Bisexual People

The Equality Authority published a wide-ranging report on *Implementing Equality for Lesbian, Gay and Bisexual People* in May 2002. The report presents a comprehensive agenda for policy change. It was prepared for the Authority by an Advisory Committee, comprised of lesbian, gay and bisexual non-governmental organisations, academics, social partners and representatives of a number of statutory bodies.

- 1.7 The report contains 88 recommendations covering a range of issues including:
- empowerment;
 - equality proofing;
 - partnership rights;
 - health;
 - education;
 - youth services;
 - employment and training;
 - accommodation;
 - service provision; and
 - violence and harassment.

5 US research, for example, has found that a large gay population is a leading indicator of a metropolitan area's high-technology success. The authors conclude: *The basic message to city leaders and economic developers is clear. Talented people go to places that have thick labor markets, are open and tolerant, and offer a quality of life they desire. Places that attract people attract companies and generate new innovations, and this leads to a virtuous circle of economic growth. Cities must begin to combine their goal of providing a better business environment with strategies aimed at improving their diversity and tolerance* (Florida and Gates, 2001: 7).

1.8 The recommendations in the report are built around the following key strategies or actions:

- mainstreaming where decision-making takes account of LGB people;
- strategic development of the LGB community;
- awareness training among decision makers;
- participation of LGB people and their organisations in decision-making that impacts on them; and
- legal reform to recognise same-sex partnership rights and entitlements.

Annex II lists all of the report's recommendations.

1.9 The report was published against the background of a number of policy developments which the Project Team considers should provide a more favourable environment to facilitate implementation of its recommendations. In addition to the equality legislation mentioned at the beginning of this Section, these developments also include:

- at a European level, Article 13 of the Amsterdam Treaty allows the EU to take appropriate action to combat discrimination based on six grounds, including sexual orientation;⁶ Ireland was instrumental in having this provision adopted;
- the Belfast (Good Friday) Agreement committed us to an equivalence of rights North and South;
- the Strategic Management Initiative, particularly in relation to the development of the Quality Customer Service initiative and Departmental Strategy Statements and Business Plans;
- *Diversity in the Civil Service – A Policy on Equality of Opportunity* was launched in July 2002 (Circular 24/2002) and sets out the Civil Service policy on implementing equality of opportunity; it means that:
 - Rights under the Employment Equality Act are guaranteed.
 - Civil Servants can be assured of equality of participation in their Departments.
 - All Civil Servants have a responsibility to create a working environment where differences are respected and all people (staff, clients and customers) are valued as individuals.
 - As an employer, the Civil Service will strive to achieve real equality of opportunity by continuously monitoring its employment practices to ensure that they do not perpetuate existing inequalities.

6 The six grounds are: sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation.

- The National Anti-Poverty Strategy (NAPS) and the European Commission's National Action Plans against poverty and social exclusion (NAPSincl) both identify poverty reduction and social inclusion targets. This is particularly significant in the context of earlier research published by the Combat Poverty Agency⁷, which reported substantial instances of poverty and social isolation among lesbian and gay men.
- The National Economic and Social Council (2002) placed particular emphasis on the need to ensure high quality public services and value for money in its most recent strategy review of economic and social policies.

1.10 It should also be noted at the outset that it was agreed in the *Programme for Prosperity and Fairness* that recommendations emerging from the Authority's report 'will be considered by the Social Partners to establish how they might be carried forward' (PPF, para. 3.11).

Rationale for the NESF's involvement

1.11 The National Economic and Social Forum (NESF, or the Forum), as part of its mandate in relation to policy implementation and equality issues, agreed to examine the implementation issues arising from the above Equality Authority report.

1.12 As the most representative of the social partnership institutions, the Forum is specifically charged with evaluating the implementation of policies dealing with equality and social inclusion. Since the publication of Report Number 10 *Equality Proofing Issues* (February, 1996), the Forum has produced a series of reports⁸ focused specifically on equality issues.

1.13 The more recently-published *A Strategic Policy Framework for Equality Issues* (Report Number 23, March 2002)⁹ provided a conceptual model for policy analysis and implementation purposes. It identifies four interrelated social settings within which inequalities are generated:

- **Economic** – economic development is not shared equally;
- **Political** – some people remain disempowered and outside the spheres of decision-making;
- **Respect and Recognition** – combining paid employment, family responsibility and participation is difficult and constitutes an obstacle to the achievement of equality; and

7 Gay and Lesbian Equality Network and Nexus Research Co-operative (1995)

8 'The Employment Equality Bill' (December, 1996), 'The Development of the Equality Provisions' in Partnership 2000 (November, 1997), 'A Strategic Policy Framework for Equality Issues' (March, 2002).

9 This report was supported by the NESF in its recent strategy report: *An Investment in Quality: Services, Inclusion and Enterprise*.

- **Affective** – these relate to the unequal distribution of love, care and of solidarity with others. Although sometimes defined as private matters, they are publicly regulated and as such are open to Government policy changes and influences. Action here involves the potential to shape policy in relation to sexual relations between adults, care relations between children and parents, relations between adult carers and adult dependants and relations between peers at work.

1.14 The Forum also proposed four associated equality objectives. These are:

- **Redistribution**, that is the maximisation of human welfare and the sharing of benefits equally;
- **Recognition**, that is the according of visibility and value to diversity;
- **Representation**, that is the maximisation of participation of those experiencing inequality in decision-making; and
- **Respect**, that is maximising opportunities to value the interdependence and mutual support in aspects of human welfare.

1.15 In the Report, the Forum argues that inequalities must be addressed on an integrated and coherent basis and by way of a multi-dimensional approach. In this regard, seven dimensions of an equality strategy are identified, namely:

- **Legislation**, enacted to protect rights and promote equality but also legislation that is enacted to change social and economic conditions, particularly where they directly alter the rights, circumstances and opportunities of groups experiencing inequality;
- **Institutions**, primarily those established as part of the infrastructure to protect rights and promote equality by all public bodies that are charged with delivering public policy, and particularly those Government Departments and Agencies that are delivering public services for those experiencing inequality;
- **Mainstreaming**, involving a range of mechanisms to mobilise all policies, services provision and practices in all public bodies behind the goal of equality, but particularly led by Government Departments and Agencies that are responsible for the design and monitoring of public policies;
- **Targeting**, necessitating investment of resources to address current and past discrimination experienced by the groups across the nine grounds, to provide for needs and aspirations specific to particular groups and identities, and create the conditions for equality of outcome from mainstream provision;
- **Participation and Decision-Making**, entailing the inclusion of organisations articulating the interests of those experiencing inequality in all strands of governance, mobilising the democratically elected representatives behind the achievement of equality objectives and building greater diversity within this representation;

- **Agenda-Setting**, involving mechanisms to develop specific agendas for particular groups or with regard to emerging issues; and
- **Monitoring and Review**, entailing data gathering across the nine grounds of the equality agenda, the development of indicators to measure progress towards equality and public reporting and other opportunities to enhance public discourse on equality issues.

- 1.16 Examining the policy implementation issues arising from the Equality Authority’s report provided the Forum, therefore, with an ideal opportunity to test the above strategic framework approach to the policy-making arena in a very real way. At the outset, the Project Team supports the NESF’s views¹⁰ on the need for all parties to attend to the task of devising arrangements to achieve effective implementation of the NAPS¹¹ and for Government Departments and State Agencies to do more to ensure that their engagement with local partnerships is real rather than formal.
- 1.17 Another related concern is how standards of public services can be better identified and improved in order to underpin socio-economic rights.

The Project Team

- 1.18 The Forum established a Project Team to examine the policy implementation issues arising from the Equality Authority’s report in July 2002. Its terms-of-reference are set out in Annex III. Membership of the Team was as follows:

Ursula Barry	National Women’s Council of Ireland
Rosheen Callender	Services Industrial Professional and Technical Union
Barbara Cashen	Equality Authority
Eoin Collins	NEXUS
Clare Jones	Irish Business and Employers Confederation
Esther Lynch	Irish Congress of Trade Unions
Niall McCutcheon	Department of Justice, Equality and Law Reform
Michael O’Donovan	General Council of County Councils
Tom O’Sullivan	Irish National Teachers Organisation

¹⁰ Op. cit.

¹¹ The NESF recently convened the inaugural meeting of the NAPS Social Inclusion Forum to provide an opportunity to those who may not be directly represented in the social partnership process to input their views on key policies and implementation issues.

Patricia Prendiville	Meitheal
Christopher Robson	Gay and Lesbian Equality Network
Kieran Rose	Gay and Lesbian Equality Network
Brian Sheehan	Independent
Bernard McDonagh	Project Team Leader
David Silke	Secretariat

Report's Purpose and Structure

1.19 The purpose of this Report is to:

- detail the work of the Team;
- identify potential implementation barriers and challenges to the main priorities for achieving greater equality for LGB people, as identified by the Team; and
- comment and advise on how these may be resolved.

1.20 The next Section of the Report outlines the work process of the Team. Section III details the main points to emerge from the consultations which the Team undertook with Government Departments and State Agencies. Section IV of the Report draws together the key points on the barriers to policy implementation, as considered by the Team. The Final Section of the Report reflects on the Team's contribution to policy implementation and also indicates areas requiring further work by Departments and State Agencies so as to achieve greater equality for LGB people.

Section II

Project Team's Methodology

Project Team's Methodology

- 2.1 Examining the policy implementation issues of a report that has been prepared by another institution involves a new way of working for the Forum.¹² The Forum envisaged that the Project Team's added value would be to help to ensure that the report's recommendations are acted on and that any implementation difficulties would be identified and effectively tackled. At the outset, the Forum agreed that the Team's role was not to evaluate or monitor Departments, but rather to open up, on a pilot basis, a dialogue with them relating to policy implementation and the policy-making cycle.
- 2.2 At its first meeting, the Team agreed its Terms of Reference (see Annex III) to consult with relevant bodies regarding the main recommendations of the Equality Authority's report – *Implementing Equality for Lesbians, Gays and Bisexuals*. It agreed to pay particular attention to identifying potential implementation barriers and challenges, to comment and advise on how these may be resolved, and to report back to the Forum within six months.
- 2.3 The Team also agreed at its inaugural meeting that it would not be possible, within the timescale available, to pursue all the report's recommendations. While acknowledging that these recommendations were all valuable in their own right, the Team selected a number of priorities which it wished to pursue with Departments. The Team used the following criteria to select these priority recommendations:
- general agreement within the Forum;
 - balance between short-term and more long-term issues;
 - links to existing implementation frameworks, such as Departments' Strategy Statements, Business Plans, the NAPS and poverty and equality proofing mechanisms; and
 - leave aside policy areas where major policy changes had recently been agreed to only after considerable difficulties.

¹² The Forum has also agreed to examine the implementation issues arising from the Equality Authority's separate report on *Implementing Equality for Older People*; a Project Team is at present preparing a report on this topic.

- 2.4 All relevant Departments (see paragraph 3.1) were contacted, and in relation to the selected recommendations falling within their scope, were asked to outline:
- the actions which had already been taken, or which they planned to undertake, in relation to these recommendations;
 - any barriers they envisaged in implementing these recommendations; and
 - how the Department might resolve these barriers.
- 2.5 In relation to the other recommendations, Departments were also asked to outline how they plan to implement these and to respond to this request by end-September 2002.
- 2.6 Following initial consideration of the written replies, the Team then invited Departments¹³ (and relevant agencies under their aegis) individually to attend a consultation meeting to discuss the policy issues that emerged in more detail. The next Section reports on the outcome of this process.

13 The Team also consulted with the Law Reform Commission and the Human Rights Commission.

Section III

Consultations with Departments on Policy Implementation Issues

Consultations with Departments on Policy Implementation Issues

3.1 In this Section, the main points highlighted in the written submissions and issues that arose during the Team's subsequent consultations with Government Departments are summarised. This material is presented in the following sequence:

- Department of Arts, Sport and Tourism;
- Department of Communications, Marine and Natural Resources;
- Department of Community, Rural and Gaeltacht Affairs;
- Department of Education and Science;
- Department of Enterprise, Trade and Employment;
- Department of the Environment and Local Government;
- Department of Finance;
- Department of Foreign Affairs;
- Department of Health and Children;
- Department of Justice, Equality and Law Reform; and the
- Department of Social and Family Affairs.

3.2 At the outset, and drawing on the responses that it received from Departments, the Team's general observations were as follows:

- responses varied considerably in terms of detail and approach;
- in general, Departments felt that they had not undertaken much work in this area in the past;
- Departments provided useful information on current policy, but were less detailed in outlining policy implementation plans and or barriers; and
- in policy areas spanning more than one Department, a lack of cross-Departmental co-ordination was evident on occasions.

Department of Arts, Sport and Tourism

3.3 In its written reply to the Team, the Department noted that the former Department of Tourism, Sport and Recreation’s Quality Customer Care Action Plan 2001 – 2004 was committed to:

- ensuring that no-one is discriminated against by virtue of their membership of any of the groups covered by the nine grounds in the Equal Status Act;
- taking account of the views of organisations representative of customers from across the nine grounds when providing services;
- having regard to the needs of a diverse customer base during policy formation; and
- including training for staff on equality and diversity as part of its overall customer service training.

3.4 The reply also noted that the new Department will be informed by the Equal Status Act and the policies adopted centrally in relation to the Act in all aspects of its work in developing Quality Customer Service Action Plans and human resource strategies and in the formulation of policy.

The Arts Council

3.5 In relation to the Arts Council, it was reported that the Council currently welcomes applications for funding from diverse organisations and stipulates as part of its standard Conditions of Financial Assistance that any organisation receiving funding ‘*must avoid any form of discriminatory practice and shall have regard for the need to promote equal opportunities practices in all areas of its work*’. The Council may withdraw funding where any funded organisation is in breach of this condition.¹⁴ The Council does not envisage any barriers in the continuing implementation of the Equality Authority’s report recommendations.

The National Library

3.6 The National Library was pleased to cooperate with any LGB organisation in preserving any archival records that they might have, but noted that the amount of staff time available was limited. The Library was also happy to consider any offer by LGB organisations to donate their archival material to it.

¹⁴ The Team considers that the Council’s equality requirements on applications to it for funding could serve as a model for other official grant-giving bodies to follow.

Department of Communications, Marine and Natural Resources

- 3.7 This is a new Department, and the Team was interested in two aspects of its work in particular. The first related to the Department's approach to mainstreaming equality in its planning and services, and the second related to broadcasting media's (TV and radio) handling of LGB issues.
- 3.8 The Department reported that it is committed to and moving forward with its Equality Agenda, which embraces all aspects of equality as laid down in the Employment Equality Act, 1998 and the Equal Status Act, 2002. It is committed to providing a high quality service for external customers through its Statement of Strategy 2003, which is currently being worked on, and also in its Customer Service Plan. The Department reported that its policies and services will be designed to ensure that the rights established by equality legislation are fully respected. It has and will continue to raise awareness of equality/diversity issues internally through measures such as the inclusion of appropriate training in staff development programmes, which are also being worked on for 2003. The Department made a commitment to circulate the report internally and to the various Agencies under its remit.
- 3.9 The second key issue for the Team was coverage of LGB issues and positive imaging of LGB people in the broadcasting media (TV and radio). In response, the Department stated that the Broadcasting Commission of Ireland (BCI) have pointed out that there is currently a substantial representation of equality issues on community radio, particularly in the Dublin region and on university campus radio. Several independent stations also have commitments to representing a variety of minority interests. Under Section 19 of the Broadcasting Act, 2001 the BCI is responsible for the drawing up of codes and practices for all broadcasters in the State (including RTÉ). The BCI has recently appointed an Officer responsible for broadcasting standards, including equality issues. While no commitments can be given as to the final content of these standards, the Department presumed that they will include guidelines on terminology and best practice on handling issues of sexuality and gender. The BCI also expressed a willingness to meet LGB representatives to discuss these issues.
- 3.10 The Equality Authority report recommended that RTÉ should examine their commissioning and scheduling procedures, with a view to developing programmes aimed at addressing prejudice against LGB people and promoting positive images of them in society. The Department reported that the regulation of RTÉ (it is subject to the same BCI regulations and codes as the independent sector) is currently under review and suggested that the Authority might like to make a submission to the Minister regarding specific rules for amounts/types of content for RTÉ in relation to LGBs.

Department of Community, Rural and Gaeltacht Affairs

- 3.11 This Department was established in June 2002 and involved the transfer of staff from five other Departments. An equality review will be undertaken as part of the establishment of the Department; but detailed information on how this will be incorporated into the Department's work and management structures are awaited. As highlighted in the Equality Authority's report, this should involve that Department taking steps to ensure that LGB people are a named and resourced target group in programmes and structures designed to support community development and combat social exclusion and inequality, in particular through the Community Development Programme (CDP).
- 3.12 The Community Development Programme, a key feature of which is investment in capacity-building to empower disadvantaged groups/individuals to participate more fully in society, now operates under the aegis of the Department. The Equality and Racism Sub-Committee of the Programme's Advisory Committee recently established that LGB activity has not been funded up to now, and recommended that it be specifically included under the CDP. The Sub-Group devised a strategy, which has the following three aims:
- i building the capacity of the LGB community.** An audit has been undertaken, six groups have been identified to apply for core funding to support two full-time staff (or equivalent). Any applications received will be evaluated under the general criteria applying to any community development project - community development ethos, anti-poverty focus and involvement of target group. The Department may also consider funding a special support agency to help funded groups advance their work.¹⁵
 - ii enlist mainstream programmes to support LGB community.** Regional strategy days have been organised and it is hoped to have something more concrete in the coming months.¹⁶
 - iii support the development of an advocacy model.** (Linked to i above.)
- 3.13 A key issue for the Project Team was the naming of LGBs as a target group in initiatives such as the CDP. It was also pointed out by the Department that marginalised LGBs may already be covered by another ground such as gender, disability, etc. The Team felt that one way the Department could take a leadership role in this regard would be to fund a support agency to prepare groups for entry into the CDP and to support all CDPs including LGBs in their programmes. The Department also has a once-off grants scheme to support groups/individuals involved in information provision, which is available to LGB groups. The Department invited applications from LGB groups to these funding schemes.

15 Six LGB organisations have developed proposals for funding under the CDP, which were submitted to the Department in December last, together with an application for a national support agency. See also Dillon, B (2002) *Implementing a Community Development Approach to Tackling Gay and Lesbian Social Exclusion*. Dublin: Gay HIV Strategies.

16 The Regional Strategy Day was held in November last, in the North East Region, and included local and national LGB organisations, CDPs and support agencies, Health Boards, CDBs from Cavan, Monaghan and Louth and from Northern Ireland. A regional strategy team drawn from the above organisations has been established to further develop the strategy.

Area Development Management

3.14 Area Development Management (ADM) manages the Local Development Social Inclusion Programme, which aims to support integrated social and economic development, promote social inclusion and equality and facilitate local communities and groups to tackle disadvantage. It forms part of the National Development Plan. Some of the principles of the Programme are:

- resources are targeted on those who experience extreme poverty and social exclusion;
- strategies to promote equality are actively promoted;
- community development approaches and principles are applied;
- a meaningful partnership process is encouraged;
- there is an emphasis on integrated and multi-sectoral responses to exclusion; and
- mechanisms are developed to mainstream lessons learned and to maximise their contribution to policy-making.

3.15 The Programme is of particular interest to LGB groups because of the high risk of poverty, social exclusion and cumulative disadvantage experienced by some LGB people. While ADM has not taken direct action in relation to LGB issues, a small number of Partnership Companies supported under the Programme have undertaken some work in this area, particularly Waterford, Cork, Limerick and Clondalkin. Both the Team and ADM felt, however, that more could be done to target the most marginalised LGB people and that it would be useful for ADM to reaffirm the value of such work to the Programme generally in the context of its focus on equality and cumulative disadvantage. ADM agreed to write to the Partnership Companies outlining the relevance of LGB issues in tackling cumulative disadvantage and the potential value of local area engagement with this issue. It also agreed to put in place measures to promote wider engagement with LGBs within the Partnership Companies.

3.16 Some examples of how sexual orientation issues can impact on a person's life chances more generally are:

- bullying at school on sexual orientation grounds, leading on to early school leaving;
- health choices; and
- harassment in the community and breakdown of family and friendship support networks, leading to homelessness.

3.17 Members of the Team stressed that, from their experiences of working at grass-roots level, many marginalised LGB people have not been adequately empowered to articulate their needs. In common with other consultation meetings, the issues relating to the lack of adequate data for strategic planning, budgetary constraints and the problems associated with the reluctance of many LGB people to be identified as such, were raised by Departments as challenges. In response to this, the Team wishes to point out, however, that the lack of data is not the problem as all Departments and State Agencies have to do is to take action first and the data issue can then be tackled. Similarly, with people reluctant to ‘come out’, State bodies need to be more pro-active in support of LGBs. Then people will be more comfortable to make their sexual orientation known as they see fit.

3.18 In addition to what is stated in paragraph 3.15, ADM also agreed to:

- consider the inclusion of an LGB representative on its Equality Advisory Committee, which advises the Board;
- complete a scoping action research project to identify lessons learnt through the Community Development Programme to-date and how it could address the needs of marginalised LGB people more fully; the results of this research could be taken into account in the Programme and discussed through training workshops; and
- a Strategy relating to marginalised LGB people would also be developed through the Equality Advisory Committee.

Department of Education and Science

3.19 Education is a key issue for LGB people for a number of reasons. For example, at a personal level, students harassed or bullied due to their sexual orientation are at particular risk of early school leaving, which in turn may reduce their life chances; at a social level, the education system is also important as it has a key role to play in the formation of social attitudes among future generations.

3.20 The Team felt that it has not been possible to engage with the Department to the extent it would have wished. For example, the Department was not in a position to provide a written reply to the Team in advance of meeting with it, and so it was difficult to assess the Department’s implementation plans. The Department accepted that issues of sexual orientation in schools require attention and acknowledged that they have not been directly and specifically addressed to-date. As a result of the consultation meeting, however, the Department committed itself to establish an Intra-Departmental Working Group, drawing from the relevant sections within the Department, to develop an implementation action plan to be completed within a short timeframe.

- 3.21 The Team was in agreement with the strategy proposed by the Department and considered it a possible model for others to consider in initiating work of this nature. It was concerned, however, that the Department's Working Group should be established without delay, considering the seriousness and complexity of the work to be undertaken and the ground to be made up.¹⁷
- 3.22 The importance of the Working Group consulting with relevant LGB organisations and those involved in implementing the recommendations such as teachers and their representative organisations was stressed by Team members and the following were given as examples of pertinent issues:
- aspects of the education sector from primary to third level;
 - legislation;
 - research findings;
 - Ministerial advisory groups; and
 - the health aspects of education.
- 3.23 The Department expressed general agreement in principle to the LGB recommendations and felt that it was a case of prioritising these for action. In relation to envisaged barriers to implementation, the Department stressed that issues relating to sexuality were complex and sensitive, particularly within the education context.
- 3.24 A question was raised regarding how the issue of sexual orientation would be handled in the Department's Strategy Statement and Business Plans, being developed at the time of the meeting. The Department said that it was likely that the Strategy Statement would include a broad anti-discrimination statement and that 'sexual orientation' was more likely to be addressed at the level of the Business Plans.
- 3.25 Bullying behaviour in schools was raised as an important issue for LGB people. Disappointment was expressed by the Team at the Department's response in this area and it was pointed out that harassment is specifically mentioned in the equality legislation. The Department, however, does not see itself as infringing the Act, as this is a matter falling within the competence of the schools. The costs to the system (in terms of efficiency and effectiveness) and to the individual of not dealing with these issues adequately were stressed by the Team.
- 3.26 Youth services for gay and lesbian people were also raised with the Department and the lack of funding for such groups was flagged in particular.

17 At a meeting in January last of the Department's Management Advisory Committee it was agreed that a group of senior officials would examine implementation issues and a meeting would then be arranged with members of LGB groups.

Department of Enterprise, Trade and Employment

- 3.27 The Team congratulated the Department as the first to fund gay organisations. The monthly Gay Newspaper - *Gay Community News* - was funded through a Community Employment scheme.¹⁸ One of the issues it raised was the transfer of Community Employment to the Social Economy Programme. The Department stated that the funding equivalent of 5,000 CE places would be transferred to the Social Economy Programme. Some services such as childcare and the drugs task forces will be ring fenced by the Department, but not LGB groups. The meeting noted that the *Programme for Prosperity and Fairness* commitment to review active labour market programmes. The Standing Committee under the PPF undertaking this work has yet to fully consider the matter, but a Consultant's Report for consideration by the Committee is nearing completion.
- 3.28 As regards the question of according equal rights of residency and work entitlements to foreign partners of Irish citizens who are same-sex couples, the Department of Justice, Equality and Law Reform stated that current legislation and practice recognises only married partnerships. The partners in an unmarried partnership are free to enter the State for the purpose of employment or study but their application will be treated separately and individually. That Department confirmed that these arrangements could only be considered when recognition for same-sex couples had been made through legislative change.
- 3.29 The Carers Leave Act 2001 and the Carer's Benefit Scheme (the latter is administered by the Department of Social and Family Affairs) are open to all employees who meet the eligibility criteria, regardless of gender or sexual orientation. (Eligibility for one is not a prerequisite for the other.) Similarly, LGB people have the same rights to annual leave and public holidays as other employees. As regards parental leave, a Working Group that reported in April last under the PPF supported in principle extending this to those other than the natural or adoptive parents but recognised the need to find a workable legal formula to minimise the potential for uncertainty and disputes about entitlement. The Department of Justice, Equality and Law Reform also referred to the Constitutional difficulties that could arise in the transfer of parental rights. The recommendations by this Working Group are at present being examined by the Department with a view to bringing forward proposals to Government.

FÁS

- 3.30 FÁS has in place Equal Opportunity Good Practice Guidelines that cover each of the nine grounds, including that of sexual orientation as well as detailed procedures in relation to sexual harassment. Posters in its offices highlight the fact that it complies with equality legislation. In addition, guidelines and procedures are in place to ensure that no discriminatory actions are taken by staff. Its staff also receive regular training in diversity. FÁS commenced an Equality Proofing initiative

¹⁸ In November 2002 *Gay Community News* transferred from a CE scheme to the SEP scheme.

in November 2002. This includes examining provision for LGB people and staff development needs in relation to equality issues and will be completed by year end.

3.31 FÁS also confirmed that it deals with LGB needs as part of its mainstream equality strategy. The Team appreciated this approach, but also felt that more work was needed to identify LGB-specific needs, particularly:

- difficulties in accessing employment;
- ways of dealing with harassment, discrimination or bullying; and
- blockages in career progression.

At the time of the meeting, FÁS was in the process of undertaking a review of the employment services which will be completed in the immediate future. The Team recommended that this review should include consultation with LGB groups. However, FÁS felt that this issue would be better addressed through the Equality Proofing Initiative.

Department of the Environment and Local Government

3.32 At the time of the consultation meeting, the Department was working on its new Strategy Statement and assurances were given that the equality agenda, including that of sexual orientation would be appropriately reflected in it.

3.33 City and County Development Boards (CDBs), of which there are 34 covering the whole country, are required to prepare strategy plans to coordinate the work of all the State agencies in their area. The Equality Authority, the Department and the Directors of Community and Enterprise in the Local Authorities had jointly designed an equality-proofing template¹⁹ to assist the CDBs to promote and develop the equality agenda in their Strategies for Economic, Social and Cultural Development. The template involves assessing plans during the drafting stage to assess capacity to:

- meet needs across the nine ground equality agenda;
- accommodate diversity; and
- further develop the equality agenda at local level.

3.34 The Strategies are now in place and are entering the implementation phase. The Equality Authority has prepared a summary of the outcomes from an equality-proofing perspective. This highlighted the lack of actions, or indeed reference to, sexual orientation as a point of concern (Equality Authority, 2003). Cork City Development Board was unique in specifically naming LGBs in their Strategic Plan, as outlined in the textbox below.

¹⁹ Equality Authority (2002b) *Equality-Proofing Template for County and City Development Boards*.

Box 3.1 Cork City Development Board – A Model of Good Practice

Cork City Development Board was established in 2000 as part of a national process to maximise the effectiveness of public service delivery. The Local Government Act, 2001 requires Development Boards to prepare and implement strategy plans. In 2002 Cork City Development Board published its ten-year Strategy *Cork 2002 – 2012 Imagine our Future: Integrated Strategy for Economic, Social and Cultural Development*, following a two-year consultation process.

The Cork City Development Board's strategy is unique in the degree to which it acknowledges and includes the Lesbian and Gay community in its area. It estimated that Cork is home to approximately 12,000 LGB citizens and the Strategy poses two fundamental questions:

- How can the quality of life and participation of Cork's LGB citizens be improved?
- How can Cork city become a more welcoming and safe city for LGB visitors and residents?

The Strategy sets as an Objective that the LGB communities will be enabled to fully participate in the social, cultural and economic life of the city and commits to the establishment of a Working Group to identify major barriers to participation.²⁰

Source: Cork Development Board (2002).

3.35 In relation to consultation with LGBs, the Department was unclear how many Local Authorities had identified this group in their strategies. The difficulty some authorities experience, particularly in rural areas, was stressed, as LGBs are not generally organised or visible in these areas. The meeting agreed that where LGB groups exist they should be included, with all other groups, in the consultation process. In any case, the issues of relevance to LGBs need to be addressed as appropriate. The Department argued that LGB groups also have a responsibility to come forward and respond to public calls for consultation. The Team pointed to the lack of resources and capacity as barriers to such LGB participation, as well as reluctance by some LGB to be identified as such.

3.36 In relation to the process of consultation, the Team emphasised the need for mindset changes. Firstly, responsibility to seek input from those organisations not represented, and in an appropriate manner, should lie with public bodies. Secondly, categorisation of people as 'gay' or 'old' or 'disabled', when it is possible to be in more than one of these groups at the same time, was inappropriate. A two-pronged approach was proposed by the Team which focused on generating greater inclusion generally and, alongside this, considering the inclusion of LGBs as a possibility in all groups.

3.37 With regard to the representation of LGBs on local Strategic Policy Committees and City and County Development Boards, the Team pointed out that while the

²⁰ A working group of local public bodies and the local LGB community has been established by the Development Board to develop an action plan on LGB issues. It has commissioned a study on how local services could be more appropriate and accessible for LGBs.

community sector is now represented on these committees, LGBs often do not get through the selection process. The Department pointed out that the Community and Voluntary Fora, established as part of the CBD process, are designed to afford **all** community-based groups and voluntary organisations the opportunity to input into local policy making. The representatives of these fora who have been elected to bodies such as the CDBs and SPCs have a responsibility to ensure a two-way flow of information between the fora and these bodies.

- 3.38 The Department pointed out that Housing allocations are a matter for each individual Local Authority, but priority tends to be given to adults with dependant children, regardless of their gender. Discrimination on the basis of sexual orientation is, therefore, unlikely to be an issue but the Department acknowledged that it might be difficult for some people to be open about their family situation.
- 3.39 Regarding homelessness, the Team raised a concern that some LGB people may be afraid to use the homeless service because of harassment. A homeless forum has been established in every city and county to deal with homeless services, and the Department pointed out that it would be open to LGB support organisations to liaise with these fora to establish how best to meet their needs. The Department also agreed to write out to the homeless services on harassment and violence towards LGBs and the need to proactively address this.
- 3.40 In relation to responding to harassment and violence towards LGBs on Local Authority estates, the Department explained that Local Authorities might not find it easy to bring legal successful proceedings against such behaviour as the burden of proof is very high. It argued that pre-tenancy training and enforcement of tenancy agreements²¹ were preferred routes to dealing with such situations. The Team suggested that the Department should undertake research on approaches to establishing the incidence of, and where necessary, preventing and tackling harassment, consulting with relevant groups and drawing out best practice. Other cost-neutral ideas were proposed, such as declaring more openly that LGB are part of the community which Local Authority staff serve and ensuring a customer-friendly approach. This should cover all Equality Grounds and all public services.

Department of Finance

- 3.41 Issues relating to the taxation and pension treatment of same-sex couples and the Department's role in supporting equality opportunities across the Public Service were the two main points that arose in the Team's consultations with this Department.
- 3.42 The Department underlined how changing the taxation system in line with

²¹ Local Authorities are empowered under Section 62 of the Housing Act, 1966 to initiate proceedings to secure an eviction where a tenant has breached the conditions of the tenancy agreement.

according equal rights to same-sex partners, unmarried heterosexual couples and married couples would run ahead of and pre-empt the general law in this area. On this point, the Team felt that the Equality legislation should be considered the general law, and also pointed to the fact that Social Welfare legislation did not seem to be as constrained by this requirement. The Department was also concerned that any such scheme should not act as a vehicle for tax avoidance. It invited suggestions and proposals from Team members and noted two recent developments of relevance. The first was the introduction of Dwelling House Relief, which reduced the effect of inheritance tax for non-married couples. The second was the introduction of individualisation, the effect of which was to standardise a proportion of personal taxation liability, irrespective of marital status.

- 3.43 Legislation is being prepared by the Department of Social and Family Affairs, in consultation with the Departments of Finance and of Justice, Equality and Law Reform to transpose two EC Directives (2000/43/EC and 2000/78/EC) into legislation. These Directives which are more commonly known as the “Race” and “Framework Employment” Directives will, when transposed, apply the equality provisions of the Directives to pensions. These Directives prohibit discrimination on grounds of religion or belief, disability, age or sexual orientation (Framework Employment) or on grounds of race or ethnic origin (Race). It is expected that the legislation will be enacted in early 2004. The Department said that views from interested parties on the legislation would be welcomed. The Team felt this could best be done by the Department establishing a Working Group to examine relevant LGB issues (see paragraph 4.23).
- 3.44 The Department has an over-arching role in relation to the conditions of service, including equality, across the Public Service. The Team commended the Department on its publication *Diversity in the Civil Service: a Policy on Equality of Opportunity* (2002), which sets out the Civil Service policy on implementing equality of opportunity in employment, working environment (covering staff, clients and customers) and participation in the workplace.
- 3.45 Under the SMI, Departments must present in their Strategy Statements the measures they propose to adopt to improve equality of opportunity in their organisations. The Team stressed the need for Departments to be able to set measurable targets in their Statements and Business Plan and to report on progress in relation to equality of opportunity in their Annual Reports. The Department confirmed that it is already considering what further steps could be taken to reinforce the reporting arrangements which are already in place under the SMI.
- 3.46 In relation to LGBs as customers of public services, the Department noted that, under the Quality Customer Service initiative, Departments must put in place a range of policies and procedures to ensure that their staff are both aware of and take account of the diverse needs of their customers. Equality issues are a major element in the development of the initiative, the Department stated.
- 3.47 A policy on the prevention of bullying, harassment and sexual harassment was

issued in 2000. This sets out Departments' responsibilities to ensure an open and positive working environment and establishes specific procedures for the investigation of complaints.

- 3.48 The Team stressed that services which ignore LGB needs are likely to be inefficient and costly. Members of the Team felt that pilot projects to demonstrate the economic savings to be accrued from equality-focused initiatives may be helpful in this regard.

Department of Foreign Affairs

- 3.49 The Department reported that it is engaged in a comprehensive equality review of policies in relation to the terms and conditions for staff of the Department posted to missions abroad. This is to be completed shortly. It will include an examination of the treatment afforded to non-marital partners accompanying officers posted abroad in relation to foreign service allowances, medical and travel benefits and access to diplomatic passports. Any changes to the terms and conditions, that have financial implications, would need sanction from the Department of Finance.

Department of Health and Children

- 3.50 The Department was commended by the Team on its commitment to and development of an innovative model to tackle the inequality in health for gay men, particularly around HIV prevention, and including the critical element of capacity-building in the gay community (see Box 3.2 below). The Department was in the process of completing its Strategy Statement, which it said would include a commitment to the reduction of health inequalities. The Team felt that increasing the visibility of LGB needs in the healthcare system was important and their inclusion in the Department's Business Plans and the Health Boards' Service Plans would be beneficial. The Department indicated that it had already written to the Health Boards on this matter, drawing their attention to the recommendations in the Equality Authority's report and asking them to include relevant aspects in their Plans.

Box 3.2 Gay HIV Strategies

Gay HIV Strategies (GHS) is core-funded by the Department of Health and Children with the objective of facilitating new programmes, resources and linkages of effective health promotion, community development and HIV prevention strategies for gay men. The project arises from a needs analysis study commissioned by the Department *HIV Prevention Strategies and the Gay Community: A Baseline Study of Resources, Issues and Needs* (GLEN/Nexus, 1996). It employs one full-time worker.

GHS understands the social and economic determinants of health as they affect gay and bisexual men. It has successfully developed a range of initiatives with statutory, non-statutory and non-governmental organisations. This includes Government Departments, Health Boards, and Garda Síochána, Community Development Projects as well as the private sector.

A key objective is to develop demonstration projects which can then be mainstreamed. GHS has been effective in modelling ways in which the gay community can work in partnership with Local Authorities, County Development Boards, Health Boards, regional support agencies, local and community development projects, the Garda and youth services in order to create appropriate and accessible services for gay and bisexual men. This groundbreaking work has taken place in urban areas such as Dublin, Cork, and Waterford as well as more rural communities such as those in Louth and Roscommon.

- 3.51 A priority issue in relation to this Department was the mainstreaming of LGB people's needs into the design, delivery and impact assessment of services with LGB interests represented in all consultative fora and structures that inform policy and service development. One example raised in the consultation with the Department was the Primary Care Task Force, which is principally rolling out the team-based care model described in the document *Primary Care: A New Direction* (2001). The Team was informed by the Department that the Task Force does not include representatives from specialist groups, but that it would be happy to meet with LGB representatives to discuss issues concerning the Primary Care Strategy.
- 3.52 On a more general note, the Department advised that a global request for LGB involvement in all health policy development was less effective than targeting specific areas of particular interest, where the community can demonstrate its contribution more clearly. The Team identified the following areas as of particular interest:
- primary healthcare;
 - sexual health and HIV/AIDS;
 - mental health;

- next-of-kin issues; and
- accessibility of health services.

- 3.53 The Department pointed out that recording a person's sexual orientation on medical records, etc. poses particular ethical considerations in relation to data collection and may be a possible implementation barrier. The importance of staff awareness training in customer diversity for **all** staff was stressed by the Team and it stressed that any modules on sexual orientation should be designed in consultation with LGB organisations. The Department has had an exploratory meeting with the Equality Authority concerning staff training on equality issues generally.
- 3.54 The Team also felt that a poster campaign in GP offices on the subject of equality of patient service would have positive results. The Department suggested that such concerns would best be addressed if included in undergraduate and continuing training programmes. The Team agreed, but considered that both avenues could be explored simultaneously. On a wider point, the Department offered to arrange a meeting between LGB groups and the Irish College of General Practitioners to discuss guidelines, once it was clear what LGB representatives would like to see covered in any such guidelines.
- 3.55 The lack of community infrastructure at a national and a local level was identified as an implementation barrier by the Team. The Department noted that the LGB community is represented on the National Aids Strategy Committee and that it also funds the Gay HIV Strategies (see box 3.2 above). In addition, different Sections in the Department have given once-off grants to various groups within the LGB community to support health-related activity at national, regional and local levels. For example, the Health Promotion Unit funded the development and publication of a booklet for parents of children who are LGB in 2001. It was also noted that as Health Boards were developing sexual health strategies and putting sexual health promotion personnel in place, the Department felt that linkages with the LGB community should be developed in due course.
- 3.56 Members of the Team noted that Health Boards do have some community development staff but thought that they could be more proactive in working with the LGB community and linking in with the Department of Community, Rural and Gaeltacht Affairs. Some Team members felt that greater use of community development approaches could help to inform the Department's work.
- 3.57 In response to concerns raised by the Team regarding discrimination, on sexual orientation grounds, that health service workers can face in relation to training and advancement, the Department stated that its recently-launched *Action Plan for People Management* included specific commitments in relation to diversity in the workplace. Action 2.2 in the Plan, *Ensure Equality and Value Diversity*, covers a number of relevant initiatives:

- prepare an Equal Opportunities/Accommodating Diversity Strategy and Action Plan (2.2.1);
- develop tools which will assist managers in the equal opportunities/diversity aspect of their people management role (2.2.2);
- finalise and roll out Equality/Diversity guidelines and Dignity at Work Policy (2.2.3);
- mainstream Equality/Diversity training in the health services (2.2.4);
- each policy to assign responsibility for equality to a senior executive and include a statement on initiatives in the annual report (2.2.5); and
- where agency size warrants, assign resources to the appointment of an Equality Officer (2.2.5).

The Department indicated that the Plan is currently being implemented and that many of the actions are to be started or completed by mid-to-late 2003. The Health Service Employers Agency is also preparing a Dignity at Work Policy for the health service in partnership with health service unions. The policy is intended to ensure a workplace free from intimidation and harassment on any of the nine grounds and to provide robust informal and formal procedures for dealing with complaints of bullying and harassment. The Team commended the Department on this Plan and suggested that models of good practice may be identified from the Department's work in this area.

- 3.58 In relation to partnership rights and adoption, the Department explained that no adult has a right to adopt a child and that the principle underpinning adoption legislation and practice was the best interests of the child. Irish adoption law allows either married couples or single people to adopt. The effect of this is that where a non-married couple (whether same-sex or heterosexual) living together wish to adopt, the adoption is legally possible only in one person's name. The partner in such cases has no parental or guardianship right. In effect, same-sex couples are in the same position as non-married heterosexual couples. The birth mother in a domestic adoption has a significant role in the selection process and normally tends to select traditional nuclear families.
- 3.59 Foster care is a service for children and the principle of the best interests of the child and the views of the birth parents underpin its operation. The Team was particularly interested in the application and assessment process for foster care. It was informed by the Department that these vary by Health Board. Information on whether prospective foster carers are lesbian, gay or bisexual is not collected by them and it is not possible, therefore, to ascertain the numbers involved. The 2001 Report of the Working Group on Foster Care Services did not identify sexual orientation as an issue and, accordingly, there were no recommendations on this aspect.

Department of Justice, Equality and Law Reform

- 3.60 The Department's representative stated that its current legislative programme reflects the *Programme for Government* and that work on the Family Law Bill (mainly covering the division of pensions in cases of marital separation) was a Departmental priority. This is expected to be published this year. That Bill will also consider the recommendation about protection against violence in intimate relationships.
- 3.61 The proposals in the Equality Authority report to accord the same equal status and rights for different partnerships on the same basis as that of married couples is seen by the Department as far-reaching. Reform in relation to partnership rights was not covered in the *Programme for Government* and policy change in this area was unlikely, therefore, in the near future. It was the view of the Department that general reform of the legal and policy codes to reflect the diversity of family forms could require a Constitutional amendment (and that a political commitment would be needed to initiate this). In the absence of this, the Department felt that recognition of family diversity could be considered on a case-by-case basis.
- 3.62 As stated by the Minister of State, Mr Willie O'Dea T.D., in the Seanad on 16 October, 2002 the Department's view was that it would be premature to introduce legislation on the lines recommended by the Equality Authority, at this stage, pending completion by the Law Reform Commission of its project on the rights and duties of cohabitants. In this context, the Department's representative suggested that the Project Team might make contact with the Commission with a view to having an input into its deliberations.
- 3.63 Based on consultations with the Law Reform Commission, members of the Team felt that an amendment may not be necessary as the Constitution is open to interpretation. The Law Reform Commission is currently undertaking a study of cohabitation. A consultation paper is to be published next year and this will be followed by a consultation process. **The Team recommends that the Law Reform Commission should include, in its deliberations on law reform in relation to cohabitation, consideration of the feasibility of different models to achieve equal rights for same-sex partnerships, drawing on the experiences of other countries which have recently legislated in this regard.** Such deliberations should not, however, delay incremental progress.
- 3.64 The Team felt that there was an internal inconsistency in the law between the Equality legislation and other legislation that discriminated on the basis of sexual orientation. All new legislation or reviews of existing legislation should reflect family diversity, the Team argued.
- 3.65 The Team also considered developments at European Union level and their potential to further advance the equality agenda. Two relevant Directives have been published on foot of Article 13 (inserted by the Amsterdam Treaty), one (the

“Employment Directive” prohibiting discrimination in employment on several grounds including sexual orientation and the other (the “Race” Directive) prohibiting discrimination on the ground of race or ethnic origin in employment and in the supply of goods and services . The EU Commission is preparing a draft Directive which will outlaw discrimination on the gender ground in the supply of goods and services. While these Directives have not yet come into force, some European jurisprudence regarding sexual orientation exists in the form of cases taken to the European Court of Justice under EU Staff Regulations.

- 3.66 The Project Team was severely critical of the negative situation regarding immigration regulations for same-sex partners. As mentioned above, this recognises only married heterosexual partnerships. In this regard, the Team pointed out that the UK authorities recognise same-sex partnerships *de facto* for immigration purposes and the Department undertook to examine this in greater detail. The EU dimension to this issue was also highlighted by the Team.
- 3.67 The Prohibition of Incitement to Hatred Act, 1989 criminalises incitement to hatred on account of sexual orientation among other grounds. The Minister has already ordered a review of the Act to see if it needs to be strengthened. This review is being carried out in the context of a draft EU Council Framework Decision on Racism and Xenophobia and proposed EU measures to counteract hate speech on the Internet. Harassment, assault, threats to kill or cause serious harm and coercion are offences under the Non-Fatal Offences against the Person Act, 1997. Sexual harassment and harassment on the ground of sexual orientation in the workplace, or in a place where goods or services are provided (including accommodation), constitute prohibited conduct under Equality legislation and victims of such harassment can obtain redress.
- 3.68 The Department confirmed that there are no plans at this stage to implement a law whereby motivation on grounds, for example, of racism or homophobia calls for a greater penalty. Such a regime may run foul of the doctrine of the separation of powers, and there may be evidential problems in proving such a motivation. Officials undertook to bring protection on the ground of sexual orientation to the attention of the relevant Section in the Department carrying out the review of the Prohibition of Incitement to Hatred Act.
- 3.69 Development of the support infrastructure for LGB people experiencing harassment and violence on the basis of their sexual orientation was a key concern for the Team. The Department advised that the Victim Support organisation wished to re-establish contact with LGB groups and is interested in staff training regarding sexual orientation, harassment and violence. The help of Victim Support is available to all victims of crime. The Department has no plans to provide or resource separate victim support services for people of a specific sexual orientation.

3.70 The Department has funded various organisations that are representative of groups protected by Equality Legislation. Some LGB organisations have been funded in the past. While there are no specific provisions in the 2003 Estimates, the Department undertook, however, to explore what sources of funding might be available from within its own and from other Departments. If additional resources could be found, a funding application on a once-off basis could be considered to facilitate communications between the LGB community and the Department.

Equality Proofing

3.71 The Department has a key role in the development and implementation of equality proofing. Equality proofing is a formal mechanism by which policies are assessed for their likely impact on groups experiencing inequality across the nine grounds set out in equality legislation. It chairs the Working Group on Equality Proofing established under the Programme for Prosperity and Fairness. The Partnership 2000 Working Group on Equality Proofing recommended a 'learning phase' during the period 2000-2003 where experience on equality proofing would be developed. The Working Group was established to monitor and support this work. It published an Interim Report in November last, drawing out the learning to-date.

3.72 It is a fundamental principle that policies should be proofed for all the grounds covered by the equality legislation. Members of the Team felt, however, that sexual orientation generally did not receive the same attention as the other grounds. FÁS, in relation to all employment services, and the Department of Education and Science, in relation to further education initiatives, are at present piloting an equality proofing approach. This will involve:

- i) Establishing the equality dimension to programme objectives.
- ii) Screening – identifying which among the nine grounds has relevance in relation to these objectives.
- iii) Securing the participation of organisations representing the affected groups.
- iv) Developing a knowledge, information and data base on the affected groups. This will also include assessing the contribution made to greater equality for groups.
- v) An examination of indicators to assess progress.

The Team recommends that FÁS and the Department of Education and Science should include sexual orientation as a relevant ground in their respective equality proofing pilot exercises.²²

²² The Team is pleased to note that FÁS has now commenced work in this area.

- 3.73 During the learning phase proposed by the *Partnership 2000 Working Group on Equality Proofing*, a joint research project has been carried out by the Equality Authority and the Combat Poverty Agency to support the focus on inequalities leading to poverty within the poverty proofing guidelines.²³ It highlights the difficulties policy makers have had in applying this process. The report sets out the linkages between inequality and poverty and provides a simple screening exercise to establish the relevance of policy to each of the different groups experiencing inequality. It includes a section on sexual orientation, which refers to a specific characteristic relating to lesbians and gay men and considers how this characteristic is linked to inequality in the areas of: employment; education; housing and accommodation; health; personal safety; and partnership rights, and how such inequalities are likely to lead to poverty. It is planned to publish the report as part of the process of developing materials and a knowledge base to assist effective equality proofing.
- 3.74 The Equality Authority is also developing a template for equal status reviews and action plans and will be piloting it in a number of areas in the public sector.

The Garda Síochána

- 3.75 The Team commended the Garda Síochána as a good practice model in developing structures for communicating with the LGB community, its organising a three-day seminar in the Garda College Staff with speakers from the LGB community and for the 13 Garda Liaison officers that have now been appointed serving various parts of the country.
- 3.76 **The Team recommends that the Department of Justice, Equality and Law Reform should encourage an evaluation of the Garda Liaison service for the LGB community with a view to mainstreaming the learning gained and its application in other policy areas.** Trans-national research in this area was also suggested by the Team. In response to a request from the Team, the Department undertook to raise the question of increasing the membership of the National Steering Committee on Violence Against Women, to include representation of lesbian interests, at the next meeting of the Committee. Finally, the recommendation on awareness training on LGB issues has been referred for attention by the Department to the Judicial Studies Institute.

Department of Social and Family Affairs

- 3.77 Up to ten per cent of those who experience poverty are lesbian or gay and a priority issue in the Equality Authority's report in relation to this Department was the targeting of resources and the inclusion of LGB people within mainstream initiatives to tackle poverty and exclusion. The recent review of the National Anti-Poverty Strategy (NAPS), which involved wide consultation, identified groups vulnerable to poverty. Lesbians and gay men were not one of these groups.

²³ Poverty proofing is the process by which policies and programmes are assessed at design and review stages in relation to the likely impact that they will have or have had on poverty

- 3.78 Another round of consultations will take place this year in the context of drafting the National Action Plans against Poverty and Social Exclusion (NAPSincl). The Department mentioned that further consideration will be given at that stage to addressing poverty among lesbian and gay men. The Team raised the issue of funding for LGB groups under the National Anti-Poverty Networks which is administered by the Combat Poverty Agency. The Department explained that the Agency is open to supporting, and had in fact previously funded, work on poverty among the LGB community. However, it is not in a position to fund work which targets the *entire* LGB community, who undoubtedly face discrimination and inequality within our society but who do not all necessarily experience poverty. For the same reason, the Agency has never been able to fund work with women (in a generic, rather than in a targeted way), despite the discrimination and inequality that they experience.
- 3.79 Resourcing LGB groups to participate in policy consultation was a recurring theme in many of the consultation meetings. Groups in a position to participate in the NAPS review process were, Team members felt, more likely to be named as a vulnerable group and receive funding. For this reason alone, it was important and **the Team recommends, therefore, that disadvantaged LGB people should be explicitly targeted as a vulnerable group under the NAPS, in the same way that women are.**
- 3.80 The emphasis in seeking to ensure delivery of the Department's range of services to a very wide and diverse customer base on an equality and non-discrimination basis was welcomed (as were the initiatives taken in customer training for staff on anti-discrimination and awareness-raising and the development of participative structures between customers and staff). However, the difference between not discriminating and having an integrated equality service was highlighted by the Team. The naming of groups covered under the equality legislation was considered an important first step. The use of consultants with expertise on sexual orientation as well as consultations with LGB interests in staff awareness training are also put forward by the Project Team for consideration by the Department.
- 3.81 The Department stated that it would welcome the opportunity to consider and explore, with the Equality Authority, the possibility of developing an equal status policy and the conduct of equal status reviews. However, it would be very important that any such initiative be informed by the pilot initiative underway between the Authority and other, smaller Departments, with a view to sharing experience, best practices, etc. The Department also confirmed that it is scheduling an evaluation (early this year) of its pilot anti-discrimination and awareness-raising training courses for its staff, with a view to further rolling-out this programme. This will take account of the points raised by the Project Team.
- 3.82 In relation to entitlement to welfare for same-sex couples, it was stated that equal treatment for these couples is not currently on the Department's policy agenda, but could be reconsidered in light of the Forum's Report. The Department stated

that, as same-sex marriages are not currently recognised under law,²⁴ any change in Social Welfare legislation to recognise such marriages would run ahead of general law which does not recognise same-sex relationships. The Government has, for many years, pursued a policy of individualisation of the social welfare system through an expansion of social insurance coverage so that as many people as possible can qualify for payments in their own right, rather than deriving their rights from spouses or partners. In the long term this will, the Department hopes, provide solutions for groups who feel that have difficulties in this area. However, members of the Team considered this as a clear example of the difference between formal equality and equality of outcome.

3.83 A key point to emerge from this consultation was the need to bring issues together - the overlaps between vulnerable groups was given as one example and the links between poverty and equality proofing as another.

The Family Support Agency

3.84 The Team noted the following points in relation to the new Family Support Agency:

- the legislation establishing the Agency on a statutory footing does not define ‘the family’;
- the Agency has a significant role to play in terms of support for parents of lesbians and gay men and for young lesbians and gay men in families who may be experiencing problems of alienation or lack of support;
- the Minister appoints members to the Board of the new Agency, based on expertise; it was generally acknowledged, however, that other voices will need to be heard - children, the LGB community, for instance;
- the Agency is required to produce a Strategic Plan within six months of establishment, and this will involve some consultation, limited by the time allowed; the lack of financial support available to LGB groups to participation in these consultations was raised and it was reported that the new Agency currently does not have a budget line for consultation; and
- the importance of writing equality into the Agency’s Strategy Statement and Business Plan from the beginning was stressed by the Team.

3.85 In relation to Family Resource Centres, no barriers in principle could be found to the establishment of one to support lesbian and gay parents. It was noted, however, that the application process is lengthy.

24 Following a Supreme Court Judgement in the late 1980s, the definition of a married couple for social welfare purposes was widened to include cohabiting couples. As a result, payment restrictions applying to married couples were extended to cohabiting couples.

Conclusions

- 3.86 The Team's consultation process with Departments has, on the whole, been very useful in ascertaining progress to-date in implementing the recommendations in the Equality Authority's report and identifying possible implementation barriers. The Departments' responses were, however, uneven. Some Departments could clearly identify LGBs as customers, service users and/or employees and were incorporating relevant issues in their strategic planning. Others had given less attention to the implications of the fact that up to ten per cent of those they are in contact with in their work may be LGB.
- 3.87 The Team places considerable emphasis on the need for all Departments and State Agencies to incorporate a commitment to the provision of a quality service to LGBs in their respective strategic planning processes – in Strategy Statements, Business Plans and Service Plans, for instance. The Team believes that this requires political backing to ensure effective support and follow-up by Departments and that a Government Decision should be issued on the matter (see Section IV).
- 3.88 The Team is conscious of the various demands on State Bodies and the time needed to develop policies and change practices, but is also adamant that urgent change is required. It was clear from consultations with Departments that more time was needed to give them a proper chance to move forward on some of the report's recommendations. In recognition of this, **the Team recommends that the Forum should reconvene the Team within a year to review progress.** At that stage, all Departments should be better placed to discuss with the Team implementation issues arising.
- 3.89 Developing on the models adopted for other Equality Grounds, such as gender and membership of the Traveller Community, the Team concluded that one central Government Department should take an overview / monitoring role in relation to implementing equality for LGB people. **The Team recommends that the Department of Justice, Equality and Law Reform should be given this role by the Government.**
- 3.90 In summary, the main undertakings and suggestions that were made by Departments in the above consultations with the Project Team are outlined, for ease of reference, in Box 3.3 below.

Box 3.3 Summary of Main Undertakings and Suggestions by Government Departments

(References are to corresponding paragraph numbers in the Report)

- 3.6 The National Library is happy to consider any offer of LGB organisations to donate their archival material.
- 3.8 The Department of Communications, Marine and Natural Resources will circulate the Equality Authority report internally and to the various agencies under its remit.
- 3.9 The Broadcasting Commission of Ireland is willing to meet LGB representatives.
- 3.10 The Equality Authority might make a submission to the Minister for Communications, Marine and Natural Resources in relation to RTE's coverage of LGB issues.
- 3.13 The Department of Community, Rural and Gaeltacht Affairs invited applications from LGB groups to its funding schemes.
- 3.15/3.18 ADM agreed to follow-up on a number of actions to advance LGB interests.
- 3.20 The Department of Education and Science is establishing a Working Group to develop an action plan for LGBs.
- 3.30 FÁS has commenced an Equality Proofing initiative which includes examining provision for LGB people and staff development needs in relation to equality issues.
- 3.39 The Department of the Environment and Local Government mentioned that it would be open to LGB groups to liaise with the homeless fora, and that Department also agreed to contact the homeless services to proactively address harassment and violence towards LGB people.
- 3.42/3.43 The Department of Finance invited suggestions and proposals from LGB groups on issues relating to taxation and pension treatment of same-sex couples.
- 3.50 The Department of Health and Children has already written to the Health Boards drawing their attention to the recommendations in the Equality Authority's report and asking them to include relevant aspects in their Business Plans.
- 3.51/3.54 The Department of Health and Children are happy to meet LGB groups to discuss issues under the Primary Care Strategy and to arrange a meeting also between LGB groups and the Irish College of General Practitioners.
- 3.60 The Department of Justice, Equality and Law Reform confirmed that the Family Law Bill will consider the Equality Authority's recommendation about protection against violence in intimate relationships.
- 3.68 Protection on the ground of sexual orientation will be considered by the Department of Justice, Equality and Law Reform in its review of the Prohibition of Incitement to Hatred Act.
- 3.70 A once-off funding application by the LGB community would be favourably considered by the Department of Justice, Equality and Law Reform, provided additional resources can be found.
- 3.76 The Department of Justice, Equality and Law Reform undertook to raise the question of increasing the membership of the National Steering Committee on Violence Against Women to include representation of lesbian interests at its next meeting.
- 3.78/3.81 The Department of Social and Family Affairs is open to supporting work on poverty among the LGB community and is also willing to consider, along with the Equality Authority, the development of an equal status policy and the conduct of equal status reviews.

Section IV

Over-arching Points Regarding Barriers to Policy Implementation Issues

Over-arching Points Regarding Barriers to Policy Implementation Issues

- 4.1 In this Section the Team draws together the over-arching points in relation to barriers to policy implementation and achieving equality for LGBs. The Section begins by relating the Team's work to the Equality Framework set out by the Forum in its Report Number 23. Over-arching points, which extended across a number of Departments, are then outlined.
- 4.2 The Team found that, bar some notable exceptions, in general Departments had made little progress in implementing the recommendations of the Equality Authority's report.

The Forum's Equality Framework

- 4.3 In Report Number 23. *A Strategic Policy Framework for Equality Issues*, the Forum argued that inequalities must be addressed on an integrated and coherent basis and identified seven dimensions of an equality strategy (see Section I above). Below, each dimension is outlined in relation to the Team's work:
- **Legislation** – the current legislation protects LGB people in relation to employment and the provision of services, but recognition of same-sex partnerships (an important aspect of the affective dimension), is not adequately addressed.
 - **Institutions** – the contributions of the Equality Authority and the ODEI – equality tribunal are important positives in this context, but the focus on equality for LGB people in Government Departments and other State Agencies is underdeveloped and lacks clarity and coherence.
 - **Mainstreaming** – while advances have been made in terms of integrating equality concerns in policy design and monitoring, sexual orientation as an Equality Ground needs to be mainstreamed.
 - **Targeting** – while some limited funding has been made available to LGB groups, their inclusion in programmes with equality and social inclusion objectives is rare.
 - **Participation and decision-making** – the lack of representation, visibility and the absence of funding hinders the fuller participation of those representing LGB interests and concerns.
 - **Agenda-setting** – the Equality Authority's report significantly moves forward the LGB equality agenda.

- **Monitoring and review** – indicators of progress are lacking and a central Government Department is needed to oversee the implementation of equality policy for this group.
- 4.4 **Strategy Statements and Business Plans** – a recurring point accepted by those involved in this examination of implementation issues was the importance of hooking issues for Departmental action to strategic planning systems such as the Strategy Statements and Business Plans. *The Guidelines for Secretaries General and Heads of Office on the Preparation of Strategy Statements* states that Strategy Statements should be consistent with key Government initiatives which cut across all Departments and Offices, including equality issues as promoted through the Employment Equality Act, 1998, the Equal Status Act, 2000, the Civil Service Gender Equality Policy agreed by the Government in 2001 and *Diversity in the Civil Service: A Policy on Equality of Opportunity* agreed by the Government in March, 2002 (Department of the Taoiseach, September 2002: 2).
- 4.5 During the course of its consultations it became clear to the Team, however, that there was unevenness in the way that sexual orientation as an equality ground had been integrated into the strategic thinking of Departments and State Bodies. The Team felt that a key dimension here was the need for political backing to ensure implementation. **The Team recommends that a Government Decision should be issued requiring that all Government Departments, and State Agencies where appropriate, should from here on in have incorporated in their Strategy Statements and Business Plans a more proactive commitment to achieving equality for all the groups covered by the legislation in this area.**
- 4.6 **Equality Proofing** – The Team found considerable interest among Departments in relation to equality proofing. Equality proofing is a formal mechanism by which policies are assessed for their likely impact on groups experiencing inequality across the nine grounds set out in the equality legislation. It involves:
- assessing the impact of policies and plans on groups experiencing inequality;
 - resourcing the participation of those affected by inequality in this impact assessment; and
 - focusing attention on equality outcomes from these policies and plans.
- 4.7 The Team identified the following barriers to implementing equality proofing:
- the tendency for sexual orientation to be overlooked in the proofing process, particularly in regard to poverty/equality proofing;
 - a lack of engagement with LGB groups;
 - the lack of profile data and research; and
 - the lack of examples or demonstrations of how to operationalise equality proofing.

- 4.8 To address these barriers **the Team recommends that LGBs should be specifically addressed in all equality proofing exercises and that all data regarding social inclusion and equality should include LGB as a target group.**
- 4.9 The Team has already recommended in Section III that FÁS and the Department of Education and Science should include sexual orientation as a relevant ground in the pilot exercises that they are currently undertaking on equality proofing. In addition to this, **the Team recommends that examples of sexual orientation in equality proofing processes should be documented and disseminated.**
- 4.10 *Service Provision* – all public service providers have an obligation to be aware of the following three points. Firstly, that there is a potential risk of LGB customers being excluded from services. Secondly, that they must provide accessible and appropriate services. Thirdly, that some LGB customers are at risk of experiencing harassment and discrimination while availing of services. Evaluation research (Gay HIV Strategies and Nexus Research, 1999a) indicates that action is required in four inter-related areas:
- public profile;
 - policy and procedures;
 - professional development; and
 - programme development.
- 4.11 The Equality Authority (2002a: 17) proposes that service providers should address the following questions in relation to their services:
- i What do you know about the needs of your LGB clients or services users?
 - ii How do you currently respond to these needs?
 - iii How are the needs of LGB people included in the structures or processes for planning, implementation and review or evaluation of your service, programme or scheme?

The Team recommends that all Departments and State Agencies should take the necessary steps to ensure that they are aware of the needs of their LGB clients or service users, the extent to which they are currently responded to and how the needs of LGB people are included in the planning and review of services, programmes and schemes. More specifically, the Team recommends that all Departments and State Agencies should put in place employment equality policies, equal status policies and anti-harassment policies that name LGBs as a target group.

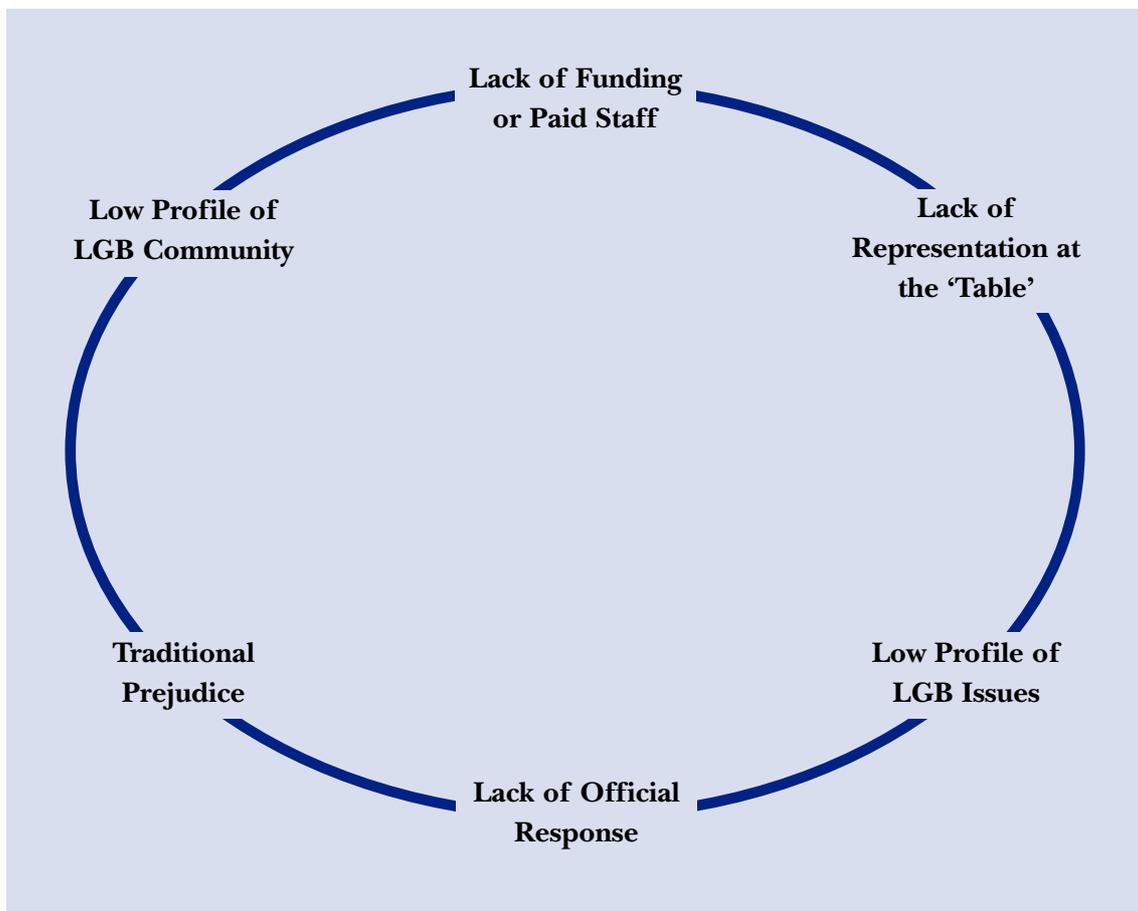
- 4.12 To highlight the importance of increased public service responsiveness to diversity and address this issue more effectively, **the Team recommends that all public services should undertake a risk assessment to ensure that the service provided is accessible and appropriate to the LGB community (e.g. for employment services in**

relation to the risk of harassment in work placements and how to deal with any such incidences). These assessments should be undertaken in partnership with service providers, employees and their trade unions and customers.

4.13 Supports for front-line staff are also necessary in this regard and **the Team recommends that training and staff supports in equality issues generally and, in sexual orientation in particular, should be built-in to all public services.**

4.14 **Representation and Funding** – the lack of a LGB infrastructure to help inform policy development was highlighted as a barrier on a number of occasions. This has serious consequences for the LGB community. Figure 4.1 below captures this as a cycle of under-development: traditional prejudice has led to a low profile for the LGB community, a lack of funding or paid staff, a lack of representation at the ‘table’, a low profile for LGB issues, a lack of response and the continuation of a low profile for that community.

Figure 4.1 LGB cycle of under-development



- 4.15 The Team concluded that addressing the above issues is a key to reducing the barriers that exist to policy implementation in this area. Moreover, such funding could have beneficial outcomes not only for LGB people themselves, but also for Government Departments and for society in general. **The Team recommends that:**
- **All Boards of State Agencies charged with pursuing equality and social inclusion issues should ensure that they have adequate expertise and timely advice regarding the specific needs of the LGB community, particularly those who are cumulatively disadvantaged.**
 - **As an immediate stop-gap response to the needs of LGB groups, the Department of Justice, Equality and Law Reform should consider providing funding to LGB organisations to develop their infrastructure and facilitate their input to policy-making.**
 - **In the design and operation of funding schemes under equality, community development and social inclusion programmes, it should be borne in mind that in any group in Irish society (e.g. women, ethnic minorities, and poor people) there will be members who are also lesbian, gay or bisexual. For this reason, organisations representing lesbians, gays and bisexuals should, in principle, be eligible for such funding.**
- 4.16 As already mentioned, the lack of a LGB infrastructure to help inform policy development was highlighted on a number of occasions. Addressing this would be a key to reducing the barriers that exist to policy implementation in this area.
- 4.17 **Legislation** – the Team was very aware of the difficulties in advancing any new legislation, particularly the time lag involved for the type of complex legislation required. Partnership rights emerged as a key and complex theme in the work of the Team and it became increasingly clear to them that the absence of legal equal recognition for same sex couples was a substantial barrier to implementing equality for LGB people.
- 4.18 The Team received advice from the Law Reform Commission that the Constitution should not necessarily be seen as a barrier to legislative improvements regarding the situation of LGB people.
- 4.19 The European Convention on Human Rights is also important in this context. It is currently being incorporated by legislation, subject to the Constitution, into Irish Law. Article 8 of the Convention guarantees the right to respect for private life, which includes privacy in relation to sexual orientation. In November 2000, the State also signed the Twelfth Protocol dealing with the substantive issue of Discrimination, which is not yet enforced. This could have a substantive impact in advancing equality for LGBs.

4.20 Partnership rights for same-sex couples, or the introduction for same-sex couples of the right to nominate a partner comparable to the right currently available to spouses, was identified by the Team as the issue which faces the most substantial barriers to implementation. These should include rights:

- to nominate a partner or successor;
- to nominate a beneficiary of pensions and inheritance;
- to designate a next-of-kin for medical reasons;
- to nominate a partner as co-parent or guardian of a child;
- the right of a non-EU partner of an Irish person to live and work in Ireland; and
- the civil recognition of the partnership.

The Team also considered that the introduction of the Dwelling House Relief (from Capital Acquisitions Tax) was a most valuable precedent, and that similar imaginative solutions might be possible that would give rights to people in a non-marital relationship which could be accessed, whether or not a partnership register is signed.

4.21 The Team felt that the extension of these rights to same-sex couples would have a profound impact on achieving equality for this group. Evidence from other EU countries points to a general shift in recent years in societal attitudes and to greater social acceptance of State recognition and official supports for such partnerships.

4.22 It was the strong view of the Team, however, that State recognition of these partnerships was not essential for the Government to make progress in relation to implementing greater equality for LGB people.

4.23 In this respect, **the Team recommends that:**

- **Future legislation should recognise the diversity of families now present in Irish society, including the Family Law Bill, currently at Draft Stage.**
- **The Human Rights Commission²⁵ should specifically address issues relevant to LGB people in its review of legislation and State practices. In undertaking its work, the Commission should consult with LGB organisations.**
- **The Department of Finance should establish a Working Group to examine the taxation and pension situation of same-sex couples from an equality perspective.**
- **In the context of transposing the EU Employment Directive, provision should be made for positive action to be taken in relation to sexual orientation.**

25 The Project Team has made a separate recommendation in Section III relating to the work of the Law Reform Commission.

Section V

Conclusions

Conclusions

5.1 The report of the Equality Authority *Implementing Equality for Lesbians, Gays and Bisexuals* provides a comprehensive and challenging agenda and a clear framework of actions to be undertaken to advance equality and eliminate disadvantage and social exclusion for this group. The Team's experience of exploring and opening up a dialogue with Government Departments in relation to implementation of the recommendations in that report has been useful on a number of fronts. It has:

- benchmarked progress in implementing the recommendations to-date;
- provided a catalyst to kick-start some Departments' responses to the report;
- helped to identify potential barriers to implementation and suggested solutions in a number of instances;
- highlighted the lack of attention and priority previously given to sexual orientation as an equality ground for policy purposes and a corresponding need for a more developed and integrated institutional response to the needs of the LGB community; and
- identified some models of good practice, both in current practice, e.g. the Department of Health and Children and the Garda Síochána and in how institutions can respond to emerging needs e.g. the Departments of the Environment and Local Government and of Education and Science and Area Development Management, Ltd.

5.2 In general, and following its round of consultations with Government Departments, the Team is encouraged by their willingness to respond positively to the recommendations in the Equality Authority's report. It takes this opportunity to stress again the importance of the Forum reconvening the Team within a year to review progress at that stage.

5.3 In the limited time since its establishment, the Team's work has also achieved concrete results from Departments, for instance:

- commitments that LGB issues will be included in strategic planning;
- acknowledgement that LGB organisations should be considered as a target group for funding; and
- development of institutional frameworks to progress implementation of the recommendations in the report.

- 5.4 Partnership rights for same-sex couples was identified by the Team as the issue which faces the most substantial barriers to implementation. It was readily accepted and agreed by the Team that the extension of these rights to same-sex couples would have a profound impact on equality for this group.
- 5.5 Finally, it should be noted that implementing many of the recommendations in the Equality Authority’s report would not have substantial cost implications for the Exchequer. Indeed, many could have positive economic, social and public expenditure effects. A change in mindset and approach is more what is required in order to achieve a more inclusive and equal society. The Team acknowledges the good-will evident among Departmental and State Agency officials with whom it consulted, and welcomes the many advances that have been achieved since the publication of the Equality Authority’s report. It was clear to the Team, however, that substantial progress is still to be made in achieving greater equality for LGB people.

Annex 1

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Annex 2

Recommendations from the Equality Authority Report

Implementing Equality for Lesbians, Gays and Bisexuals

Community Development and Empowerment

- 1.1 The Department should ensure that LGB people are a named and resourced target group in programmes and structures designed to support community development and to combat social exclusion and inequality, in particular, the Community Development Programme.
- 1.2 The Department should ensure that the 2003 National Action Plan on Social Inclusion adequately addresses poverty and social exclusion amongst LGB people through the targeting of resources and the inclusion of LGB people within mainstream initiatives to tackle disadvantage and exclusion. The plan needs to include awareness of the needs of the up to ten per cent of those who experience poverty who are lesbian or gay.
- 1.3 ADM should promote a programme of pilot projects, building on the Waterford Area Partnership model, to address LGB disadvantage in different local contexts. The results of these pilots should be mainstreamed in the practice of other partnerships.
- 1.4 City and County Development Boards should address the inclusion of LGB people in all consultation, planning, implementation and evaluation mechanisms. This could involve using the equality-proofing template developed by the Equality Authority.
- 1.5 The Combat Poverty Agency should explore the option of funding an LGB Network, similar to other issue based networks, as part of their National Anti-Poverty Networks Programme.
- 1.6 The National Economic and Social Forum (NESF) and the National Economic and Social Council (NESC), as arenas of social partnership, should ensure a sexual orientation dimension to reports they publish and liaise with relevant LGB organisations about the most effective method of doing so.
- 1.7 The Department and the Arts Council should enhance the support given to cultural expression and celebration of diversity, by working with LGB cultural events to develop and expand these events (e.g. Gay Community News, lesbian and gay film festivals, Pride etc). The Arts Council should also ensure that all state-supported cultural events implement equality policies and practices.
- 1.8 The Department, the Heritage Council and appropriate bodies such as the National Archives and National Library of Ireland should work with LGB organisations to establish the most appropriate mechanism for developing and maintaining the LGB history archives.
- 1.9 RTÉ should examine their commissioning and scheduling procedures with a view to developing programmes aimed at addressing prejudice against LGB people and promoting positive images of them in society.
- 1.10 The Broadcasting Commission of Ireland (formerly IRTC) should explore ways to acknowledge and affirm equality/diversity throughout the independent radio network including setting guidelines for good practice.

Equality Proofing

- 2.1 All Government Departments and Agencies should put in place programmes for equality proofing of policy and provision. In devising these programmes all nine grounds defined by the equality legislation should be included.
- 2.2 The Equality Proofing Working Group currently being convened under the Programme for Prosperity and Fairness should ensure that there is a focus on LGB people within any pilot initiatives developed as part of the learning phase now being implemented.
- 2.3 On foot of the work of the Equality Proofing Working Group, the Department of Justice, Equality and Law Reform should identify an appropriate legal formula to underpin equality proofing in any revision of the current equality legislation.
- 2.4 The National Anti-Poverty Strategy Unit of the Department of Social and Family Affairs should develop new approaches to the poverty proofing guidelines addressing inequalities leading to poverty, based on the research commissioned by the Equality Authority and Combat Poverty Agency.
- 2.5 The Equality Authority should continue to develop a profile of the LGB community in terms of their experience, situation and identity in a manner that could be used within an equality proofing template.

Partnership Rights

- 3.1 The legal and policy codes should be systematically reformed to ensure that references to the family recognise the diversity of family forms, households and couple relationships.
- 3.2 The Department of Justice, Equality and Law Reform should ensure that same-sex couples are treated in an equal manner by extending the right to nominate a partner with legal rights to same-sex couples, comparable with those recognised for a spouse. The outcome of which would recognise the right of same-sex couples to:
 - a. nominate a partner or successor
 - b. designate a next-of-kin for medical issues
 - c. nominate a beneficiary of pensions and inheritance
 - d. nominate a partner as a co-parent or guardian of a child.
- 3.3 Legislation governing violence in intimate relationships should operate on an equal basis towards same-sex relationships as towards married relationships.
- 3.4 The Department of Justice, Equality and Law Reform, Department of Enterprise, Trade and Employment [and Department of Foreign Affairs] should establish appropriate mechanisms to accord equal rights of residency and work entitlements for foreign partners of Irish citizens who are same-sex couples, or unmarried heterosexual couples as are accorded to married heterosexual couples.
- 3.5 The Department of Justice, Equality and Law Reform and the Department of Enterprise, Trade and Employment should ensure that leave entitlements (for example, parental leave) should be provided for same-sex couples, non-married heterosexual couples and married heterosexual couples on an equal basis.
- 3.6 The Department of Finance should make the necessary recommendations for change to taxation systems in line with according equal rights to same-sex partners, unmarried heterosexual couples and married couples.

- 3.7 The Department of Social and Family Affairs should establish entitlement to welfare benefits in such a manner as to ensure that same-sex couples are not discriminated against, relative to heterosexual married and non-married couples.
- 3.8 The Department of the Environment and Local Government should ensure that all regulations and codes of practice governing the provision of, and support for housing should operate on an equal basis towards LGB people at national, regional and local level thus recognising and going beyond as necessary the provisions of the Equal Status Act.
- 3.9 Rights in relation to parenting, fostering and adoption should operate on an equal basis for same-sex couples, individuals, married and non-married heterosexual couples and should be based on the core principle of attaching rights to children and responsibilities to parents and carers.
- 3.10 In the context of an overall Constitution, the changed wording for the equality clause proposed by the Constitution Review Group should be adopted.
- 3.11 Employers should ensure that workplace entitlements such as pensions and healthcare benefits that are extended to employees “spouses” are changed to be a “nominated person” as designated by the employee.

Health

- 4.1 The Department of Health and Children and the Health Boards should ensure that LGB people’s needs are mainstreamed into the design, delivery and impact assessment of services with LGB interests represented in all consultative fora and structures that inform policy and service delivery.
- 4.2 In order to encourage best practice amongst professional healthcare service deliverers, the Department of Health and Children, with the support of the Equality Authority and in conjunction with the relevant professional bodies, agencies and institutions, should develop a training strategy for health professionals. This should involve a survey of the role of professional health training in sexual orientation, and the production and piloting of a training module on sexual orientation and health designed in partnership with the relevant LGB interests, with a view to mainstreaming the training strategy across all professional healthcare courses.
- 4.3 Each Health Board should examine the health needs of LGB people and LGB community services in their areas, and develop appropriate responses. The Health Boards should support and develop effective partnership interventions with LGB people, such as that established between the Eastern Regional Health Authority and community groups in Dublin.
- 4.4 Lesbian, gay and bisexual people should be a named service user group identified within mainstream programmes and services and the subject of specifically targeted initiatives within future national health strategies.
- 4.5 In developing a mental health strategy, specific attention should be given to the needs of LGB people. Appropriate consultation with LGB interests should take place in the planning of the strategy and resources and services should be identified for the LGB community within any future comprehensive mental health strategy.
- 4.6 Methods of research and monitoring of the relationship between sexual orientation and suicide in Ireland should be developed. The National Suicide Review Group should establish the most appropriate mechanisms through which data, analysis and action can be developed.
- 4.7 To address the specific needs and gaps in health provision that currently affect lesbian women, there should be lesbian representation on the Regional Women’s Health Committees.

- 4.8 The Health Promotion Unit of the Department of Health and Children should develop information materials for health workers and health professionals working with the LGB community.
- 4.9 The Health Promotion Unit should develop health promotion materials and initiatives for young LGB people and youth workers in liaison with LGB interest groups.
- 4.10 The Commission on Assisted Human Reproduction should ensure that assisted reproduction services provided by either public or private agencies are provided and delivered in a non-discriminatory manner to all, thus recognising the provisions of the Equal Status Act.
- 4.11 The Women’s Health Advisory Council should liaise with lesbian groups to develop specific initiatives in relation to lesbian health research and promotion.

Education

- 5.1 The Department of Education and Science should ensure that the needs of LGB people are mainstreamed into the design, implementation and impact assessment of education policy and that LGB interests are represented in all consultative structures which inform policy and service delivery.
- 5.2 The remit of the Equality Unit, established by the Department of Education and Science should be extended to engage with all nine grounds identified in the equality legislation and develop appropriate liaison with equality and diversity representatives and organisations.
- 5.3 The current approach to bullying and harassment should be reviewed with a view to eradicating homophobic bullying and providing for practical developments at school level with an emphasis on training for staff and information for students in order to comply with the provisions of the Equal Status Act.
- 5.4 Criteria and measurements should be drawn up for use in evaluating current RSE, CPSE and SPHE programmes to assess attitudinal change amongst students with regard to differing sexual orientation.
- 5.5 A sexual orientation dimension should be included in all relevant future surveys, research and data collection by the Department of Education and Science and when devising and implementing initiatives targeting early school leavers using appropriate and accurate data collection methods.
- 5.6 Issues arising in the context of the sexual orientation of students and teachers should be covered in the training modules provided under the NDP In-career Development and Third Level Quality Assurance Measures as part of an overall equality element.
- 5.7 The Department of Education and Science should ensure that the Whole School Evaluation and Departmental Inspections examine the success of schools in ensuring the inclusion and integration of young LGB people and the incorporation of their needs into school planning.
- 5.8 The RSE Implementation Committee should ensure that those organisations with specialised knowledge and expertise in sexual orientation are involved at all levels of the RSE programme design, delivery and staff training.
- 5.9 The National Centre for Guidance in Education should promote and ensure the coverage of sexual orientation issues within current training programmes, including the involvement of LGB organisations in the design and delivery of such training and the development of support materials for schools and teachers.
- 5.10 The Higher Education Authority (HEA) should make sexual orientation a measure and objective for progress in undertaking a review of equity and access issues within higher and further education in Ireland.

- 5.11 The HEA should support the development of scholarship and research into LGB history, culture and theory amongst institutions, faculties and students, expanding the number of PhD research projects and providing funding for the further development of courses on LGB issues.
- 5.12 All training courses for service providers such as teachers, doctors, lawyers and social workers should include equality and diversity issues, including issues in relation to sexual orientation

Youth Services

- 6.1 Addressing the needs of LGB youth should be an integral component of all policy design and service delivery by VECs, and the Departments of Education and Science; Justice, Equality and Law Reform and Health and Children.
- 6.2 The VECs and the Department of Education and Science should ensure that adequate provision for young LGB people is included in the county-wide three-year youth service provision plans that will be prepared by the VECs under the terms of the Youth Work Act.
- 6.3 Assessments and evaluations carried out by the Assessor of Youth Work should have regard to the effect of the service on young LGB people.
- 6.4 The provision of specific youth work services for young LGB people should be included in the National Youth Work Development Plan.
- 6.5 Local voluntary youth councils established under the legislation should include representation from the LGB community.
- 6.6 Resources should be allocated for the development of youth work models that respond to the needs of young LGB people.
- 6.7 An audit of existing youth services and facilities, which specifically addresses the needs of young LGB people, should be undertaken in order to ascertain the current gaps in provision for this group.
- 6.8 The Development and mainstreaming of training modules for youth workers should be undertaken in conjunction with LGB organisations and youth service providers.
- 6.9 All existing and future youth service facilities and centres should visibly promote an anti-homophobic environment, for example through posters, leaflets and projects.
- 6.10 Youth work organisations should develop anti-homophobic policies and procedures which would include a focus on harassment.
- 6.11 Lesbian, gay and bisexual community organisations and resource centres should be resourced by youth work organisations to provide alternative social venues for young LGB people.
- 6.12 The NYCI should ensure that issues of sexual orientation and the concerns of LGB young people are included in the initiative to develop a North-South youth work equality programme.

Employment and Training

- 7.1 The Department of Enterprise, Trade and Employment should ensure that all employment and training services mainstream the needs of LGB people from both an employment and service provision perspective.
- 7.2 The ICTU should review *Lesbian and Gay Rights in the Workplace: Guidelines for Negotiators* with a view to developing an action programme to promote the rights of LGB workers.
- 7.3 Each union should develop an action programme to promote the rights of LGB workers.

- 7.4 Education trade unions should conduct a consultation and survey of LGB personnel employed by schools and colleges operating from a religious ethos, to ascertain the extent of any difficulties arising from the presence of Section 37(1) of the Employment Equality Act 1998.
- 7.5 The trade union movement should continue to advocate the rights of gay workers at an international level through bodies such as the ILO and international trade union confederations.
- 7.6 Employers should develop and implement comprehensive equality policies that name all grounds covered in equality legislation and that specifically address the needs of LGB workers including policies and procedures on harassment. The Equality Authority Code of Practice on Sexual Harassment and Harassment at Work should be of assistance.
- 7.7 Employers should prioritise equality reviews of their enterprises and organisations and should develop action plans as an important means in developing actions that build inclusivity within the workplace and enhance equality outcomes in the workplace.
- 7.8 The Equal Opportunities Framework Committee should stimulate initiatives to promote effective practice with regard to the inclusion of LGB people in the workplace.
- 7.9 FÁS and other employment services should develop a strategy and programme of action to ensure that all aspects of their services are accessible and diversity appropriate and meet with their obligations under the Employment Equality Act and the Equal Status Act.
- 7.10 The recommendations regarding the provision of equality-based services set out in the Services Chapter should be implemented by the various training agencies and programmes.
- 7.11 The Equality Authority should recommend the removal of Section 37(1) when the Employment Equality Act is next reviewed.

Services

- 8.1 All service providers should mainstream equality and diversity into the decision-making, design, delivery and implementation of their service provision.
- 8.2 The Equality Authority should develop equal status reviews as a mechanism to improve equality as a principle of service design and delivery.
- 8.3 All government departments should co-operate and work with the Equality Authority to conduct equal status reviews as a means of ensuring that equality is central to their provision
- 8.4 All service providers should have equal status policies in order to ensure they comply with their responsibilities under the Equal Status Act, 2000 and to enhance their capacity to realise equality outcomes.
- 8.5 All public and civil service providers should use the Equality Authority's *Support Pack on the Equality/Diversity Aspects of Quality Customer Service for the Civil and Public Service* as a tool to improve equality practices in service provision.
- 8.6 The Department of the Environment and Local Government should ensure that public authorities responsible for housing are issued with guidelines on the effective use of the Housing (Miscellaneous Provisions) Act, 1997 and its application in the protection of LGB tenants experiencing homophobic intimidation and harassment. A similar approach should be pursued in relation to the provisions of the Equal Status Act.
- 8.7 All homelessness services should ensure that their responses to homelessness are sensitive to the particular circumstances of young LGB people and consult with LGB support organisations as to the appropriate means of providing the specific resources needed by this target group.

Violence and Harassment

- 9.1 A new Hate Crimes Act should be introduced, covering harassment and violence aggravated by prejudice against specific categories of people, including LGB people.
- 9.2 The Department of Justice, Equality and Law Reform should ensure representation of lesbian interests on the National Steering Committee on Violence Against Women.
- 9.3 Awareness training should be made available to legal and judicial professionals on LGB issues.
- 9.4 The Department of Justice, Equality and Law Reform should make available resources to lesbian and gay support groups such as gay helplines and lesbian lines to develop their provision of victim support services within the LGB community.
- 9.5 The Law Society, Bar Council and the Judicial Studies Institute should engage in awareness training pertaining to relevant issues affecting LGB people as clients of the justice system.
- 9.6 The NUJ, the BCI and the Press Complaints Commission should develop and/or strengthen guidelines and policies on the accurate representation of LGB issues and individuals in the various media.
- 9.7 The Garda Síochána should implement the outstanding elements of the plan agreed by the Minister, namely the appointment of a National Advisory Panel, research and further training initiatives.
- 9.8 The Garda Síochána should meet LGB community groups to discuss structures for developing communications between the LGB communities and the Gardaí, and those structures should permit the examination, reporting and advising on good practice models of policing policies and procedures with LGB people in both Ireland and other jurisdictions.
- 9.9 In the preparation of their strategies local authorities should include the development of initiatives on community safety, with a particular emphasis on the safety of minority groups who are the most vulnerable as victims of crime, and including the development of policies and procedures in relation to sexual harassment and harassment.

Annex 3

Project Team on Implementing Equality for Lesbian, Gay and Bisexual People

Terms of Reference

The Project Team on Implementing Equality for Lesbian, Gay and Bisexual People will consult relevant Government Departments and other bodies regarding implementation of the main recommendations of the Equality Authority's recent report – 'Implementing Equality for Lesbians, Gays and Bisexuals'.

The Team will, adopting a problem-solving approach, pay particular attention to identifying potential implementation barriers and challenges on the main priorities, as identified by the Team, and comment and advise on how these may be resolved.

Once established, the Team will report-back its findings and recommendations to the Forum within six months.

Terms of Reference and Constitution of the Forum

- 1 The main task of the Forum will be:
 - to monitor and analyse the implementation of specific measures and programmes identified in the context of social partnership arrangements, especially those concerned with the achievement of equality and social inclusion;
 - to do so through consideration of reports prepared by teams comprising the social partners, with appropriate expertise and representatives of relevant Departments and agencies and its own Secretariat;
 - with reports to be published by the Forum with such comments as may be considered appropriate; and
 - to ensure that the teams compiling such reports take account of the experience of implementing bodies and customers/clients, including regional variations in such experience.
- 2 The Forum may consider such policy issues on its own initiative or at the request of the Government.
- 3 Membership of the Forum will comprise representatives from the following four strands:
 - the Oireachtas;
 - employer, trade unions and farm organisations;
 - the voluntary and community sector; and
 - central government, local government and independents.
- 4 The terms of office of members will be for an initial period of at least two years during which alternates may be nominated. Casual vacancies will be filled by the nominating body or the Government as appropriate and members so appointed shall hold office until the expiry of the current term of office of all members. Retiring members will be eligible for re-appointment.
- 5 The Chairperson and Deputy Chairperson of the Forum will be appointed by the Government.
- 6 The Forum will decide on its own internal structures and working arrangements.

- 7 The Forum will be under the aegis of the Department of the Taoiseach and funded through a Grant-in-Aid which will be part of the overall Estimate for that Department. The annual accounts of the Forum will be submitted for audit to the Comptroller and Auditor General.
- 8 Finally, the staffing and conditions of employment of the Forum's Secretariat will be subject to the approval of the Department of the Taoiseach.

Membership of the Forum

Independent Chairperson: Maureen Gaffney

Deputy Chairperson: Mary Doyle

(i) Oireachtas*

Fianna Fáil:

Noel Ahern T.D.
Seán Haughey T.D.
Beverley Cooper-Flynn T.D.
Michael Kitt T.D.
Senator Margaret Cox
Senator Pascal Mooney

Fine Gael:

Gerry Reynolds T.D.
Paul McGrath T.D.
Bill Timmins T.D.
Senator Mary Jackman
Senator Therese Ridge

Labour:

Derek McDowell T.D.
Senator Joe Costello

Progressive Democrats:

Senator Jim Gibbons

Independents:

Michael Lowry T.D.

(ii) Employer/Trade Unions

(a) Employer/Business Organisations:

IBEC: Jackie Harrison
Heidi Lougheed

Small Firms Association: Pat Delaney

Construction Industry Federation: Mirette Corboy

Chambers of Commerce/Tourist Industry
/Exporters Association: Carmel Mulroy

(b) Trade Unions:

Eamonn Devoy
Blair Horan
Jerry Shanahan
Manus O’Riordan
Paula Carey

* The Oireachtas membership shown was that at the time work on this project was initiated.

(c) *Agricultural/Farming Organisations:*

Irish Farmers Association:	Betty Murphy
Irish Creamery Milk Suppliers Association:	Pat O'Rourke
Irish Co-Operative Organisation Society:	Seamus O'Donoghue
Macra na Feirme:	Eileen Doyle
Irish Country Womens Association:	Breda Raggett

(iii) **Community and Voluntary Sector**

Women's Organisations:

Gráinne Healy
Susan McNaughton
Joanna McMin

Unemployed:

Eric Conroy
Joan Condon
Mary Murphy

Disadvantaged:

Joe Gallagher
Frances Byrne
Janice Ransom

Youth:

Valerie Duffy

Older People:

Paddy Donegan

Disability:

John Dolan

Environment:

Jeanne Meldon

Others:

Fr. Seán Healy
Audry Deane

(iv) **Central Government, Local Government and Independents**

(a) **Central Government**

Secretary-General, Department of Finance

Secretary-General, Department of Enterprise, Trade and Employment

Secretary-General, Department of Social, and Family Affairs

Secretary-General, Department of Tourism, Sport and Recreation

Secretary-General, Department of the Environment and Local Government

(b) **Local Government**

General Council of County Councils:

Councillor Constance Hanniffy
Councillor Tom Kelleher

Councillor Patsy Treanor

Association of Municipal Authorities:

Councillor Tadhg Curtis

County and City Managers Association:

Donal O'Donoghue

(c) Independents

Professor Gearóid Ó Tuathaigh, National University of Ireland, Galway

Ms. Marian Vickers, Northside Partnership

Ms. Helen Johnston, Surg Equipment Ltd.

Mr. Niall Fitzduff, Rural Communities Network

Ms. Noreen Kearney, Trinity College, Dublin

Secretariat

Director: Seán Ó hÉigearthaigh

Policy Analysts: Sarah Craig
Tom Healy
David Silke
Gerard Walker

Executive Secretary: Paula Hennelly

Forum Publications

(i) Forum Reports

Report No.	Title	Date
1.	<i>Negotiations on a Successor Agreement to the PESP</i>	November 1993
2.	<i>National Development Plan 1994 – 1999</i>	November 1993
3.	<i>Commission on Social Welfare – Outstanding recommendations</i>	January 1994
4.	<i>Ending Long-term Unemployment</i>	June 1994
5.	<i>Income Maintenance Strategies</i>	July 1994
6.	<i>Quality Delivery of Social Services</i>	February 1995
7.	<i>Jobs Potential of Services Sector</i>	January 1996
8.	<i>First Periodic Report on the Work of the Forum</i>	June 1995
9.	<i>Jobs Potential of Work Sharing</i>	January 1996
10.	<i>Equality Proofing Issues</i>	February 1996
11.	<i>Early School Leavers and Youth Employment</i>	January 1997
12.	<i>Rural Renewal - Combating Social Exclusion</i>	March 1997
13.	<i>Unemployment Statistics</i>	May 1997
14.	<i>Self-Employment, Enterprise and Social Inclusion</i>	October 1997
15.	<i>Second Periodic Report on the Work of the Forum</i>	November 1997
16.	<i>A Framework for Partnership – Enriching Strategic Consensus through Participation</i>	December 1997
17.	<i>Enhancing the Effectiveness of the Local Employment Service</i>	March 2000
18.	<i>Social and Affordable Housing and Accommodation: Building the Future</i>	September 2000
19.	<i>Alleviating Labour Shortages</i>	November 2000
20.	<i>Lone Parents</i>	July 2001
21.	<i>Third Periodic Report on the Work of the Forum</i>	November 2001

22.	<i>Re-integration of Prisoners</i>	January 2002
23.	<i>A Strategic Policy Framework for Equality Issues</i>	March 2002
24.	<i>Early School Leavers</i>	March 2002
25.	<i>Equity of Access to Hospital Care</i>	July 2002
26.	<i>Labour Market Issues for Older Workers</i>	February 2003
27.	<i>Equality Policies for Lesbian, Gay and Bisexual People: Implementation Issues</i>	April 2003

(ii) Forum Opinions

Opinion No.	Title	Date
1.	<i>Interim Report of the Task Force on Long-term Unemployment</i>	March 1995
2.	<i>National Anti-Poverty Strategy</i>	January 1996
3.	<i>Long-term Unemployment Initiatives</i>	April 1996
4.	<i>Post PCW Negotiations – A New Deal?</i>	August 1996
5.	<i>Employment Equality Bill</i>	December 1996
6.	<i>Pensions Policy Issues</i>	October 1997
7.	<i>Local Development Issues</i>	October 1999
8.	<i>The National Anti-Poverty Strategy</i>	August 2000

(iii) Forum Opinions under the Monitoring Procedures of Partnership 2000

Opinion No.	Title	Date
1.	<i>Development of the Equality Provisions</i>	November 1997
2.	<i>Targeted Employment and Training Measures</i>	November 1997