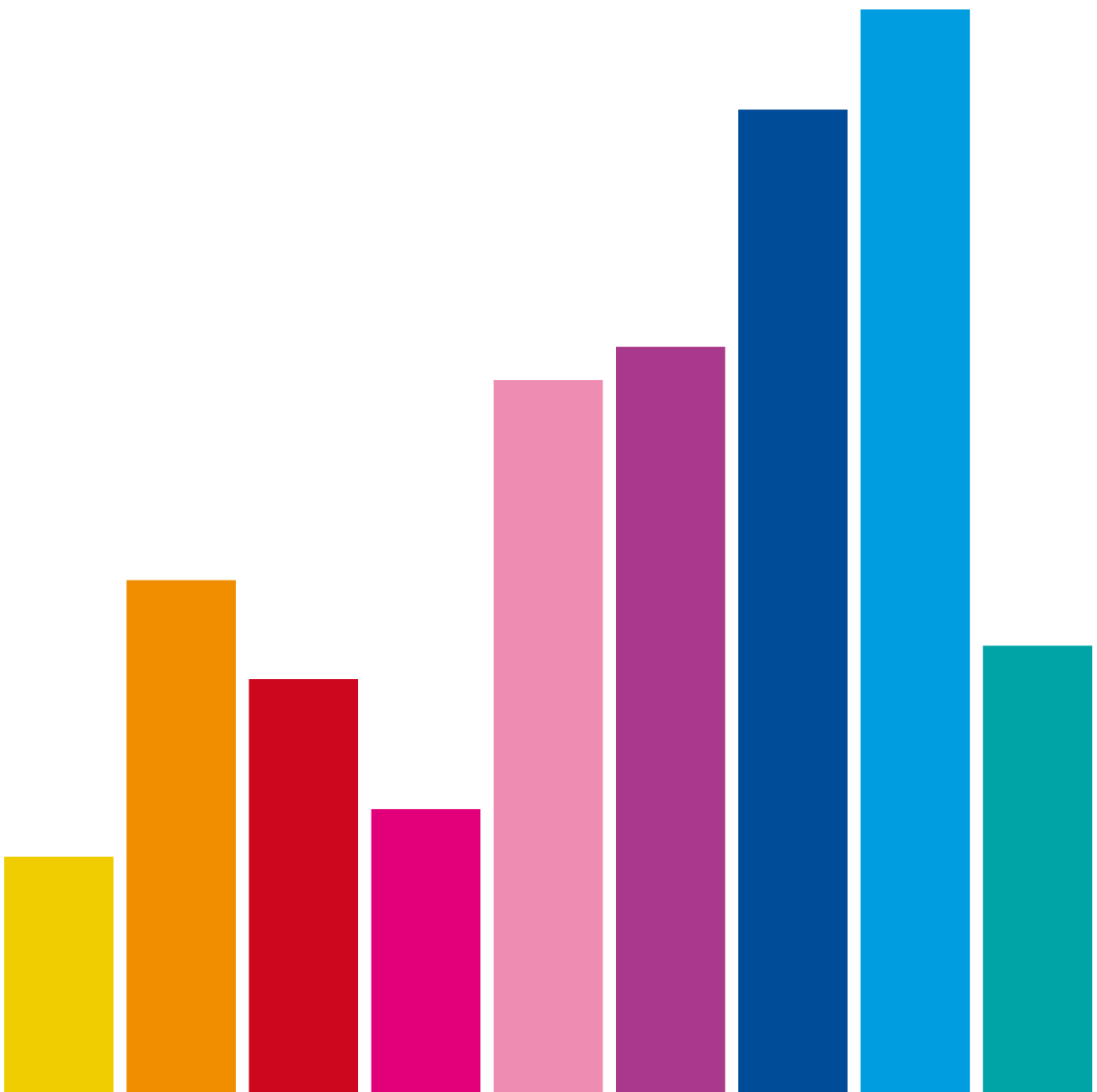


The Equality Authority

Annual Report 2009



Age

Disability

Gender

Race

Family Status

Marital Status

Sexual Orientation

Traveller Community

Religion

The Equality Authority

Annual Report 2009

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by

The Equality Authority
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Roscrea
Co. Tipperary

and

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

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Note: Publications of the Equality Authority, Equality Authority Representation on Policy Committees and Casework Activity data are available on www.equality.ie

Chairperson's Foreword

Without doubt 2009 was a most challenging but nonetheless rewarding year for the Equality Authority. The Authority delivered its ambitious plan with a significant cut in resources while at the same time it also had to contend with unwarranted attacks on the organisation and particular staff and Board members from disgruntled individuals. During this time, the Authority, within allocated resources, restructured, became more determined, focused, fit for purpose and widened its stakeholder support base to deliver good end of year results both in terms of volume of work achieved and the manner in which stakeholders were served.

This is a tribute to the professional manner and expertise of all our staff led by the new Chief Executive, Renée Dempsey, and the greater contribution and practical expert support provided by Board members, resulting in everyone working together as a team. I would therefore like to pay tribute to the Board members, management and staff of the Authority, who embraced the challenge of revitalising and giving new direction and leadership to the Equality Authority, and whose expertise, creativity, loyalty and dedication to the pursuit of equality have led the organisation to the strong results we see in this report, and the exciting new initiatives it is now pursuing.

Change can bring opportunity and in this period of change we have experienced the unleashing of talent, renewed vigour, motivation, the drive to work in new and smarter ways, to collaborate, to achieve, to be flexible and responsive as well as anticipating and branching into exciting new areas of activity. Our targets have been achieved by a greater focus on partnership, identification of synergies with other organisations and the dedication of our staff and Board to achieve more with less. We have worked on the essential principle that it is not what we spend but what we achieve that counts.

The Equality Authority is directed in its work by a new three year strategic plan, *Equality for All in a Time of Change*. This ambitious plan sets out six strategic goals, with key performance indicators, to be achieved through targeted communications, stakeholder outreach, casework and research. These include raising awareness of rights, pursuing strategic casework, supporting initiatives to promote equality and enhancing public understanding of equality, diversity and discrimination. They also include enhancing the capacity of the Equality Authority to use its powers to the best strategic effect within the resources available. This annual report documents the Authority's progress during this period.

Communication with stakeholders and the public is essential to the work of the Equality Authority and the Authority exceeded its target for 2009 by responding to 8,155 public enquiries. Furthermore, it broke new ground in engaging with stakeholders, increasing the range of organisations it consults and improving the manner in which they can engage with the Authority. This new initiative was taken in recognition of the fact that much broader and deeper engagement was necessary to ensure the Authority's position is informed by a wide range of views. Equality is for everyone, and the Authority strives to ensure that all stakeholders are not only welcome but also facilitated to contribute to its work.

This outreach also informed the Equality Authority's participation in the public debate on significant legislative change such as the Civil Partnership Bill. In addition, a number of research reports were published by the Equality Authority and its partners. These reports highlighted areas such as discrimination in recruitment across different ethnic groups, gender pay gap characteristics and the increased female participation in the labour market.

A review of the Legal Section of the Authority was undertaken to ensure case files were processed as quickly as possible. The confusion as to what constituted a case file is being addressed with significant investment in information technology. Meanwhile as this work proceeds it is a tribute to the staff of the Legal Section, our three solicitors and their support staff, that a total of 878 case files were processed, with 213 new case files opened and 658 existing case files closed. The adjudication by the Supreme Court in the case of Equality Authority v. Portmarnock Golf Club brought a long running case to a close and also delivered important clarity to the law in relation to private club management and membership. It is worth highlighting that in the period since the Authority first obtained a ruling from the District Court on this matter in its favour, over 400 clubs have changed their rules to allow full membership to women.

Unfortunately, while funded, the position of Head of Legal Services remains vacant due to the public service recruitment moratorium. The filling of this post needs Department of Finance approval and while legal policy advice is being sourced externally by the Authority, the filling of this post is necessary to ensure best practice in the management and oversight of the Legal Section.

Governance is an essential component of any public body, and during 2009 the Authority conducted a number of reviews of governance and management practices to ensure that the Authority was operating efficiently and within the framework of best practice and good governance. Recommendations from these have now been implemented to ensure increased efficiency and effectiveness.

The Board, management and staff of the Authority have faced considerable challenges in recent times. In particular, following the reduction in budget, a campaign of misinformation commenced while the Authority was working to reorganise to ensure no diminution of service to the public. This campaign purported to show that the Authority was either no longer in operation or that it was no longer operating effectively.

In light of this, over the course of the year the Authority was extremely concerned that any vulnerable individual who needed support might have been led to the erroneous belief that the Equality Authority was no longer in a position to assist them. The Authority worked with stakeholders to try to minimise the numbers of vulnerable people who may, because of this misinformation, be affected by this.

The Equality Tribunal, under Melanie Pine's leadership, has been extremely important in vindicating the rights of those who have experienced discrimination in our society. As Melanie retires, the Authority wishes her well and thanks her for her dedication and commitment and for the significant contributions that she has made to the promotion of equality in Ireland. The Authority also extends its congratulations to Niall Mc Cutcheon, the new Director of the Equality Tribunal, who with his great experience and knowledge of equality, both nationally and internationally, will provide strong leadership for the Tribunal into the future.

While the Authority experienced a budgetary cut in 2009, it is important to acknowledge the significant supports given to it by the Department of Justice, Equality and Law Reform during the year. Overall, better working relationships emerged which served the Authority well in the delivery of its mandate. Responsibility for the Equality Authority has recently transferred to the Minister for Community, Equality and Gaeltacht Affairs, Pat Carey TD, and to the Minister of State with Special Responsibility for Equality, Human Rights and Integration, Mary White TD. Both the Minister and Minister of State have stated their commitment to the equality agenda and the Equality Authority. We look forward to a fruitful working relationship as we continue to pursue our objectives under the Strategic Plan for 2009-2011.

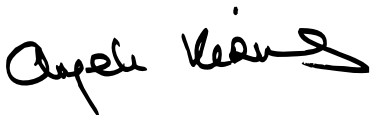
It is now ten years since the Equality Authority was established. It is timely to step back and consider the impact which organisations such as the Equality Authority, other state agencies and NGOs have had, and to review how all taxpayers resources in this area can be best applied, to ensure maximum output. The Authority welcomes the review to be undertaken by government in this area, and will fully engage with this process.

In carrying out its duties the Authority needs to be mindful of how it achieves as well as what it achieves. While case law can support the Authority in progressing its agenda, developing and sustaining relationships with key decision makers and opinion formers is essential for real progress. Neither are exclusive and while the Authority will always need to be able to take legal cases this can be done in a way that is understood and respected and a way that will not lead to poor relationships which does not serve the Authority's mandate well.

During 2009 the Authority has benefited from the support of many organisations in the public, private and not-for-profit sectors, and I would like to take the opportunity to thank them for their support, guidance and involvement in our work.

As we all know our country is now going through a period of hardship and scarce resources. The people of Ireland want to see all resources used wisely and efficiently. Every service funded by the taxpayer will rightly need to demonstrate value for money, quality and impact. The people of Ireland want ours to be a fair and just society. The Authority will need to always ensure that it is not seen as elite but that it is relevant and accessible to ordinary people to ensure that its work is understood, supported and valued.

A society which embraces diversity and encourages individual skills and ambitions is a smart society. Therefore rather than being an optional extra in times of prosperity our commitment as a people to equality and essential fairness will prove not only to be beneficial to society, but a key element of our economic revival and future advantage.



Angela Kerins
An Cathaoirleach

Chief Executive's Summary

I was very honoured to be appointed to the position of Chief Executive of the Equality Authority in May 2009 and I took up the position formally in June. I knew already that for all in the Equality Authority 2009 had been, and would continue to be, a very challenging year. It was soon apparent that through the united efforts of the Board and staff, the Authority had risen to that challenge. It is a great credit to all, that the activities of the Authority were sustained so successfully as is clear from this Annual Report. In particular I wish to acknowledge the work of Richard Fallon who was acting Chief Executive for the first part of the year and who kindly guided me in my first period with the Authority. In addition, the strong and continuing support and guidance from all the staff of the Authority has been an invaluable asset.

Early in 2009, the Authority's new Strategic Plan for 2009-2011, entitled *Equality for All in a Time of Change* was launched. This set the template and ambition for the business plan, and has been at the centre of my engagement with the Board and the team during the year. It is a key document presented to the Minister in October 2008. It is the outcome of considerable endeavour by the then Chief Executive, the Board and the staff during 2008. It is based on contributions and submissions from interested stakeholders as well as from a process of public regional consultations. It is designed to deliver the goals of the Equality Authority. It is ambitious as well as strategic, setting important specific targets to meet those goals within a new economic environment.

These targeted objectives include raising awareness of rights under equality legislation; pursuing strategic casework; encouraging and supporting initiatives to promote equality, value diversity and combat discrimination; building the evidence base on diversity, current inequality and discrimination; enhancing public understanding of equality issues, disseminating and communicating information to the public, and enhancing the capacity of the Equality Authority with due regard to resources and environment.

Thanks to the hard work and commitment of all in the Equality Authority, 2009 has been a successful year. All targets have been met, or in certain circumstances exceeded, and some of these achievements for the period are highlighted below.

Enquiries to the Public Information Centre during the year surpassed the target set in the Strategic Plan (8,000) by reaching 8,155 for the year. It is interesting to note that the trend in the enquiries shows that the Age ground was the highest area of enquiry under the Employment Equality Acts and the second highest under the Equal Status Acts. This underlines the relevance of the annual Say No To Ageism Week, and the sixth such event took place in partnership with the Health Service Executive and the National Council for Ageing and Older People in May. The other dominant grounds that were processed through the Public Information Centre were those of Disability and Gender, although all grounds had their share of enquiries.

Arising from the 'Research Programme on Equality and Discrimination' carried out by the ESRI on our behalf, three further studies were jointly published in 2009. We also agreed an important research partnership with the Crisis Pregnancy Agency (now the Crisis Pregnancy Programme of the HSE) aimed at exploring the experiences of women in paid work during and after pregnancy.

The Equality Mainstreaming Unit, working with the Irish Hospitality Institute, produced a leaflet "10 Steps to Equality and Diversity for the Irish Hospitality Sector". These practical tips for improving equality in customer service were also used by the Irish Hospitality Institute as the basis for their annual Diversity Awards. The Unit also supported County Dublin, County Wicklow and County Waterford Vocational Education Committees to embed equality in planning and delivery of services. The VEC sector is now looking at how equality can be embedded in its latest education plans.

The Legal Section of the Authority continued to provide advice and assistance to a wide range of individuals who experienced discrimination on one or more of the nine grounds in the equality legislation. In selected cases, based on our policy of strategic enforcement, people who experienced discrimination were assisted by the legal team of the Equality Authority in their quest for access to due process and redress. During the year also, numerous cases continued to be progressed to completion and the Equality Authority case against Portmarnock Golf Club was decided by the Supreme Court.

Following a review of the organisational aspects of the Legal Section, it became apparent that the system of file management needed a major overhaul. In particular the use of the term 'casefile' was identified as misleading. Because this title includes every contact with the Section, from a phone call to a significant complaint resulting in a legal case, it could be misconstrued that all so-called 'casefiles' indicate full legal action in each instance, which is not the case. Work on more accurate classification of files and their status is proceeding. Also, a backlog of older 'casefiles' was cleared during the year. When the full reorganisation is completed there will be a clear and transparent identification of the various files being handled in the Legal Section.

The Equality Authority managed the final phase of the successful European Year Legacy Action Plan which supported public sector organisations, employers, trades unions and NGOs to work collaboratively on equality relevance in an economic downturn.

New and exciting opportunities presented themselves in 2009. For example, the Equality Authority started work with the GAA to develop and deliver a programme of equality workshops for its officials around the country.

The Equality Authority completed the Action Strategy for Integrated Workplaces, a project with the Office of the Minister for Integration, to combat racism within workplaces. Examples of actions under this Strategy include one with IBEC, which operated a help desk for employers, and with Congress, which ran a programme to encourage individual trade unions to become equality champions.

The economic challenges that faced the public sector and society generally in 2009 have been managed carefully and well during the year. The work of the organisation was affected, naturally, by changed circumstances, and restoring stability in the

organisation has been a key priority. Management and staff responded exceptionally to the new structure. Their loyalty to the remit and commitment to its delivery, with continued implementation of policies and measures to promote equality and eliminate discrimination was exemplary. Maintaining high commitment to stakeholders, clients and the public was at the heart of this service delivery. The guidance of the Board and the support of the Department of Justice, Equality and Law Reform was invaluable during this period.

Organisationally, 2009 saw a particular focus on enhancing systems such as I.T., examining and improving processes, and delivering excellence in Corporate Governance. These will remain key aspects of the future work programme. Effective and efficient linkages, communications and controls between the offices in Roscrea and Dublin are fundamental in this regard.

The development of the Equality Authority offices in Roscrea continued during 2009. The main functions operating out of that office are the Public Information Centre, including its 1890 Lo-Call services, the key functions of Finance, Corporate and other Administrative supports and some Legal and Development functions. Regular bi-location at the highest level, and effective and efficient linkages, communications and oversight in the two locations ensures that the two locations work to achieve excellence in delivery of the work of the Equality Authority.

The Equality Authority has successfully completed another year, and I wish to thank everyone for their contribution to this success. I wish to acknowledge the commitment of colleagues past and present, and the hugely important contribution of the Board. Together they made it all possible.



Renée Dempsey,
CEO.

The Board

Membership of the Board

Angela Kerins (Chairperson)
Christy Lynch (Vice-Chairperson)
Nigel Brander
Salome Mbugua
Ellen Mongan
Betty O'Leary
Kieran Rose
Niall Mc Cutcheon
Lynn Jackson
Seán Fogarty
Peter White**
Rhona Murphy**
Paddy Maguinness**
Frank Goodwin*
Denis O'Flynn*
Finola Mc Donnell*
David Joyce*
Louise O'Donnell*

* Until January 2009

** Appointed to the Board in 2009

Committees of the Board

The Board had six working committees: the Finance Committee, the Governance Committee, the Legal Committee, the Personnel and Administration Committee, the Audit Committee and the Communications Strategy Committee.

The membership of the Board Sub-Committees in 2009 was as follows:

<p>Finance Committee</p> <p>Nigel Brander (Chairperson)</p> <p>Christy Lynch Paddy Maguinness Salome Mbugua Niall Mc Cutcheon</p>	<p>Governance Committee</p> <p>Angela Kerins (Chairperson)</p> <p>Nigel Brander Christy Lynch Salome Mbugua Ellen Mongan Niall Mc Cutcheon Betty O'Leary Kieran Rose</p>
<p>Legal Committee</p> <p>Betty O'Leary (Chairperson)</p> <p>Ellen Mongan Rhona Murphy Kieran Rose Christy Lynch</p>	<p>Personnel and Administration Committee</p> <p>Angela Kerins (Chairperson)</p> <p>Seán Fogarty Lynn Jackson Ellen Mongan Peter White</p>

Two committees established in late 2009 to assist the Board in its work include people who are not members of the Board:

<p>Audit Committee</p> <p>Derek Staveley (Chairperson)</p> <p>Nigel Brander Niall Mc Cutcheon Kieran Rose</p>	<p>Communications Strategy Committee</p> <p>Angela Kerins Peter White Kieran Rose Paddy Maguinness Martin Mackin Garry Joyce</p>
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The Board and its Sub-Committees had a combined total of 21 working meetings in 2009 and were attended by relevant Senior Executives.

Strategic Goals

Rights & Responsibilities

Strategic Goal 1: The majority of people in Ireland are aware that they have rights and responsibilities under equality legislation and that they have statutory leave entitlements.

Objective 1: To Raise Awareness of Rights Under Equality Legislation

A key role of the Equality Authority is to raise awareness amongst the public of their rights under the equality legislation. The Authority applies a range of communications strategies including:

- (a) the provision of information to callers to the Authority's Public Information Centre (PIC) call centre, which is based in the Roscrea office
- (b) the provision of an Equality Authority website and the dissemination of the Equality News e-zine and
- (c) the provision of information stands, presentations, training and attendance at meetings of strategic relevance.

(a) The Public Information Centre (PIC)

The Equality Authority has an information function in relation to:

- The Employment Equality Acts 1998 to 2008;
- The Equal Status Acts 2000 to 2008;
- The Maternity Protection Acts 1994 and 2004;
- The Adoptive Leave Acts 1995 and 2005; and
- The Parental Leave Acts 1998 and 2006.

The new Strategic Plan for 2009-2011 set a target for the PIC of handling 8,000 queries in each year of the new Strategic Plan. The total number of queries dealt with by the PIC in 2009 exceeded the 8,000 combined equality and family leave legislation target by 155 queries. This is despite the fact that in 2009 there was a significant increase in unemployment reducing the number of workers protected by the Employment Equality Acts and the general reduction in complaints arising from customer services.

There is a difference between the number of calls to the PIC and the number of queries recorded as one caller may raise a number of cross ground queries in one phone call. The

report quantifies the number of queries logged under each ground in line with practice established for the past ten years.

The Equality Authority's Public Information Centre (PIC) deals with enquiries from the public in relation to these five pieces of legislation. The Maternity, Parental and Adoptive leave legislation can be known as the "family leave" cluster while the Employment Equality and Equal Status elements fall under the general title of "equality legislation". Information is provided to the public in a number of formats including:

- A designated public information telephone service;
- A voice mail option on our Lo-Call number with frequently asked questions (FAQs) on the Maternity Protection Acts and the Parental and Adoptive Leave Acts and an option to speak directly to a communications officer;
- Regularly updated information on our website www.equality.ie;
- An e-mail contact system via info@equality.ie;
- Provision of materials through Citizen Information Centres and City and County Libraries or by request;
- Booklets providing information in various formats and languages on all five pieces of legislation;
- Information videos/DVDs on the equality legislation; and
- A public equality library resource at the Dublin office.

Overview of queries received by the Public Information Centre in relation to the equality legislation.

During 2009, the Equality Authority dealt with 8,155 enquiries from the public on the five pieces of legislation under its remit. This represents an increase over the planned target of 8,000 agreed in the Strategic Plan. The percentage of queries received in 2009 regarding the equality legislation compares favourably with 2008:

	Percentage of Total Queries	
	2008	2009
Employment Equality Acts	27.0	21.1
Equal Status Acts	17.4	20.2

A significant number of enquiries to the Public Information Centre are quite broad and do not include full details. Of those that included sufficient information, the following can be ascertained:

(i) Key Grounds of Discrimination Cited:

Employment Equality Acts		Equal Status Acts	
Age	(211 queries)	Disability	(210 queries)
Disability	(190 queries)	Age	(161 queries)
Gender	(188 queries)	Race	(118 queries)

This is a slight change from 2008 when disability was the highest area of enquiry under both Acts.

(ii) Key Issues Cited:

Employment Equality Acts		Equal Status Acts	
General Information	(434 queries)	General Information	(526 queries)
Dismissal	(221 queries)	Provision of Services	(136 queries)
Access to Employment	(195 queries)	Educational	
Working Conditions	(179 queries)	Establishments	(104 queries)
Sexual Harassment	(117 queries)	Access to pub/nightclub	(67 queries)
		Accommodation	(45 queries)

Queries under the Equal Status Acts during 2009

Type and Number of Query		Regional Breakdown	
General Information	526	Dublin	446
Provision of Service	136	Rest of Leinster	104
Educational Establishments	104	Munster	162
Access to Pub/Nightclub	67	Connacht	67
Accommodation	45	Ulster (ROI)	20
Banking/Loans	34	Ulster (NI)	1
Transport	31	Not Specified	849
Reasonable Accommodation	30	Total	1649
Registered Clubs	29		
Car Insurance	23	County	
Access to Shop	17	Carlow	5
Harassment	17	Cavan	3
Advertising	16	Clare	13
Victimisation	13	Cork	58
Mortgage Protection	8	Donegal	14
Best Practice	6	Dublin	446
Other	547	Galway	23
Total	1649	Kerry	21
		Kildare	13
Ground		Kilkenny	9
Disability	210	Laois	10
Age	161	Leitrim	4
Race	118	Limerick	31
Gender	80	Longford	5
Traveller Community	67	Louth	11
Family Status	33	Mayo	11
Sexual Orientation	24	Meath	12
Marital Status	22	Monaghan	3
Religion	16	Offaly	5
Not specified	918	Roscommon	13
Total	1649	Sligo	16
		Tipperary	22
		Waterford	17
		Westmeath	12
		Wexford	10
		Wicklow	12
		Northern Ireland	1
		Not Specified	849
		Total	1649

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Objective 2: To Raise Awareness of Statutory Leave Entitlements Under The Maternity Protection Acts, Parental Leave Acts and Adoptive Leave Acts

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Overview of queries received by the Public Information Centre in relation to the “family leave” cluster.

With regard to the “family leave cluster” the percentage of queries received in 2009 also compares favourably with 2008:

	Percentage of Total Queries	
	2008	2009
Maternity Protection Acts	39.4	44.5
Parental Leave Acts	15.2	13.4
Adoptive Leave Acts	1.0	0.8

As with queries regarding the equality legislation, queries under the “family leave” cluster can be quite broad and a significant number do not include full details. Of those that included sufficient information, the following can be ascertained:

Key Issues Cited:

Maternity Protection Acts

Leave Entitlements
Return to Work
Redundancy
Annual Leave
Public Holidays

Parental Leave Acts

General Entitlements
Force Majeure Leave
Broken Leave
PRSI Contributions
Notification of Leave

Adoptive Leave Acts

Leave Entitlements
Foreign Adoption
Additional Leave
Certificate of Placement
Notification of Leave

Queries under the Maternity Protection Acts during 2009

Type and Number of Query	County
Leave Entitlements 596	Carlow 12
Return to Work 429	Cavan 14
Redundancy 407	Clare 23
Annual Leave 338	Cork 107
Public Holidays 272	Donegal 16
Additional Maternity Leave 249	Dublin 577
Notification 182	Galway 44
Ante-Natal/Post-Natal Care 136	Kerry 30
Time Off For Breast Feeding 43	Kildare 36
Leave For Fathers 42	Kilkenny 10
Ante-Natal Classes 25	Laois 10
Other 538	Leitrim 8
Outside the scope of the Acts:	Limerick 49
Social Welfare Benefit 204	Longford 5
Paternity Leave 95	Louth 19
Sick While Pregnant 76	Mayo 11
Total 3632	Meath 35
	Monaghan 10
	Offaly 18
	Roscommon 3
	Sligo 11
	Tipperary 31
	Waterford 26
	Westmeath 8
	Wexford 19
	Wicklow 25
	Northern Ireland 0
	Not specified 2475
	Total 3632
Regional Breakdown	
Dublin 577	
Munster 266	
Rest of Leinster 197	
Connacht 77	
Ulster (ROI) 40	
Not specified 2475	
Total 3632	

Queries under the Parental Leave Acts during 2009

Type and Number of Query		Total by County	
General Entitlements	293	Carlow	5
Force Majeure Leave	251	Cavan	0
Broken Leave	168	Clare	10
Notification	41	Cork	29
Annual Leave	39	Donegal	6
Public Holidays	37	Dublin	242
Pay	12	Galway	16
Other	146	Kerry	12
Outside the scope of the Acts:		Kildare	13
PRSI Contributions	73	Kilkenny	3
Disputes	16	Laois	9
Sick While On Parental Leave	12	Leitrim	2
Social Welfare Benefit	4	Limerick	23
Total	1092	Longford	3
		Louth	6
		Mayo	3
		Meath	15
		Monaghan	0
		Offaly	5
		Roscommon	4
		Sligo	6
		Tipperary	14
		Waterford	10
		Westmeath	4
		Wexford	4
		Wicklow	8
		Northern Ireland	0
		Not specified	640
		Total	1092
Regional Breakdown			
Dublin	242		
Munster	98		
Rest of Leinster	75		
Connacht	31		
Ulster (ROI)	6		
Not specified	640		
Total	1092		

Queries under the Adoptive Leave Acts during 2009

Type and Number of Query		County	
Leave Entitlements	17	Carlow	0
Foreign Adoption	11	Cavan	0
Additional Leave	5	Clare	0
Certificate Of Placement	5	Cork	1
Notification	4	Donegal	1
Return To Work	1	Dublin	14
Other	13	Galway	0
Outside the scope of the Acts:		Kerry	0
Social Welfare Benefit	3	Kildare	0
Disputes	2	Kilkenny	0
Total	61	Laois	0
		Leitrim	0
		Limerick	0
		Longford	0
		Louth	3
		Mayo	0
		Meath	0
		Monaghan	1
		Offaly	0
		Roscommon	0
		Sligo	0
		Tipperary	1
		Waterford	2
		Westmeath	0
		Wexford	0
		Wicklow	0
		Northern Ireland	0
		Not specified	38
		Total	61
Regional Breakdown			
Dublin	14		
Munster	4		
Connacht	0		
Rest of Leinster	3		
Ulster (ROI)	2		
Not Specified	38		
Total	61		

Objective 3: To Raise Awareness of Responsibilities Under Equality Legislation

(b) The Equality Authority website and Equality News e-zine

The Equality Authority website www.equality.ie was maintained and updated throughout the year with over 467,000 visits to the home page and 1.9 million pages viewed. This is an increase on the number of visits and pages viewed in 2008 of 3.3% and 26.7% respectively.

Three editions of the Equality News were published in a new e-zine format. These were issued to 3,100 organisations and individuals.

(c) Information Stands and Events

During 2009, the Equality Authority continued to host information stands at a number of conferences and events including:

- The Garda College Human Rights Community Fair in Templemore, Co. Tipperary
- The Congress Biennial conference
- The IMPACT Conference for the Civil Service and Services and Enterprises Divisions in Portlaoise, Co Laois
- The Irish Hospitality Institute AGM in Dublin
- The SIPTU Biennial Conference in Tralee, Co. Kerry.

Staff of Communications, Development and Legal Sections also attended a range of seminars, events and conferences during the year.

Access To Rights

Strategic Goal 2: Enhanced access to redress under Irish equality legislation and EU Equal Treatment Directives for people experiencing discrimination.

Objective 1: Pursue Strategic Casework Within The Resources Available To Further The Elimination Of Discrimination

1. Overview of Equality Authority Legal Casework Activity 2009

In 2009, there were 878 case-files processed by the Equality Authority:

- 318 (36%) under the Employment Equality Acts 1998-2008
- 351 (40%) under the Equal Status Acts 2000-2008 and
- 209 (24%) under the Intoxicating Liquor Act 2003.

A case-file is the broad term used to describe any form of legal activity involving a service user, employee or potential employee and the Equality Authority. There are various types of actions involved where a person:

- has a query referred by the PIC
- writes directly to the Legal Section
- requires basic information on the Intoxicating Liquor Acts
- is invited to a meeting or to fill out a questionnaire.

The Equality Authority may authorise preliminary assistance following the above actions and may assess the information provided and decide on further action including:

- contacting the respondent
- assessing this response
- formulating, pursuing or closing the potential claim
- reaching a settlement on the client's behalf
- recommending legal action and preparing a case for the Equality Tribunal where the Equality Authority will bear the costs
- acting as an Amicus Curiae in cases of interest
- representing a case with the Equality Tribunal's mediation or investigation services
- considering whether there are grounds for the appeal of any decision of the Equality Tribunal to the Labour Court or the Civil Courts.

Any or all of these actions constitute a "case-file".

During the year, the Legal Section opened 213 new case-files with authorisation to provide preliminary advice and assistance. This compares to 234 case-files opened in 2008. By year end, following a concerted effort to reduce a backlog, 658 case-files had been closed. 27 applications for substantial assistance were considered with 21 applications granted and 6 refused.

It is worth noting that the number of case-files processed reflect the resources and capacity of the Equality Authority's Legal Section. They are not a measure of the extent of discrimination or of the level of demand on the Authority's services. The types of case-files processed reflect the priorities established by the criteria set down by the Board of the Equality Authority.

Of the case-files processed by the Equality Authority in 2009, 48 were resolved to satisfaction, compared to 50 case-files in 2008.

Type of Result	Number of Case-files	
	2008	2009
Settlements	31	22
Mediated Settlements	5	4
Decisions/recommendations/court orders involving the Equality Tribunal, Labour Court, District Court, High Court and Supreme Court	14	22
Total	50	48

2. Employment Equality Acts 1998-2008

In 2009 there were 318 case-files processed under the Employment Equality Acts 1998-2008. Of these, 73 were new files opened in 2009 with the grounds of Disability, Gender, Race and Age accounting for the majority of new case-files. The table below provides a breakdown of the largest categories of case-files by ground.

Ground	Case-files Numbers	Percentage of Total
1. Age	78	24.5
2. Disability	62	19.5
3. Race	54	17.0

The Age ground remains the largest category, similar to 2008, followed by the Disability, Race and Gender grounds. The next largest category covers multiple grounds (i.e. where a case-file covers more than one ground). Both the Religion and Sexual Orientation grounds show a slight decrease on the 2008 figures (1 case-file each) while the Membership of the Traveller Community ground shows a slight increase (2 cases-files). The number of case-files on the Family Status and Marital Status grounds remain low.

Government Departments and State Agencies constitute the largest sector where there are employment case-files processed, followed by Other Services (including private sector), the Education Sector, and the Health Sector. In this regard it should be borne in mind that assistance is not usually granted where there is union representation and union presence would be strong in the State, Education and Health Sectors.

Sectoral Breakdown	Number of Case-files	Percentage of Total
1. Government Depts. & State Agencies	96	30.0
2. Other Services	46	14.5
3. Education Sector	45	14.2
4. Health Sector	40	12.6

With regard to the type of case-files processed under the Employment Equality Acts 1998-2008, 'working conditions' accounted for the largest category followed by 'access to employment', 'dismissal' and 'harassment'. There were also a small number of sexual harassment case-files.

The following table provides a breakdown of the largest categories of case-files by type.

Case-file Type	Number of Case-files	Percentage of Total
1. Working Conditions	99	31.1
2. Access to Employment	83	26.1
3. Dismissal	28	8.8
4. Harassment	18	5.7
5. Advertising	18	5.7
6. Sexual Harassment	4	1.3

A gender breakdown of the 318 case-files processed under the Employment Equality Acts 1998-2008 is as follows:

Gender	Number of Case-files	Percentage of Total
Male	166	52.2
Female	135	42.5
Transgender	2	0.6
Files opened by the Equality Authority	15	4.7

The majority of the case-files occur in the Leinster region: 186 (58.5%) followed by the Munster region: 57 (17.9%).

In 2009 under the Employment Equality Acts 1998 to 2008 there were:

- 10 settlements
- 4 recommendations of the Equality Tribunal and
- 2 Labour Court decisions.

There was also 1 decision of the Director of the Equality Tribunal.

During 2009 a review of the organisational and file management aspects of the work of the Legal Section was undertaken. In November 2009 the Board approved the recommendation to evolve the process to improve clarity, quality of data and transparency, especially in relation to file management.

All 2009 decisions and settlements involving the Equality Authority are available on www.equality.ie. Some of the decisions and settlements are reported below.

Employment Equality Acts 1998-2008: 2009 Decisions

(i) Zena Boyle -v- Ely Property Group Ltd
Determination No: EDA0920
Ground: Gender

Zena Boyle commenced employment with the respondent as a Housing Manager in August, 2005. Her job was to manage newly built student accommodation in Donegal on behalf of the respondent. Soon after she commenced employment she was harassed by her boss when she did not act in what she considered to be a reckless and unlawful manner in discharging her duties. The student accommodation was brand new and there were a significant numbers of problems with them, which were continuously brought to her attention by the students. Her boss in the company wanted her to take a harder line with the students even going so far as, on one occasion telling her to put the students' belongings into plastic bags, throw them outside the apartment and change the locks. Her boss finally told her she was useless, she couldn't control the students and what they needed was a man to sort them out.

In September, 2005 she was instructed to organise the recruitment of a live-in caretaker for the complex. She had expected to participate in the interviews as Housing Manager but she was not asked to do so. On the morning of 4 November, 2005 Mr X arrived at her office and informed her he was the new caretaker. A few moments after his arrival she received a phone call from her boss informing her that she was dismissed and to be off the premises by noon that day. Mr X subsequently informed her that he had been recruited to replace her, that her boss (Mr Reid) had instructed him to fire her on his arrival.

The company rejected her claim and said that Mr Reid no longer works for the company but that Mr Reid had problems with the complainant's performance and conduct which resulted in the decision to terminate her employment with it. The company was unable to furnish any documentary evidence to this effect.

Ms Boyle was awarded €30,000 by the Equality Officer for discrimination and harassment in the conditions of her employment on the grounds of gender. Decision No: DEC-E/2009/013 issued on 11th March 2009.

The company subsequently appealed the decision to the Labour Court but the decision and the award was upheld by the Court.

Employment Equality Acts 1998-2008: 2009 Settlements

(i) An Employee -v- An Organisation Ground: Disability

The employee, who suffers from dyslexia and is a recovering alcoholic, claimed that he was being discriminated against in his employment by his work colleagues by their failure to provide him with reasonable working conditions and reasonable accommodation. He also alleged that when his employers became aware that he had lodged a complaint with the Equality Tribunal he was victimised as a result.

Both parties agreed to participate in the mediation process where the respondent agreed to pay the employee the amount of €15,000 without admission of liability.

3. Discriminatory Advertising

Under Section 10 Employment Equality Acts 1998 to 2008, the Equality Authority may institute proceedings in its own name in relation to advertisements which indicate an intention to discriminate or might reasonably be understood as indicating such an intention. In 2009 there were 23 case-files processed concerning allegations of discriminatory advertising of which 10 were on the race ground and 7 on the gender ground. Of these case-files, 14 were completed in 2009.

4. Equal Status Acts 2000-2008

In 2009 there were 351 case-files dealt with under the Equal Status Acts 2000-2008. As in previous years, the Disability ground accounted for the largest number of case-files, followed by the Membership of the Traveller Community and Race grounds.

Ground	Number of Case-files	Percentage of Total
1. Disability	142	40.5
2. Membership of the Traveller Community	44	12.5
3. Race	39	11.1

Within the disability ground, the largest number of case-files concerned the provision of education in primary, secondary and third level institutions, followed by case-files relating to Government Departments and those relating to the provision of services by health agencies.

Within the Disability Ground	Number of Case-files	Percentage of Total
1. Provision of Education: Primary 7		
Secondary 25		
Third Level 4	36	25.4
2. Government Departments	22	15.5
3. Provision of services by Health Agencies	21	14.8

Case-files relating to Government Departments, Health Agencies, Local Authorities, State Agencies, schools and third level institutions accounted for 189 (53.8%) of all case-files dealt with under the Equal Status Acts 2000-2008. This is a decrease of 7.3% from 2008. The table below shows a breakdown of state sector related cases (percentages given are of all cases under the Equal Status Acts).

Government Depts, Agencies, Local Authorities etc.	Number of Case-files	Percentage of Total
1. Provision of Education: Primary 22		
Secondary 36		
Third Level 8	66	18.8
2. Provision of services by health agencies	49	14.0
3. Government Departments	42	12.0

A gender breakdown of the 351 case-files dealt with under the Equal Status Acts 2000-2008 is as follows:

Gender	Number of Case-files	Percentage of Total
1. Male	181	51.5
2. Female	147	41.9
3. Transgender	2	0.6
4. Files opened by the Equality Authority	21	6.0

With regard to geographical location, Leinster and Munster accounted for the majority of files with 201 (57.3%) and 82 (23.4%) respectively.

In 2009 under the Equal Status Acts 2000 to 2008 there were:

- 10 settlements
- 11 decisions of the Equality Tribunal and
- 1 Supreme Court decision.

Some of the decisions and settlements are highlighted below.

Equal Status Acts 2000-2008: 2009 Decisions

(i) Seán Thompson -v- Iarnród Éireann
Decision number: DEC-S2009-015
Ground: Disability

Mr Thompson, who has a visual impairment, commuted to work by Dart using a free travel pass issued by the Department of Social and Family Affairs (DSFA). He claimed that he was being discriminated against by Iarnród Éireann on grounds of disability as he was required to queue for a travel ticket on each day of travel. He was prohibited from getting his ticket in advance (for example the evening before) as other customers who do not have a free travel pass were allowed to do. Iarnród Éireann operated a 'same day only' restriction on travel tickets for persons with a disability who are in possession of a DSFA free travel pass. Mr Thompson alleged that Iarnród Éireann's 'same day only' restriction on travel tickets for persons with a disability constituted discrimination under the Equal Status Acts and failure to provide reasonable accommodation.

The respondent argued that there was a problem with fraudulent use of free travel passes and the practice whereby a free travel pass holder must present himself or herself at the booking office for visual inspection safeguarded against this. However no evidence of such fraud was produced.

The Equality Officer found that a prima facie case of indirect discrimination had been established by the complainant and that the respondent had failed to provide reasonable accommodation in accordance with Section 4 of the Equal Status Acts. He awarded the complainant €750 in compensation as redress for the inconvenience caused and ordered the respondent to review its policy in terms of the requirement for the holders of free travel passes to present at the ticket office on each day of travel in order to ensure that the policy is in full compliance with the Equal Status Acts.

(ii) Siobhan Twomey -v- Aer Lingus
Decision Number: DEC-S2009-079
Ground: Disability

Ms. Twomey is a paraplegic wheelchair user who flies to the United States with Aer Lingus. She had difficulty securing suitable seats on the plane both for herself and on occasions when travelling with her young daughter. Her requirement was to sit in the bulkhead seat which is beside the wheelchair-accessible toilet. She always made very significant

efforts to secure suitable seats in advance by corresponding with the airline in whatever ways were available to her. However, she did not always receive cooperation and in one particular incident in October 2005 she was refused permission to sit in the bulkhead seat. She was instead allocated a seat that was not accessible to the wheelchair toilet and did not have moveable armrests. She believed that this was because she had raised the issue in advance and tried to secure suitable seating.

The Equality Officer found that Ms Twomey had been discriminated against by being refused accommodation in the bulkhead seat (which the airline characterised wrongly as an exit row).

The Tribunal also found that she had been victimised in being allocated an even more unsuitable seat following her repeated requests for reasonable accommodation. She was awarded €1,000 for discrimination and €4,000 for victimisation. The Equality Officer also ordered the airline to review its training programmes for all frontline staff and review the communication procedures between the customer service department and other departments. (The airline had at this stage changed its policy in seating disabled passengers to comply with EC regulations.)

**(iii) Mrs Kn (on behalf of her son Mr Kn), Mrs Kh (on behalf of her son Mr Kh), Mr Kr (on behalf of his son Mr Kr), Mr & Mrs Hy (on behalf of their daughter Ms Hy)
-v- the Minister for Education & Science
Decision Number: DEC-S2009-050
Ground: Disability**

The complainants claimed that they had been discriminated against by the respondent on the grounds of their disability in terms of the respondent's policy which requires students attending special schools to leave the school that they are attending at the end of the school year in which they reach their 18th birthday. The complainants who suffer from learning disabilities attend a special needs school which caters for children with mild learning disorders and provides a full curriculum to Leaving Certificate and offers the Leaving Certificate Applied to students.

The complainant, Mr Kn was 14 years of age when he commenced in the senior cycle and a decision was made for him to complete his Junior Certificate cycle in a two year period rather than a normal period of three years to ensure that he would complete his Leaving Certificate Applied programme in the year in which he reaches his 18th birthday.

Whereas the complainant Mr Kn had his education truncated to ensure that he would be able to complete his Leaving Certificate Programme by the year he reached his 18th birthday, his twin sister attending a mainstream school is permitted to complete her Leaving Certificate cycle without restriction. Both Mr Kn and his twin sister started primary school on the same day, however as a result of his special needs, the complainant was transferred to a special school whereas his sister continued to attend the mainstream school. She is due to complete her Leaving Certificate at the age of 19.

The complainant, Mr Kh, was 14 years at the date of the hearing and due to commence his secondary school education in September 2009. As a result of the policy, a decision was made that the complainant would be required to skip a year in the secondary school cycle in order to complete the cycle by the year in which he would be 18 years of age.

The complainant, Mr Kr, who was 17 years at the date of the hearing was forced to skip first year at second level cycle to ensure that he would be in a position to complete his Leaving Certificate Applied by the year in which he reaches his 18th birthday.

The complainant, Ms Hy, who was 18 years at the date of the hearing and in the first year of the Leaving Certificate Applied cycle and would be 19 years before she could sit the Leaving Certificate Applied examination. The complainant was under the very significant apprehension that she would not be allowed to return to complete the Leaving Certificate Applied programme due to the Department's policy. (A number of months after the hearing in July 2009 a decision was made by the Department to allow Ms Hy to stay on to complete her Leaving Certificate Applied.)

The Department of Education & Science stated that special schools are classified by the Department as primary schools and are intended to cater for children and young persons with special educational needs from the age of 4 years until the end of the school year in which the student reaches his or her 18th birthday. Following their departure from the special school the Department of Health and Children/Health Service Executive assumes direct responsibility for young adults with special educational needs who are over the age of 18 years. They state that the policy that pupils in special schools should transition to adult placement when they reach 18 years of age is based on sound, reasonable and rational considerations involving the interests of the pupil, the other pupils in the special schools, other children with special educational needs and resource implications.

As part of the Department of Education & Science submission they stated that the Department is not a "service provider" as defined by the Equal Status Acts and it claimed that the Department was not a provider of education but rather that its role was to provide for education. The Department also claimed that it is not and cannot be regarded as an "educational establishment" and does not fall within the definition of same which is provided for by Section 7(1) of the Acts. The Equality Officer found that the types of services provided by the Department of Education and Science in the educational sphere are covered by the broad definition of service within the meaning of the Equal Status Acts.

The Equality Officer found that the policy which requires the complainants (as students who are pursuing or intend to pursue an accredited course which is also available in mainstream secondary education) to leave the special school at the end of the year in which they reach their 18th birthday, in circumstances where no such requirement is enforced upon students who attend mainstream secondary education, clearly amounts to less favourable treatment on the grounds of their disability within the meaning of the Equal Status Acts.

In coming to this finding the Equality Officer stated *"I am satisfied that this increased level of awareness of the policy and the uncertainty as to whether any extension to remain in the special school would be granted, if requested, resulted in decisions being taken which resulted in both Mr. Kn and Mr. Kr skipping a year of their secondary education in order to ensure that they will have completed their respective courses of education by the end of the year in which they reached the age of 18 years and thereby comply with the requirements of the policy. In the case of Mr. Kh, it has also resulted in a decision that it will be necessary for him to move from sixth class in the primary cycle directly into second year of his secondary education in order to ensure that he will have completed his accredited course of education by the end of the year in which he reaches the age of eighteen years."* In relation to Ms Hy, the Equality Officer stated that *"I am satisfied that the*

policy in question has resulted in a great deal of stress and anxiety to her in terms of the uncertainty as to whether she will be allowed to complete this programme of education in the special school which she presently attends."

The Equality Officer found that the complainants have established a prima facie case of discrimination on the disability ground in terms of the requirement that is imposed upon them by the respondent to leave the special school at the end of the year in which they have reached their 18th birthday and that the respondent has failed to rebut the inference of discrimination.

The Equality Officer ordered that the respondent pay both Mr Kn and Mr Kr the sum of €4,000 and to pay Ms Hy the sum of €2,000 for the effects of the discriminatory treatment in this case. In the case of Mr Kh the Equality officer did not consider an order for compensation to be appropriate. The Equality Officer also directed the respondent to review the policy that requires students who are attending special schools to leave the school at the end of the year in which they reach their 18th birthday with a view to ensuring that students in special schools who are pursuing courses leading to accreditation (such as the Junior Certificate/Leaving Certificate Applied) be afforded the same duration of time to complete these courses as their counterparts in mainstream education.

(iv) A Patient -v- The Mater Misericordiae University Hospital
Decision Number: DEC-S2009-057
Ground: Disability

The complainant suffers from multiple sclerosis and is a wheelchair user. The complainant was denied access to a wheelchair accessible toilet and shower during the period of her stay in the hospital. She was admitted to hospital on 9th August, 2006 suffering with pneumonia and pleurisy. On her admission to the hospital she was fitted with a catheter. This was due to be removed as soon as the complainant's health improved. She remained in hospital for a period of 37 days and due to the fact that there were no accessible toilets available for the complainant, the catheter was left on for the duration of her stay. This was despite the fact that a doctor on her neurology team advised that it should be removed.

While in hospital, the complainant approached a member of staff and enquired about wheelchair accessible toilets. The complainant was shown a toilet in the corridor of the ward but upon inspection she discovered that the door was locked and a notice stating "staff only" was on the door. The staff member opened the door for her and showed her the toilet. The complainant observed that it would not have been fully accessible as there were no handrails and the toilet bowl was not at the required height. In order to access the toilet a code was needed to be inserted into a keypad which was located at the approximate eye level of an ambulatory person.

The complainant was also informed that there were accessible toilets on the ground floor. She stated that due to bladder weakness it was not possible for her to avail of this toilet as the commute from the fifth floor was coupled with a lengthy concourse. She found out later on that these toilets were closed in the evenings.

The complainant further discovered while attending the hospital as an outpatient between 18-22 September, 2006 that another accessible toilet had been decommissioned and allocated to staff use only.

The complainant did not have access to proper shower facilities throughout her stay. She had to wash herself at a sink in her ward with very little privacy

The respondent acknowledged and regretted that due to unauthorised actions of staff the existing wheelchair accessible toilet of Our Lady's Ward was placed beyond patient use at the time of the incident. The hospital accepted that where these facilities exist and have been designated by the hospital for disabled access they should be available for patient use and that on the occasion of the complainant's admission in 2006 they were not available to the complainant. The hospital has taken a serious view of these actions and a directive has issued to all staff making it clear that such facilities are reserved for patients with disabilities. At the hearing the hospital stated that in addition to the steps taken to ensure that existing disabled access facilities are not placed beyond patient use, it has taken and continues to take steps to render more accessible, where possible, its existing facilities. For example, where handrails are absent in wheelchair accessible toilets, they have been fitted. The hospital also stated that all new projects under development by the hospital have facilities which are wheelchair accessible. The hospital stated that the toilet on Our Lady's Ward is now fully wheelchair accessible with the appropriate signage and hand rails in situ. The said toilet does not meet the current (planning) legislation in relation to height measurements. The hospital stated that there would be significant costs if it was to alter the bowl height due to infrastructural limitations relating to the buildings existing plumbing.

The Equality Officer found that the complainant had established a prima facie case of discrimination on the disability ground and that the respondent has not rebutted this presumption. The Equality Officer found that in light of the severity and impact of the unlawful conduct on the complainant she awarded the complainant the maximum amount of €6,348.69 in compensation for the effects of the prohibited conduct. The Equality Officer ordered the respondent to develop and implement an equal status policy and also ordered the respondent to ensure that accessible toilets are not restricted by keypads/locks and remain reasonably accessible in all wards.

(v) James Goulding -v- Michael O'Doherty
Decision Number: DEC-S2009-073
Ground: Disability

Mr Goulding claimed that he was treated less favourably by Michael O'Doherty on the grounds of his disability when Mr O'Doherty refused to treat his foot complaint and advised him to seek treatment with another chiropodist.

The complainant is HIV positive and is in receipt of a Chiropody Card that was issued to him by the Health Service Executive. The card entitled the complainant who experiences difficulties with his feet due to his on-going condition and the medication taken to control it to four visits with a chiropodist per annum. The complainant visited the respondent's service for chiropody treatment as he was in considerable amount of pain as one of his toenails had become infected. The complainant entered the respondent's clinic and after a short time showed the respondent his Chiropody Card. The respondent queried why he, a young man, was entitled to a podiatry card. While the complainant felt this was an inappropriate question for the respondent to ask, the complainant told the respondent about his HIV status. The respondent informed him that there would be problems or complications with cutting, cross-infection, sterilisation etc and that

therefore he could not treat him. The respondent told him that he needed to be treated by a practitioner who specialised in treating the feet of people with HIV and he was given the name of another chiropodist. The complainant stated that he was upset with this treatment but as he was genuinely concerned about the condition of his foot he asked the respondent to look at his feet. The respondent briefly looked at his feet and declared them to be fine. The complainant stated that with the help of the Dublin Aids Alliance he was able to find an alternative chiropodist who found that his feet were not fine. The complainant had an infection that required treatment with antibiotics.

The respondent stated that he did not refuse to treat the complainant and that having discovered that the complainant had HIV status referred the complainant to a chiropodist that he knew had expertise in the area. The respondent stated that this referral was made because he believed that the other chiropodist had special facilities that were better suited to handle any difficulties that may have arisen regarding possible cuts or infections. The respondent stated that his only concern at the time of the incident was as to the suitability of his practice facilities to the care-needs of the complainant. The respondent stated that he formed a professional opinion that his facilities and his professional expertise were unsuited to the treatment of a person with the complainant's condition.

The Equality Officer found from the evidence that the respondent had no expertise of managing HIV nor knowledge of the clinical or policy developments in that field. The Equality Officer pointed out that the complainant was not seeking treatment for his HIV infection. The Complainant presented himself to avail of a service – a foot complaint - that the respondent would normally provide to his clients. The Equality Officer found that the reason why the respondent refused to provide the complainant with this service was because, having been told by the complainant that the complainant was living with HIV, the respondent decided that he could not manage the complainant's HIV infection.

The Equality Officer in her decision stated that *“there is no legitimate reason why the complainant should not receive allied health services such as dental, chiropodist, podiatry, etc the same way as any other person not living with HIV would receive it. It is clear that universal health and safety precautions are in place precisely for this reason. It was pointed out by the complainant's expert witness – a member of the specialist registrar of the Irish Medical Council for Genitourinary medicine – that there are a number of people availing of such services who do not know that they are infected with HIV or any other infection and who could not, for this precise reason, inform a service provider that they are infected with the HIV or any other virus. It was also pointed out that many persons who receive treatment for HIV have similarly working immune systems as persons without HIV. I find that, having heard the extensive expert evidence at the hearing and having perused the support documents submitted to the investigation, good practice sterilisation issues and universal protocols are not necessarily costly or complicated matters. This is not to say, however, that they are not important when providing a health services. The point is that good practices and universal precautions are in place to protect everyone regardless of status and to ensure best health and safety practices for everyone. They are not in place to provide service providers with an exemption from non-discrimination as defined in the Acts.”*

In her decision, the Equality Officer also highlighted the issue of misconceptions regarding persons living with HIV when she stated: *“It is equally important that persons providing any type of a health service are correctly informed that persons living with HIV are often*

incorrectly perceived as being unhealthy or wrongly perceived as a threat to public health. It is crucial that these misconceptions are tackled effectively and immediately. It is clear to this Tribunal that it is precisely because of these incorrect and outdated perceptions that resulted in the complainant as being viewed and treated less favourably than a person who is without HIV (or not known to have the infection) would be treated in similar circumstances."

The Equality Officer found that the complainant had established a prima facie case of less favourable treatment on the ground of his disability and that the respondent has failed to rebut this. The Equality Officer awarded the complainant €6,000 for the effects of the discrimination and the humiliation and hurt caused. In her decision the Equality Officer stated that the amount was to reflect the seriousness of the discrimination experienced by the complainant and to emphasise the importance of a person's right to receive health care in a non-discriminatory manner.

Equal Status Acts 2000-2008: Settlements

(i) A complainant -v- A State Department Ground: Gender

A complainant was born with gender identity disorder and had genital re-assignment surgery in 2005. The complainant informed the state body that she was undergoing treatment for Gender Identity Disorder and that as part of the process, it was necessary for her to change her name and identity and that this had now been legally completed including the issue of a new passport recognising her new name and gender as female.

However, her old PPS number still recorded her as a male. She requested the state body to change the name on her PPS number and associated records to reflect her gender identity. She also requested that any identification and records referring to her in the male gender to be altered to refer to her in the female gender. The Department informed her that they were not allowed to change the gender even though her passport recorded her as female.

Her case was lodged with the Equality Tribunal and a hearing date was set. At a meeting with the state body prior to the hearing an agreement was arrived at whereby the Department agreed to change their records to reflect her gender. (Her birth certificate remains as when her birth was registered). An amount of compensation was also agreed. The case was then withdrawn from the Tribunal.

(ii) A complainant -v- A State Department Ground: Gender

This case is similar to that of (i) above. She also underwent treatment for gender identity disorder and that as part of the process changed her name and identity. She also was issued with a new passport recognising her new name and gender as female.

Her old PPS number still recorded that she is a male. She requested the state body to change the name on her PPS number and associated records to reflect her gender identity. She also requested that any identification and records referring to her in the male gender to be altered to refer to her in the female gender. The state body informed her that they were not allowed to change the gender even though her passport recorded her as female.

Her case was linked with that of (i) above. At a meeting with the state body prior to an Equality Tribunal hearing an agreement was arrived at whereby the Department agreed to change their records to reflect her gender. (Her birth certificate remains as when her birth was registered.) An amount of compensation was also agreed. The case was then withdrawn from the Tribunal.

Registered Clubs

Supreme Court Judgement The Equality Authority -v- Portmarnock Golf Club

On 20th February 2004 District Court Justice Mary Collins on the application of the Equality Authority made a declaration that Portmarnock Golf Club by refusing membership to women, was a discriminating club within the meaning of Section 8 of the Equal Status Acts 2000 to 2004. She found that the club could not rely on the exemption in Section 9 as the principal purpose of the club is to play golf. Portmarnock Golf Club appealed this by way of a case stated to the High Court. It had also instituted constitutional proceedings in relation to the Equal Status Acts.

Mr Justice O'Higgins in his judgement of the 10th June 2005 found that Portmarnock Golf Club's principle purpose is to cater only for the needs of male golfers and that the club could rely on the exemption provided in Section 9 (1) (a) of the Equal Status Acts 2000-2004. This judgement was appealed to the Supreme Court.

Judgement in the Equality Authority v Portmarnock Golf Club was given on 3rd November 2009 in the Supreme Court. The Supreme Court by a majority judgement dismissed the Equality Authority appeal and affirmed the decision of the High Court on the construction of Section 9 (1) (a) of the Equal Status Acts 2000-2004. Portmarnock was found not to be a discriminating club on the basis that it came within the exemption that its principal purpose is to cater only for the needs of men. There were two written judgments dismissing the appeal by Mr Justice Hardiman and Mr Justice Geoghegan. No written judgement was given by Ms Justice Macken who also dismissed the appeal. There were two written dissenting judgements given by Ms Justice Denham and Mr Justice Fennelly who upheld the Equality Authority appeal and made a finding that Portmarnock was a discriminating club.

5. Intoxicating Liquor Act 2003

In 2009, there were 209 case-files under the Intoxicating Liquor Act 2003. It should be noted that the case-file numbers under the Intoxicating Liquor Act 2003 include requests for information as the Equality Authority does not have the function of providing information on the operation of the relevant sections of the Intoxicating Liquor Act 2003. Of the 2009 case-files, 71 were requests for information.

The Traveller Community accounted for the largest number of case-files followed by Disability, Race, Sexual Orientation, Family Status, Gender, Multiple Grounds, Age, Outside Scope and Victimisation.

Ground	Number of Case-files	Percentage of Total
1. Membership of the Traveller Community	104	49.8
2. Disability	43	20.6
3. Race	18	8.6

A gender breakdown of the 2009 case-files dealt with under the Intoxicating Liquor Act 2003 is as follows:

Gender	Number of Case-files	Percentage of Total
1. Male	130	62.2
2. Female	77	36.8
3. Files opened by the Equality Authority	2	1.0

With regard to geographical location, Leinster and Munster accounted for the majority of files with 134 (64.1%) and 42 (20%) respectively.

In 2009 under the Intoxicating Liquor Act 2003, there were:

- 2 settlements and
- 2 District Court decisions.

Some of the decisions and settlements are highlighted below.

Intoxicating Liquor Act 2003: 2009 Decision

(i) Catherine Joyce -v- The Bell Bar Christine Joyce -v- The Bell Bar Ground: Traveller

The Joyces were refused service at the Bell Bar following a 'First Communion'. The group consisted of 7 adults and 10 children including the girl who had made her First Holy Communion. The ladies who are the mother and aunt, respectively, of the girl were refused service at the bar.

When they asked if they could speak to the manager she was told that that he wasn't on the premises. After some discussion the barman rang the Gardaí. When the Gardaí arrived a man calling himself the manager informed the Gardaí that he had told the barman not to serve the party. The manager cancelled the food which they had ordered and the party left the premises after spending approximately 1 hour seeking service.

The case was heard at the District Court where the Equality Authority sought compensation on behalf of the claimant for the humiliation and embarrassment to her and her family. The public house defended their actions by stating that the group had been refused service because of a previous incident

The case was heard at the District Court and the Judge in her ruling stated that she was satisfied that the previous incident was what had led to the refusal of service on the day of the Holy Communion. However, the difficulty in the matter for her was that she could not say (under the law) whether the refusal on the day was because they were members of a particular group i.e. members of the Traveller Community. The Judge added that she was disturbed that such an incident could happen and that the manner in which the staff of the public house treated the group was appalling.

The respondents sought costs however the Judge refused this and said that the complaint was a genuine complaint before the court and because of this costs would not be awarded. The solicitor for the Equality Authority requested a letter of apology and said that the Joyces would accept same. The respondent's solicitors confirmed to the court that such a letter would be forthcoming. On that basis the Judge struck out the matter with no costs to either side.

Intoxicating Liquor Act 2003: 2009 Settlement

(i) A Complainant -v- A Hotel Ground: Traveller

The complainant contacted the hotel regarding the availability of dates for her wedding reception. She was advised that they did have availability and she should come in and meet the wedding coordinator and discuss a date that would be suitable for her. When she

later went to the hotel she was told that they had no availability. Later that day her friend, who is a settled person, telephoned the hotel and was told that there was availability and to come in and discuss dates. An appointment was made and when the complainant accompanied her friend to the hotel they were shown the function rooms. She booked the function room on that day for her wedding.

Later she received a telephone call from a member of staff of the hotel informing her that there might be a problem with her booking as someone of the same name had enquired about that date previously. She informed them that it was herself who had made the enquiry and that she had been told there was no availability. She was then told to call to the hotel and bring photographic ID with her. When she went to the hotel she enquired if there was a problem and was told no. However, later that evening the hotel rang her to say that building work had been scheduled for around the date of her wedding and that they had to cancel her booking. She was told that she could collect her deposit at the reception. Following this she made a further enquiry and was informed that she had already been told that there were no dates available for the year.

Following notification of the complaint to the hotel they responded by saying that a new member of staff had dealt with the booking. They invited her in to discuss the matter saying that they would cater for her wedding. The complainant declined the offer as her parents had booked another venue.

Following discussions between the parties the hotel apologised and agreed to make a payment of compensation to the complainant. The matter was settled.

6. Applications for Assistance

Any person may apply to the Equality Authority for assistance in taking proceedings under the Employment Equality Acts 1998 to 2008, the Equal Status Acts 2000 to 2008, or Section 19 of the Intoxicating Liquor Act, 2003. The Equality Authority is not in a position to provide assistance to everyone who contacts it. Everyone who contacts the Equality Authority for assistance is told at the outset about the criteria that have been set down by the Board of the Equality Authority which govern the selection of case-files for the provision of legal assistance. They are also informed that an application for assistance will take some time, that it may involve correspondence with the respondent/potential respondent and that it may delay the progress of their claim. They are told at the outset if it appears that the claim falls outside the criteria. Authorisation is given to provide preliminary assistance. The file is usually then assigned to a solicitor who will enter into correspondence with the respondent and then proceed to process the application for substantial assistance. Not all people who contact the Equality Authority and who receive preliminary assistance qualify or want to apply for substantial assistance.

In 2009 preliminary advice and assistance was given in 213 new case-files:

- 73 under the Employment Equality Acts 1998 to 2008,
- 100 under the Equal Status Acts 2000 to 2008 and
- 40 under the Intoxicating Liquor Act, 2003.

Applications for Substantial Assistance Considered:

27 applications for substantial assistance were considered during 2009. 14 under the Employment Equality Acts, 1998 to 2008 and 13 under the Equal Status Acts 2000 to 2008. 21 applications for assistance were granted. 4 applications under the Employment Equality Acts 1998 to 2008 and 2 under the Equal Status Acts 2000 to 2008 were refused. The number of applications for substantial assistance which were considered in 2009 was well below the 71 applications considered in 2008.

(i) Employment Equality Acts 1998 to 2008

Breakdown of substantial assistance <i>granted</i> as follows:	
Gender	5
Disability	3
Age	1
Membership of the Traveller Community	1
Breakdown of substantial assistance <i>refused</i> as follows:	
Disability	1
Age	1
Gender/Age	1
Race/ Religious Belief	1
Total	14

(ii) Equal Status Acts 2000 to 2008

Breakdown of substantial assistance <i>granted</i> as follows:	
Disability	7
Membership of the Traveller Community	2
Gender/Disability	1
Race	1
Breakdown of substantial assistance <i>refused</i> as follows:	
Marital Status	1
Race	1
Total	13

Review

There was one Review by the Board of the Equality Authority where an application for assistance had been turned down by the Chief Executive Officer. The decision of the Chief Executive Officer was affirmed.

Case-work statistics and Case Summaries on Employment Equality Case Decisions and Settlements, Equal Status Case Decisions and Settlements, and Intoxicating Liquor Case Decisions and Settlements are available on the Equality Authority website at www.equality.ie.

Objective 2: Use Existing Powers Of Equality Authority To Best Strategic Effect Within Resources Available

The Equality Authority provided assistance to notice parties in two judicial review cases in 2009. Both were cases in which complaints had been referred to the Equality Tribunal and the respondents had then applied to the High Court for orders to prevent the Tribunal from proceeding with its investigation.

The Minister for Justice, Equality and Law Reform and the Commissioner of An Garda Síochána v the Equality Tribunal (Respondent) and Ronald Boyle and Others (Notice Parties).

Judgment of Mr Justice Charleton of 17 February 2009

The notice parties had been granted representation by the Equality Authority in their proceedings before the Equality Tribunal. They were all applicants for training with An Garda Síochána whose applications had been refused because they were over the maximum age of 35 set down in the Garda Síochána Admissions and Appointments Regulations 1988 (SI No 164/1988 as amended by SI No 749/2004). The applicants claimed that they were being discriminated against on grounds of age contrary to the provisions of the Employment Equality Acts 1998-2008 and EC Directive 2000/78. The Equality Tribunal initiated an investigation of the complaints but the respondents (The Minister for Justice, Equality and Law Reform and the Garda Commissioner) sought and were granted leave to have the decision of the Equality Tribunal judicially reviewed by the High Court. The proceedings in the High Court were defended by the Equality Tribunal. The Equality Authority had originally been served as a notice party but applied and was granted permission to be removed from the proceedings and substituted by the complainants in accordance with the rules of the Superior Courts.

The applicants in the judicial review proceedings argued that the Tribunal did not have jurisdiction to embark on an investigation of the discrimination complaints because that would have entailed an attempt by the Tribunal to question the validity of a statutory instrument. The Tribunal claimed that it was entitled to commence its investigation of the

complaint before it. The notice parties asserted that they were not asking the Tribunal to impugn the law but rather to disregard a regulation which was inconsistent with EC law.

Charleton J. found in favour of the Minister and the Garda Commissioner. He held that the Tribunal was not entitled to proceed with an investigation in the circumstances where it could not make a ruling in breach of a statutory instrument. He granted an order prohibiting the Tribunal from proceeding with any such investigation and stated that the only option available to the complainants in this case would have been to seek a declaration from the High Court. No costs were awarded against the respondent or the notice parties.

The Equality Tribunal has appealed this decision to the Supreme Court.

Eagle Star Life Assurance Company v The Director of the Equality Tribunal (Respondent) and Hugh O'Neill (Second Named Respondent) and Bernadette Treanor (Notice Party)

Ms Treanor, a serving Equality Officer with the Equality Tribunal, alleged that she was discriminated against on the ground of disability and victimised by Eagle Star in breach of Section 5 of the Equal Status Act 2000. The alleged discrimination related to the premium applied to her income continuance insurance by Eagle Star. In August 2002 Ms Treanor applied for insurance cover from Eagle Star for income continuance in respect of her employment as Equality Officer/ Assistant Principal Officer in the Equality Tribunal. The premium quoted by Eagle Star included a 100% loading which Ms Treanor believed was imposed on the basis of medical information which was not relevant. In the absence of a response to her request for details from Eagle Star, she notified the company of her intention to refer her complaint under the Equal Status Acts and she subsequently did refer a complaint to the Equality Tribunal alleging discrimination on grounds of imputed disability.

Because Ms Treanor was an employee of the Tribunal, the Director of the Equality Tribunal proposed to appoint a temporary Equality Officer from outside the staff of the Tribunal to hear the complaints and this was acceptable in practice to the respondent. There was some considerable time lapse before the Equality Officer was appointed and, in the absence of any correspondence from the Tribunal during that time, Eagle Star requested the Director to dismiss the complaint under Section 38 of the Equal Status Act 2000. Section 38 provides that the Director may dismiss a case at any time after the expiry of one year from the date of reference where it appears to the Director that the complainant has not pursued or has ceased to pursue the reference. The application for dismissal was refused and Eagle Star then issued judicial review proceedings against the Tribunal and Mr O'Neill with Ms Treanor as notice party. They were granted leave on 18th December 2006 and Ms Treanor sought and was granted legal representation for these proceedings by the Equality Authority. The matter was heard by the High Court on the 4th and 5th March 2009. In a judgment delivered three weeks later, Mr Justice Hedigan refused the relief sought by Eagle Star and held that the decision not to dismiss the complaint under Section 38 was validly made. The costs of the High Court action were awarded to the respondents and the notice party. Ms Treanor's claim of discrimination was therefore validly before the Equality Tribunal and the Tribunal was authorised to resume the investigation.

Partnership For Equality in Employment & Service Provision

Strategic Goal 3: A proactive approach by employers and service providers in key sectors to promote equality and achieve compliance with equality legislation.

Objective 1: To Encourage and Support Initiatives To Promote Equality, Value Diversity And Combat Discrimination In Service Provision In Four Sectors

1. Initiative with Cavan and Kildare County Councils on Services for Black and Minority Ethnic (including Traveller) Communities

Work was completed on the project to support Cavan and Kildare County Councils to understand the needs of Black and minority ethnic communities (including Travellers) and to improve customer services accordingly. A report of the project has been finalised and is being prepared for web publication in 2010. The project included initiatives such as the establishment of consultation fora for Black and minority ethnic communities and targeted information initiatives such as on housing. Both Councils indicated that the project gave them expertise and confidence to continue this work on their own initiative in 2010. Both Councils are interested in sharing the learning and ideas for good equality practice with the Local Government Management Services Board in 2010.

The Equality Authority organised a learning event for Cavan County Council staff on 3 December 2009. The theme of the event was 'understanding equality and the Equal Status Acts 2000-2008, with a specific focus on the Traveller ground'. It was attended by staff from planning, housing, social inclusion and community and enterprise sections.

2. Education

(a) Spirit of Enterprise Project

The Equality Authority supported the Spirit of Enterprise initiative to prepare a module on the Equality Authority as a resource for teachers and students of enterprise in second-level schools. The module can be used by Junior and Leaving Certificate business students. The module outlines the work of the Equality Authority, the main points of the equality legislation and the benefits for business of a focus on equality and diversity. The Spirit of Enterprise resource has now been distributed widely to schools.

(b) Further Education Support Service

The Equality Authority supported the Further Education Support Service on a process to assist further education and training providers to meet FETAC requirements regarding equality. The initiative led to the development of a web-based Equality Action Planning

Framework, launched at the Equality Authority on 14 October 2009. The Framework includes an Equality Review Tool, which adult and further education providers can use to assess their current situation regarding equality for students, and an Equality Action Planning Template.

Objective 2: To Implement Initiatives To Promote Equality, Value Diversity And Combat Discrimination In Employment And Vocational Training

1. Equality Mainstreaming Unit

The Equality Mainstreaming Unit (EMU) has been established with funding from the European Social Fund, through the Human Capital Investment Operational Programme of the National Strategic Reference Framework 2007-2013. The main objective of the Unit is to contribute to addressing labour market gaps in Ireland for specific groups that are experiencing inequality across the nine grounds covered by the equality legislation. It seeks to achieve this by facilitating and supporting institutional change within providers of further education, training and labour market programmes and within small to medium enterprises by strengthening their capacity to combat discrimination, to promote equality and to accommodate diversity.

The EMU focused on the following areas of work in 2009:

(a) Supports for the VEC sector

During 2009 the EMU supported 3 equality mainstreaming projects with the following VECs:

County Dublin VEC

County Dublin VEC identified the promotion of equality as one of its strategic objectives in its Strategic Plan 2008 - 2013. Its project has focused on mainstreaming equality planning and proofing into existing service provision through (1) consultations with key stakeholders including senior management, (2) the creation of a steering group and a further education forum and (3) the design and implementation of equality action plans. Co. Dublin VEC set up a steering group and consultation groups comprised of representatives of all different roles with managerial responsibilities within the VEC as well as practitioners. The consultation fora were also used as opportunities for equality training. The VEC has produced an equality statement which will form the starting point for an equality framework which will cover access, transfer, support and progression.

County Wicklow VEC

County Wicklow VEC's project focused on mainstreaming equality into the processes of evaluation, planning, design and delivery of adult and further education vocational education and training programmes. Co. Wicklow VEC established a Work Plan Implementation Team made up of senior management, middle management and programme management with expertise in equality. The Team drafted a set of guidelines on implementing equality mainstreaming in adult and further education programmes. The guidelines will be published and disseminated in 2010 and will form the basis for the development of an action plan for equality.

County Waterford VEC

County Waterford VEC focused its project on equality mainstreaming actions in intercultural settings, staff training, sharing of good practices, peer support and the review of the VEC Education Plan. The VEC applied equality impact assessment guidelines (previously developed by the Equality Authority and the Irish Vocational Education Association) to some of its units (two Literacy Units, a Business Training Centre, the School Completion Programme and Adult Education Guidance). Short and medium term equality action plans were developed in collaboration with tutors in relation to services and capacity building of staff around equality. Training events on equality and interculturalism and on lesbian, gay, bisexual and transgender issues were offered to staff.

(b) Annual VET Conference

The EMU organised its fifth annual conference on promoting equality and accommodating diversity in Vocational Education and Training (VET) in partnership with the Department of Enterprise, Trade and Employment and the Department of Education and Science. The conference was held on November 10 in Dublin Castle and was opened by Mr. Seán Haughey, T.D., Minister for Lifelong Learning. The theme of the conference was that of equality in a time of change. The conference highlighted the ongoing relevance of action to promote equality and accommodate diversity in the design and delivery of vocational education, training and labour market programmes. It included both national and international speakers as well as practical case studies. Speakers during the plenary session included John Field, Professor of Lifelong Learning and Co-Director of the Centre for Research in Lifelong Learning, University of Stirling, Scotland and Dr Helen Russell from the Economic and Social Research Institute. The second plenary session had a focus on practical case studies from a range of further education and training providers. These included Fiona Hartley, County Wicklow VEC, Eddie Higgins, EQUAL Ireland and Siobhán O'Dowd, Pobal.

(c) Support for SMEs

The EMU operated a support scheme for Small and Medium Enterprises (SMEs) under the auspices of the National Framework Committee for Equal Opportunities at the Level of the Enterprise, a social partnership committee involving IBEC, Congress, the Department of Justice, Equality and Law Reform, the Equality and Diversity Network, the Local Government Management Services Board, the HSE Employers' Agency and the Department of Finance. The scheme enables SMEs to develop equality policies and to establish an equality infrastructure. 37 SMEs were supported in 2009 at a cost of €73,538. The scheme supported a broad range of SMEs in the manufacturing, services, hospitality, care, education, and IT sectors.

(d) Developing and supporting sectoral approaches to promoting equality in the workplace.

Irish Hospitality Institute

The Equality Mainstreaming Unit provided support to the Irish Hospitality Institute for a project to assist hotels in incorporating equality considerations into employment practice and customer service.

Following on from learning network events hosted during 2008, the Irish Hospitality Institute, in cooperation with the Dublin Institute of Technology's Tourism Research Centre, also carried out research with the hospitality sector on equality issues. This report included case studies drawn from hotels that were displaying good practice in terms of equality. It also contained a set of equality guidelines for hotels and restaurants.

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These guidelines were subsequently developed into a resource for the sector called "10 Steps to Equality and Diversity for the Irish Hospitality Sector". These guidelines provide concrete and practical advice on how to incorporate equality and diversity into the everyday work of the hospitality sector. This publication was launched at the IHI's Annual Human Resources Conference and was disseminated to all members of the IHI during 2009.

Finally the work of this project culminated in the "10 Steps to Equality and Diversity for the Irish Hospitality Sector" resource being mainstreamed as selection criteria for the IHI Annual Diversity Awards, held on 5 November 2009. Each of the award winners had to demonstrate how they had used the 10 steps to equality and diversity set out in the guide. This project was also heavily profiled in *Hotel and Restaurant Times*, the trade journal of the Restaurants Association of Ireland.

Local Government Management Services Board

The EMU worked with the Local Government Management Services Board (LGMSB), the support structure for local authorities, to develop an equal status policy template for local authorities. The LGMSB committee was chaired by Michael Malone, County Manager, Kildare County Council. The equal status policy template was launched as a DVD, with funding from the EU's PROGRESS fund (as one of the actions of the European Year Legacy Action Plan - see below) in November 2009.

The EMU also provided training at an equality seminar organised by the LGMSB for equality officers across the local authority sector on the equality legislation and equality competency on October 7 in the LGMSB offices.

Supports to Trade Union and Employer Networks

The EMU invited expressions of interest from Trade Union and Employer Networks to develop projects to encourage, inform and support planned and systematic approaches to workplace equality. Congress, SIPTU and IBEC were successful in their applications and began work on their equality initiatives, which will be completed during 2010.

2. Work-Life Balance

The Equality Authority continued to manage the work-life balance scheme on behalf of the National Framework Committee for Work-Life Balance Policies, a social partnership committee chaired by the Department of Enterprise, Trade and Employment. The work-life balance scheme provides consultancy support to organisations to enable them to develop and implement work-life balance policies which assist employees in reconciling work and caring responsibilities. There were 28 applications for support for enterprises received in 2009. Supports were provided to 20 companies drawn from the community support, civil society, manufacturing, construction, distribution, childcare, IT, financial and hospitality sectors to develop and implement work-life balance policies.

Objective 3: To Implement An Action Plan That Supports A Legacy From The European Year Of Equal Opportunities For All

The European Year Legacy Action Plan was a major initiative that ran from November 2008 to November 2009, co-funded by the European Commission under the PROGRESS Programme (2007–2013). It supported a longer term legacy from the European Year of Equal Opportunities for All 2007.

The projects funded helped to maintain an ambition for equality across a wide coalition of organisations. Projects were led by public sector organisations, business networks at national and local level, trade unions, universities and NGOs representing groups experiencing inequality.

The projects supported used a variety of ways to promote equality and build equality capacity. These included conferences, workshops, publications, websites, the development of targeted equality tools, the production and delivery of equality training tailored for specific sectors and a creative competition on 'Challenging Stereotypes' in all seven Irish universities. In addition, the project focused on supporting networking as a means of exchanging best practice on equality and promoting shared solutions to equality challenges.

Congress implemented an 'Equality Challenge Fund', in which individual trade unions bid competitively for funding to undertake equality actions. The competitive element to this project helped to foster a sense of ownership of equality within individual trades unions as well as greater recognition of their role as equality champions.

The actions undertaken by IBEC and by four local Chambers of Commerce (Athlone, Clonmel, Galway and Shannon and District) encouraged large and small businesses to see how they could manage equality and diversity effectively in their workplace and to recognise that investment in equality could yield business benefits. IBEC also ran a help-desk to answer employer queries across a wide range of equality issues.

NGOs implemented projects designed to raise awareness of equality issues such as the unequal sharing of caring between men and women, the need for marriage equality for LGBT people, the urgency of regulatory standards for people with intellectual difficulties in residential care, the problems faced by lone parents in accessing appropriate accommodation and the importance of a national day to celebrate family diversity. The Irish Traveller Movement also piloted its Yellow Flag programme, an intercultural education model, in four primary and secondary schools. Schools are awarded a Yellow Flag reflecting their commitment to creating a school environment supportive of diversity, particularly in respect of Traveller children and students.

The energy created has motivated many organisations to continue equality actions using their own or Exchequer resources.

Partners engaged in delivering actions under the European Year Legacy Action Plans

Association of Secondary Teachers, Ireland
 Athlone Chamber of Commerce
 Clonmel Chamber of Commerce
 Communications Workers Union
 Congress
 ESB Officers Association
 Galway Chamber of Commerce
 IBEC
 Inclusion Ireland
 Immigrant Council of Ireland
 Irish National Teachers' Organisation
 Irish Traveller Movement
 Irish Universities Association
 Local Government Management Services Board
 National Lesbian and Gay Federation
 National Women's Council of Ireland
 One Parent Exchange and Network
 Public Sector Equality Network
 Shannon and District Chamber of Commerce
 SIPTU
 Transgender Equality Network Ireland

Publications produced under the European Year Legacy Action Plan

Publication	Action leader
<i>Workplace Equality in Ireland 2008</i>	Congress
<i>The Irish Traveller Movement Yellow Flag Programme Research Report</i>	Irish Traveller Movement
<i>Who Cares? Challenging the myths about gender and care in Ireland</i>	National Women's Council of Ireland
<i>Marriage Matters for Lesbian and Gay People in Ireland, Proceedings of Symposium held on 7th May 2009</i>	National Lesbian and Gay Federation
<i>Equal Status Policy Guidelines and Template for Local Authorities</i>	Local Government Management Services Board
<i>Guide to Health Charges</i>	Inclusion Ireland
<i>The Essential Guide to Diversity: How to harness diversity and create an integrated workplace</i>	Irish Business and Employers Confederation

<i>Managing a Diverse Workforce: Case Studies & Best Practices from Galway Businesses</i>	Galway Chamber of Commerce
<i>Template Equality Opportunities Policy</i>	Shannon and District Chamber of Commerce
<i>Transgender and Gender Dysphoria: Information for Psychiatrists</i>	Transgender Equality Network Ireland
<i>Transgender and Gender Dysphoria: Information for Psychologists</i>	Transgender Equality Network Ireland
<i>Transgender and Gender Dysphoria: Information for Guidance Counsellors</i>	Transgender Equality Network Ireland
<i>Making Space for One-Parent Families: Making Social Housing & Accommodation Provision More One-Parent Family-friendly</i>	OPEN

Participation in conferences, training events and networking and information sharing events held under the European Year Legacy Action Plan

Number of events	Number of participants	Number of women participants
<i>Training and mutual learning events</i>		
24	290	200
<i>Conferences and communication events</i>		
26	921	468

Objective 4: To Develop Partnership With Organisations That Support Good Equality Practice In New Sectors

1. Equality Authority work with the GAA to support good equality practice

In 2008, the Equality Authority opened discussions with the GAA to see how equality could be reflected in the GAA's Strategic Vision and Action Plan and also its Inclusion and Integration Strategy. In the GAA Strategic Vision and Action Plan, the Association devoted an entire chapter to Inclusion and Integration.

Following the launch of these two documents in 2009, a series of meetings was held with GAA officials with a view to arranging appropriate equality awareness workshops for the GAA. In June 2009 the GAA set up an Inclusion and Integration Working Group and the

Equality Authority was represented on the Group and briefed the Group in August 2009 on the equality legislation and how it applies to the work of the GAA. In December 2009, the Equality Authority staff began a programme of equality workshops for GAA officials with, in the first instance, an equality awareness workshop for members of the Working Group and selected staff members from GAA HQ.

The next stage of the project will involve the provision by the Equality Authority of equality awareness workshops to full time staff of the four Provincial Councils of the Association. These workshops have been scheduled to take place at various venues around the country in early 2010.

2. Say No to Ageism Campaign

The 6th “Say No to Ageism” campaign, in partnership with the Health Service Executive and the National Council for Ageing and Older People, was launched by the Equality Authority in May 2009, with the support of the transport and hospitality sectors including Dublin Bus, Bus Éireann, Iarnród Éireann, Veolia, the Irish Hospitality Institute and Congress. The campaign was comprised of a number of initiatives including:

- A leaflet about Ageism was published by the Transport Sector
- A “Combating Ageism” publication was produced and launched by the Irish Hospitality Institute at their AGM
- An ageism viral message campaign was conducted by Congress during “Say No To Ageism” week
- A widespread advertising campaign across the transport sector including: 6000 posters, 5 billboards and advertisements on 14 Luas Columns, 14 Luas Shelters and 10 Bus Shelters
- Over 60,000 ‘I Say No To Ageism’ badges were distributed nationwide through HSE contacts
- HR staff across the partner organisations issued viral ‘positive awareness’ messages to their staff during week of the campaign.

Evidence For & Understanding of Equality

Strategic Goal 4: Continuous enhancement of evidence for and understanding of equality issues.

Objective 1: To Build the Evidence Base on Diversity, Current Inequality and Discrimination and of Effective Responses to These Issues

The overall aim of the Equality Authority's research programme is to enhance knowledge and understanding of discrimination and inequalities across the nine grounds covered by the equality legislation and of relevant policies and programmes to address these inequalities.

1. Research Published in 2009

Three research reports were published in 2009. All three were joint publications with the ESRI as they arose from the 'Research Programme on Equality and Discrimination' which the ESRI has carried out on behalf of the Equality Authority. The published studies were:

(i) *Discrimination in Recruitment: Evidence from a Field Experiment*
Frances McGinnity, Jacqueline Nelson, Pete Lunn and Emma Quinn

This study uses an internationally recognised and accepted experimental method to directly compare the behaviour of employers faced with applications from candidates who were identical on all relevant characteristics other than their ethnic or national origin. The research team sent pairs of matched CVs in response to 240 separate job adverts. The two fictitious applicants had equivalent qualifications, skills and experience - all gained in Ireland. The only difference was the name at the top of the CVs. Given the ethical issues involved in conducting this experiment, a rigorous ethical procedure was followed. The experimental design conformed to international best practice and was approved in advance by an ethics committee. Every effort was made to minimise the possibility of inconvenience or damage to the reputation of employers. All records identifying the firms involved were kept in the strictest confidence and destroyed after the experiment was completed.

- The key finding of this study is that job applicants with Irish names are over twice as likely to be invited to interview as candidates with identifiably non-Irish names, even though both submit equivalent CVs.
- This finding is consistent across the three occupations tested – lower administration, lower accountancy and retail sales positions – and across different sectors of the Irish labour market.
- While international studies suggest that rates of discrimination in recruitment vary across different minority ethnic groups, this experiment did not find significant differences between African, Asian or German applicants. All three are around half as likely to be invited to interview as Irish candidates.
- Overall, the rate of discrimination found is high by international standards.

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The findings of this groundbreaking study confirm the need for strong enforcement of equality legislation. It is crucial to ensure that people know their rights under equality legislation and that those facing discrimination have effective access to redress. In addition, as the OECD has recently pointed out "... in general legal rules will have more impact if enforcement is not exclusively dependent on individuals deprived of their rights". This highlights the key role of specialised equality bodies – such as the Equality Authority – in raising awareness of discrimination and building public support for equality, and also in investigating and challenging discriminatory practices beyond simply relying on individual complaints.

(ii) *The Gender Wage Gap in Ireland: Evidence from the National Employment Survey 2003*

Seamus McGuinness, Elish Kelly, Tim Callan and Philip J. O'Connell

The main aim of this study is to provide detailed new evidence on the factors that contribute to the gender pay gap in Ireland through an analysis of the National Employment Survey, 2003. A particular advantage of this large dataset is that it allows for an in-depth examination of pay gaps in specific segments of the labour market. In addition to examining the pay gap for all employees, this study provides separate analyses of the full-time and part-time labour markets. It also provides a novel analysis of the gender pay gap within broad occupations and industries.

Key findings are:

- The observed or "raw" gap between men's and women's hourly wages was about 22 per cent for all employees. These are the types of statistics that are most commonly and regularly available on the gender pay gap. However, about two-thirds of the observed gap was due to differences in observable characteristics between men and women, such as different levels of education and labour market experience, job and firm characteristics, etc. When account is taken of such factors, the remaining adjusted (or unexplained) wage gap was close to 8 per cent.
- For full-time employees, the raw gap was about 18 per cent and the adjusted gap was just under 7 per cent. For part-time employees the observed wage gap was around 6 per cent, but the adjusted gap was higher, at 10 per cent. This suggests that part-time female workers are on the whole more qualified and experienced than their male counterparts.
- The difference in the labour market experience levels of men and women - which widened the gap by 3 percentage points, equivalent to 14 per cent of the raw gap - was the largest single influence in explaining the gender wage gap. Higher levels of educational attainment among women did help to reduce the wage gap, but this factor alone was not sufficient to compensate for the effects of labour market experience on the gap.
- The greater concentration of women in part-time work widened the gender wage gap by almost 2 percentage points.
- The combined effects of broad occupational and sectoral gender segregation widened the gap by 2.8 per cent, accounting for 13 per cent of the overall wage gap.
- Other factors which widened the gap included a higher incidence of supervisory responsibility, longer tenure and higher trade union membership among men.

In relation to the occupational analysis, the authors found that the raw wage gaps across the eight occupations examined were broadly similar. However, much larger variations occurred in terms of the adjusted gap, which reflected substantial differences in the role of observable characteristics (e.g. education, experience, family structure and organisational factors) across occupations. The adjusted wage gap varied from about 2 per cent in clerical occupations to 21 per cent for plant and machine operatives.

Regarding the sectoral analysis, the raw gender wage gap was widely distributed, ranging from 13 per cent in the hotel sector to 46 per cent in the education sector. The adjusted wage gap was somewhat more uniformly distributed: ranging from under 1 per cent in the transport and communications sector to 20 per cent in construction.

This research shows that there is some way to go to achieve equal pay for men and women in Ireland. Further progress in tackling the gender pay gap requires carefully targeted policies to promote gender equality within the workplace. It also requires policies to facilitate greater sharing of care between men and women and to address the potential wage reductions associated with taking time out to raise a family.

(iii) *A Woman's Place: Female Participation in the Irish Labour Market*
Helen Russell, Frances McGinnity, Tim Callan and Claire Keane

Drawing on a wide range of evidence, this research describes how and where women's participation in the Irish labour market has changed since the mid-1990s. It explores the impact of changing participation on gender differentials in pay and on horizontal and vertical segregation in the labour market.

Between 1998 and 2007 almost 300,000 women joined the Irish labour market. In 2007, two out of three women were active in the labour market. Factors lying behind this change include -

- Rising levels of educational qualifications for women;
- Demographic changes - primarily the increase in the number of women in the 25 to 34 age group, who have high participation rates;
- Rising real wages. Increases in wages were particularly important in increasing the incentives to participate for women with lower qualifications;
- An increase in demand for labour in the service sector and the public sector, including for many occupations that are 'female-typed' (i.e. jobs involving stereotypically female skills e.g. caring, interpersonal skills).

Participation increased among women with pre-school children from 54 to 60%. However, comparing women with the same characteristics with and without children, the effects of children on the participation decision remained the same in 2005 as in 1998. Moreover the level of participation of lone mothers with children under 5 years decreased over the period, but increased for those whose youngest child was aged 5 to 15 years.

The study also considers how this dramatic rise in participation has impacted on other aspects of gender equality within the labour market. On the topic of gender segregation in occupations the study found:

- The female share of employment increased from 37% to 42% from Census 1996 to Census 2006;
- Female share increased in all but 6 of 24 broad occupational groups;
- There were large increases in the female share of business and commerce occupations from 37 to 43%, managerial/executive occupations from 32 to 42% and of the Garda Síochána from 8 to 19%, all represent desegregation;
- But six of the top ten increases in female-share occurred in occupations in which women were already over-represented, such as an increase in the female share of personal service and childcare occupations from 61 to 68% and an increase in proportion of female teachers from 65 to 71%. The increased feminisation of these jobs adds to gender segregation in the labour market;
- Therefore overall indices of gender segregation in occupations remained stable between 1996 and 2006, following a decline in the early 1990s;
- Vertical segregation remains an issue - i.e. the under-representation of women at the higher levels within occupations. Men are found to be twice as likely as women to occupy senior and middle management positions.

2. Other Research Projects

In addition to the above completed studies, a number of other projects were progressed during the year.

(i) *Multiple Inequalities: an Analysis of 2006 Census data*

The 2006 Census includes direct classificatory variables for all nine grounds except sexual orientation. On sexual orientation, household relationship questions in the Census allow the identification of same-sex couples living together. This study uses the Census data to measure the impact of group membership on educational, employment and other outcomes. It also explores the issue of cumulative disadvantage associated with the intersection of more than one of the nine grounds. This is the final project in the 'Research Programme on Equality and Discrimination' which is being carried out by the ESRI on behalf of the Equality Authority.

(ii) *Women's Experiences in Paid Work During and After Pregnancy*

The Crisis Pregnancy Programme of the Health Service Executive (formerly the Crisis Pregnancy Agency) and the Equality Authority have jointly commissioned the ESRI and Amárach Research to carry out this research. The main element of this study is a nationally representative sample survey of women with young children. A sample of 5,000 mothers was drawn from the Child Benefit register, with the assistance of the Department of Social Protection. The survey fieldwork was carried out in Autumn 2009 and a report is in preparation. A literature review of research on "Women's Experiences in Paid Work During and After Pregnancy" and a review of pregnancy related cases decided by the Equality Tribunal, Employment Appeals Tribunal and the Labour Court between 1998 and 2008 are also being carried out as part of this research.

3. Equality Data

Data on the nine grounds is essential to underpinning effective equality strategies. During the year the Equality Authority participated in the CSO Census 2011 Advisory Group and continued to liaise with the Central Statistics Office, government departments and other relevant bodies on a range of equality data issues.

Objective 2: To Enhance Public Understanding of Equality, Diversity and Discrimination

1. Stereotyping Project

The stereotyping project was developed in response to the strong interest in the subject expressed by equality-related NGOs. In 2009 the European Commission-sponsored exhibition *Breaking Stereotypes* developed as part of the *For Diversity, Against Discrimination* campaign was displayed in 13 locations around the country including universities, local libraries, schools, public service organisations and conferences.

The stereotyping working group identified a particular interest in addressing the equality impact of stereotyping in education. Initial work began with Waterford Institute of Technology (WIT) to explore how a module on stereotyping could be developed for inclusion in the teacher training curriculum within WIT. This work will continue in 2010. Following a meeting with the National Centre for Curriculum Assessment (NCCA) the Equality Authority, in consultation with the stereotyping working group, prepared a submission on the new Leaving Certificate subject 'Politics and Society'. The submission highlighted the relevance of a focus on stereotyping within the Politics and Society syllabus.

Regional strategies to raise awareness of the equality impact of stereotyping were developed and implemented in Galway and Limerick with the support of Galway City Partnership and PAUL Partnership. Actions included the launch and display of the exhibition, engagement with schools and youth organisations on the subject of stereotyping and training on the equality impact of stereotyping with staff of Galway City Partnership and with the Galway Interagency Diversity Strategy Team.

The Equality Authority is the participating organisation from Ireland in a European project, 'Living Together: European Citizenship Against Racism and Xenophobia'. As part of this project, a 'best practice report' was prepared highlighting community, voluntary and statutory initiatives to address racism in Ireland. A national expert forum on 'Tackling Racism and the Impact of Racial Stereotypes' was also organised on 29 October 2009 with the support of European Network Against Racism (ENAR) Ireland.

2. Media Coverage of Successful Cases

The successful outcomes of cases supported by the Equality Authority were frequently presented to the media. The decisions were covered in national and local print and broadcast media throughout 2009.

Objective 3: To Engage With The European Union And Other International Institutions And With Equality Bodies Across The European Union

The Authority was responsible for the coordination of a two day training seminar on "Access to Rights" in Dublin Castle in April 2009. The event was organised in cooperation with Equinet, the European Network of Equality bodies in April 2009. It was attended by delegates from equality bodies across Europe.

A representative of the Authority participated in the adjudication of the "Equality and Diversity Journalist of the Year" awards for the EU Commission in September 2009.

Equality Issues

Strategic Goal 5: Practical responses made to critical priority issues for groups experiencing inequality.

Objective 1: To Support Initiatives Responding to Priority Issues for Specific Equality Grounds through the European Year Legacy Action Plan

European Year Legacy Action Plan initiatives managed by the Equality Authority

(a) Learning Events for Civil Society

As part of the European Year Legacy Action Plan, the Equality Authority ran a series of training and networking events for NGOs in October. Two training and networking events entitled 'Making the Most of Equality' took place in Limerick and Tullamore. A third training and networking event was held in Dublin entitled 'Embedding Equality in Media and Policy Work'.

In 'Making the Most of Equality' Dr Kathy Walsh mapped the regional policy landscape in which equality NGOs work and outlined the structures in which regional policy decisions are made. Dr Chris McNerney (Tipperary Institute) and Margaret O'Riada (Galway Traveller Movement) defined equality work and discussed the current challenges and opportunities for NGOs.

A series of case studies were presented by NGOs demonstrating various tools which can be used to progress equality work including:

- The Immigrant Council of Ireland's legal casework to promote and vindicate the rights of immigrants in Ireland;
- Cumas's advocacy services to support people with a disability experiencing discrimination;
- Clare Women's Network's advocacy work to promote the use of the UN CEDAW convention to raise awareness of and realise women's rights;
- MarriagEquality's media and communications strategies to gain equal access to civil marriage for gay and lesbian families;
- Clare Intercultural Network's work to promote interculturalism as a tool to combat racism and discrimination;
- Tullamore Active Retirement Association's work to promote participation by older people in local communities and
- National Youth Council of Ireland (NYCI)'s diversity proofing tool to promote equality and diversity in the policies and practices of organisations working with young people.

'Making the Most of Equality' also included presentations from public bodies highlighting tips for the NGO sector on how to get the most out of their equality work including:

- Cork City Council and Cork County Development Board on the positive equality results arising from systematic NGO and local authority engagement.
- Border, Midland and Western Regional Assembly and Sligo County Council on the

effective ways of achieving equality and gender mainstreaming, drawing on the equality principle incorporated into EU Structural Fund Programmes in Ireland.

In response, the Galway Traveller Movement and Longford Women's Link highlighted the need for NGOs to be systematic in their engagement with regional policy making bodies.

Speakers at 'Embedding Equality in Media and Policy Work' included:

- Candy Murphy of One Family who gave an overview of persistent inequalities and of the need for structural change.
- Ursula Barry, UCD, who outlined the Irish social and economic policy landscape from the 1970s to the modern day and the impact of policy development on gender equality and social inclusion.
- Dr Séan Ó'hÉigeartaigh, CEO Emeritus of the National Economic and Social Forum, who gave an insider's perspective on effective ways of achieving policy change.
- Paul Daly, Media Consultant, who provided a 'teach-in' on developing effective media strategy.
- Dr Katherine Zappone of the Centre for Progressive Change who spoke of the need for NGOs in the current economic and political climate to seek to make alliances to support one another in their work to reduce inequity, poverty, discrimination and prejudice.

A number of case studies by national NGOs working on equality and interacting with media were presented. These included:

- The Immigrant Council of Ireland and the National Women's Council of Ireland highlighting the challenges of engaging with the media on gender and migration issues.
- One Parent Exchange and Network showing how data could be used to show how poverty impacts on lone parent families.
- Inclusion Ireland illustrating how a recent media campaign strategy was used to highlight the need for enhanced rights for people with intellectual disabilities.

(b) Public Sector Equality Learning Network

The Public Sector Equality Learning Network was established in 2007 to support public sector organisations to:

- share expertise with regard to effective approaches for promoting equality for and accommodating the diversity of customers;
- highlight available supports and resources to enhance organisational capacity in terms of equality and customer service;
- support the implementation of equality actions at institutional level;
- identify ways in which learning can be shared with other public sector organisations, sectors and other learning networks.

The network is chaired by FÁS.

The PSELN met regularly every two months and identified the need for capacity building of network members in relation to equality. In response, three main learning events were organised. These were:

- Focusing on Equality for Customers with Disabilities, held on 20 May 2009;
- An Equal Status Seminar on the Equal Status Acts and on Equality Mainstreaming, held on 15 October 2009;
- Training on the Equality Screening Toolkit, held on 11 November 2009.

Two sub-groups of the PSELN worked collaboratively to produce an Equal Status training module and an Equality Screening Toolkit for public sector organisations. These will be piloted in 2010.

Membership of the Public Sector Equality Learning Network: Border Midland and Western Regional Assembly; Bus Éireann; Carlow County Council; Cavan County Council; Clare County Council; Comreg; Courts Service; Department of Finance; Department of Foreign Affairs; Dublin Bus; Co Donegal VEC; Co Wexford VEC; Dublin City Council; Dublin City University; Dublin Tourism; County Dublin VEC; ESB; EVE Ltd.; FÁS; Financial Services Authority of Ireland; Fingal County Council; Galway City Council; An Garda Síochána; Health Research Board; Health Service Executive; Higher Education Authority; Laois County Council; Library Council; Local Government Management Services Board; Met Éireann; National Disability Authority; National Qualifications Authority of Ireland; National Social Work Qualifications Board; Ordnance Survey Ireland; PAUL Partnership; An Post; Roscommon County Council; South Tipperary County Council; Southern and Eastern Regional Assembly; Trinity College, Dublin; UCC; UCD; Wexford County Council.

Objective 2: To Take Initiatives That Further Equality For Groups And Individuals Experiencing Inequality

1. Initiative to Combat Homophobic Bullying in Schools

Following the campaign “Making Your School Safe”, which was developed and implemented in partnership with BeLonG To Youth Services in the 2006–2007 school year, the Equality Authority and BeLonG To received requests for training to support schools to develop and implement policies and practices to prevent and combat homophobic bullying in second-level schools. In 2009, a new partnership of four organisations was developed to meet that need, consisting of the Equality Authority, BeLonG To Youth Services, the National Association of Principals and Deputy Principals (NAPD) and the Gay and Lesbian Equality Network (GLEN). The partnership developed a set of awareness-raising, training and workshop activities for delivery in a variety of settings. The contexts for which these activities were developed were:

- presentations to regional meetings of senior school managers;
- engagements with all members of a school community – all students, all staff, the parents’ council and board of management – over a number of days;
- the annual conference of the NAPD; and
- an innovative one-day course for ‘whole-school’ teams from a small number of schools.

The one-day course was designed to identify the actions needed to combat homophobic bullying from a ‘whole-school perspective’. Consequently, representatives of the student council, the pastoral care team and the senior management team in a school were invited to participate in the pilot programmes. Each of the four activities were tested in pilot activities in 2009 and a review of their effectiveness and the feedback from the pilot will take place in early 2010.

2. An Action Strategy for Integrated Workplaces 2009

The Action Strategy for Integrated Workplaces, launched by the then Minister for Integration Mr Conor Lenihan T.D. on 12 November 2008, was an action strategy to establish new supports for companies and trade unions to respond effectively to cultural diversity in the workplace. It also was a joint initiative, in this case of Congress, IBEC, the Office of the Minister for Integration and the Equality Authority.

(a) Congress Action

In the action strategy Congress provided supports to enable trade unions and their members to contribute to the development and implementation of integrated workplaces. Congress developed two separate aspects to the project:

(i) Training: Two training days on integrated workplaces were run in January 2009 and eighteen trade union activists took part in the training. The training dealt with racism and discrimination, an introduction to integrated workplaces, developing strategies and negotiation, case studies on integrated workplaces and planning for future projects. As part of the training participants were encouraged to develop an integrated workplace action plan and to apply for the challenge funds provided.

(ii) Challenge Funds: Challenge funds were set up and union activists were urged to apply for funding to draw up an integrated workplace action plan for their own union. Eight challenge funds were awarded to different unions. The funds were used to provide for:

- Training for shop stewards;
- Information seminars;
- Developing policies for inclusive workplaces.

(b) IBEC Action

IBEC established a system of supports for employers to manage cultural diversity effectively. In the action strategy, IBEC's commitment to the project was to establish a support system for companies to integrate diversity successfully into their workplaces. This was achieved through a number of systems and initiatives rolled out and undertaken by the diversity project officer:

(i) Set up a 'help-desk' to respond to specific queries from employers

The help-desk went live in November 2008 and answered queries and issues arising from employers in the area of diversity. The help-desk was promoted through IBEC publications and at various diversity networks and events. Topics raised by employers included the business case for diversity; developing diversity policies and strategies; and reintegrating an employee with a disability into the workforce.

(ii) Disseminate the business case for diversity

Various initiatives were undertaken to communicate and promote the business case for diversity. These included a business case article which was circulated to employers as part of IBEC's Databank publication (May 2009); a diversity newsletter which promoted the value of diversity and a chapter in the IBEC Essential guide to diversity.

(iii) Provide opportunities for regular networking between employers

Eight networking events took place across Ireland in 2009, four in May/June and four in October/November. Each diversity event focused on providing key information, generating enthusiasm about diversity and inclusion, equipping delegates with skills to implement

actions in their own workplaces, while also allowing for peer to peer shared learning to elicit best practice. Four of the networks focused on the theme of cultural diversity and four on the dual themes of disability and family status and issues around disclosure and difference. In each case a novel approach to the learning was used (e.g. forum theatre) which was very well received by participants. In total 204 delegates participated in these events from a mixture of large, small, public and private sector organisations.

(iv) Propose a model and methodology for monitoring and measurement

A model and methodology was researched with various organisations. It examines how organisations profile and measure along all nine equality grounds and this will also be used as a tool to gender proof initiatives and encourage gender mainstreaming. This framework is presented in the Essential guide to diversity.

(v) To document good practice examples of the integrated workplace

Based on ongoing research and the findings of the previous action points the good practice equality and diversity strategies were documented and incorporated into a best practice guide on diversity management – Essential guide to diversity. Consultation was carried out with organisations which have exhibited experience in dealing with a diverse customer base so that these practices could be disseminated to organisations generally and where gaps existed guidelines were developed. This guide addresses key topics such as: The business case for diversity; How to create and maintain an integrated workplace; The customer perspective; Monitoring, measurement and benchmarks; Best practice case studies featuring Dell, IBM, the Rotunda Hospital, Medtronic and the ESB.

Capacity Building

Strategic Goal 6: An Effective and Efficient Equality Authority.

Objective 1: To Achieve A Stabilised Environment For The Equality Authority

The Equality Authority has managed and dealt with the challenges that faced society generally in 2009. Restructuring and realignment to accommodate reductions in resources were major features of the year. The commitment of the Acting Chief Executive, and the appointment of the new Chief Executive in May, further stabilised the organisation. The guidance of the Board and the support of the Department of Justice, Equality and Law Reform were invaluable in this transition.

Management and staff responded exceptionally to the challenges. Their commitment to delivering the remit and to continue to implement policies and measures to promote equality and eliminate discrimination was exemplary. Maintaining high commitment to stakeholders, clients and the public was at the heart of this service delivery. Organisationally, 2009 saw a particular focus on enhancing systems such as I.T., examining and improving processes, and delivering excellence in corporate governance. These will remain key aspects of the work programme. Effective and efficient linkages, communications and controls between the offices in Roscrea and Dublin are fundamental in this regard.

The development of the Equality Authority offices in Roscrea continued during 2009. The main functions operating out of the Equality Authority's Roscrea office are the Public Information Centre, including its 1890 Lo-Call services, and some Legal and Development functions. The main Financial, Corporate and other Administrative Support functions continue to operate successfully from the Roscrea office. The CEO bi-locates between the Roscrea and Dublin offices to ensure effective and efficient linkages, communications and oversight in these locations.

Planning & Review

The Equality Authority Strategic Plan "Equality for All in a Time of Change" was published in March 2009. The Plan covers the three-year period 2009-2011. It is available on www.equality.ie.

Relevant reviews initiated during 2009 were:

- A Corporate Governance Review
- A Customer Service Charter & Action Plan Review
- A Review of the operations of the Legal Section of the Authority.

Freedom of Information

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

individuals. A total of seven Freedom of Information requests were received during 2009. Four were granted in full, one was part granted and two were refused.

Procurement

During 2009 three "Requests for Tender" were issued and three contracts signed.

Objective 2: To Enhance The Capacity Of The Equality Authority Taking Due Regard To Resources And Environment

Staffing

At year end 2009 there were 38 staff positions in the Equality Authority. The Authority remains committed to the implementation of a work/life balance policy. Mr Richard Fallon served as Chief Executive in an acting capacity between January and June 2009. The appointment of Ms Renée Dempsey to the role of Chief Executive was welcomed by the Authority in June 2009. The Authority would like to take this opportunity to thank all former colleagues for their important contribution to its work and to reiterate its welcome to those staff who came to work with us during 2009. The new CEO met with all staff regularly from the date of her appointment. A joint meeting between all staff in Dublin and Roscrea is due to take place within the first quarter of 2010.

Information Technology & Communications

The Equality Authority migrated to the CITRIX framework in mid-December 2009. This has aided the shared services for IT backup, greater access to the Department of Justice, Equality and Law Reform's facilities and personnel and also allows for greater IT security.

Health & Safety

Health & Safety actions were carried out on a monthly basis in both the Dublin and Roscrea offices in 2009. A lift was installed in the Roscrea office, to allow for greater accessibility and use of the offices. During the year, one alarm evacuation was conducted during office hours at the Dublin office.

Training & PMDS

Individual training needs were identified for staff under the integrated model of the *Performance Management and Development System (PMDS)*.

A total of 34 days training days were provided for staff in 2009. The training included Management Development, Foreign Language training, Continuing Professional Development as well as Diversity Training. The support received from the Department of Justice, Equality & Law Reform in providing training to staff is very much appreciated.

Customer Service

In the second half of 2009 the Board of the Equality Authority commissioned an independent report in response to the need for accurate and substantive information as to the effectiveness of the newly configured Equality Authority. The impact, expertise and delivery of the Equality Authority's services in 2009 was strongly endorsed at very

high satisfaction levels, by an independent survey of service users. R.A. Consulting (performance and HR consultants) conducted a review of the Equality Authority's services to customers in 2009 and reported its findings to the Board of the Authority.

Key users of the Equality Authority's services were interviewed and surveyed by the consultants including non-governmental organisations, Government departments and individuals seeking information and redress. 65% of the sample contacted responded to the survey. The key findings include:

- 94% of respondents agreed or strongly agreed that the "Authority pays an important role in promoting equality in Irish society";
- 98% of the respondents agreed or strongly agreed that the staff were "professional, polite and courteous" and 96% agreed or strongly agreed that "when dealing with the Authority I find the staff to be helpful";
- 91% agreed or strongly agreed that the "information made available to me or my organisation is appropriate";
- 83% agree or strongly agree that the Authority has been effective in reducing discrimination in Irish society;
- The efficiency of the Equality Authority's services was also strongly acknowledged by stakeholders in the handling of cases, issues and queries;
- 92% agreed or strongly agreed that they were aware of the individual staff member dealing with their request;
- 81% agreed that staff understood their case or issue;
- 80% agreed that the staff "displayed a willingness to help them with their case/issue/query";
- 79% acknowledged the expertise of the staff in handling their concerns;
- In relation to service delivery 89% agreed or strongly agreed that personnel are accessible and 87% agreed or strongly agreed that "correspondence received from the Equality Authority is easy to understand". 85% stated calls to the Authority are answered in a timely manner and that their concerns are "acknowledged in a timely manner".

Customers continue to be encouraged to let us know what they think of our services including in writing. Comments may be made through the dedicated customer feedback page on our website. Alternatively, a Comment Card is made available in our Reception Area and through our Public Information Centre.

The Equality Authority had one meeting with the Community and Voluntary Sector. It is anticipated that these meetings will be re-instated in 2010.

Conference and Meeting Facilitation

Meeting facilities at the Equality Authority were in constant use throughout the year with 142 meetings and two launches facilitated.

Appendix 1: Joint Initiatives and Representation on Policy Committees

1. Equality Authority Joint Initiatives in 2009

The following is a list of the organisations that worked with the Equality Authority on joint initiatives in 2009.

Age Action
Age and Opportunity
AkiDwA
Amnesty International
An Garda Síochána
Athlone Chamber of Commerce
BeLonG To Youth Services
Bus Éireann
Cavan County Council
Central Statistics Office
Citizens Information Board
Citizens Information Centres
Clonmel Chamber of Commerce
Communication Workers' Union
Congress
County Dublin VEC
County Waterford VEC
County Wicklow VEC
Crisis Pregnancy Programme - HSE (formerly Crisis Pregnancy Agency)
Dodder Valley Partnership
Dublin Bus
Dublin City Council
Dublin City University
Economic and Social Research Institute (ESRI)
Electricity Supply Board Officers' Association
EQUINET - the European Network of National Equality Bodies
European Commission
EU Fundamental Rights Agency
European Institute for Gender Equality
European Network Against Racism Ireland
FÁS
Further Education Support Service
GAA

Galway Chamber of Commerce
Galway City Partnership
Gay and Lesbian Equality Network (GLEN)
Health Service Executive (HSE)
IBEC
Immigrant Council of Ireland
Inclusion Ireland
Integrating Ireland
Irish Council for Civil Liberties
Irish Hospitality Institute
Irish National Teachers' Organisation
Irish Senior Citizens' Parliament
Irish Traveller Movement
Irish Universities Association Equality Officers' Network
Irish Vocational Education Association
Kildare County Council
Local Government Management Services Board
Men's Development Network
Migrant Rights Centre Ireland
NASC Immigrant Support Centre
National Lesbian and Gay Federation
National Women's Council of Ireland
National Youth Council of Ireland
One Family
One Parent Exchange and Network
PAUL Partnership
Pavee Point
Public Service Executive Union
School Development Planning Service of the Department of Education and Science
Shannon and District Chamber of Commerce
Services Industrial Professional and Technical Union
Transgender Equality Network Ireland
University College Cork
University College Dublin
University of Dublin

2. Equality Authority Representation on Policy Committees in 2009

Representation on Policy Committees:

Advisory Group, National Office of Equity of Access to Education,
Higher Education Authority
Cathal Kelly

An Garda Síochána Strategic Human Rights Advisory Committee
Carol Baxter

An Garda Síochána Diversity Strategy Board
Brian Merriman

Border, Midland and Western Operational Programme Monitoring Committee
Brian D'Arcy / Carole Sullivan

Consultative Forum on an Employment Strategy for People with Disabilities
Deirdre Toomey

CSO Census 2011 Advisory Group
Laurence Bond

Equality Proofing Working Group
Carole Sullivan

European Institute for Gender Equality
Renée Dempsey

FETAC Standards Advisory Board
Laurence Bond

GAA Inclusion and Integration Working Group
Vincent Edwards

Health Service Executive Gender Mainstreaming Group
Stefania Minervino

Health Service Executive, National Equality Programme Steering Committee
Stefania Minervino

Human Capital Investment Operational Programme Monitoring Committee
Carole Sullivan

INTERREG Programme Monitoring Committee
Cathal Kelly

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

Social Inclusion Division - Technical Advisory Group
Laurence Bond

Southern and Eastern Operational Programme Monitoring Committees
Cathal Kelly

Working Group on Ethics in Children's Research (Office of the Minister for Children)
Laurence Bond

Working Group for the Irish Legal Information Initiative
Brian Merriman

Working Group on the Promotion of Equality, EQUINET - the European Network of National Equality Bodies
Cathal Kelly

Working Group on Strategic Enforcement, Equinet – European Network of Equality Bodies
Eilís Barry

Appendix 2: Board Members Attendance at Board Meetings

Board Member	Meetings Attended in 2009
Angela Kerins	12
Christy Lynch	9
Nigel Brander	11
Seán Fogarty	12
Frank Goodwin	1
David Joyce	1
Niall Mc Cutcheon	11
Finola Mc Donnell	1
Salome Mbugua	10
Ellen Mongan	10
Louise O'Donnell	1
Denis O'Flynn	1
Betty O'Leary	12
Kieran Rose	10
Lynn Jackson	6
Rhona Murphy	10
Peter White	9
Paddy Maguinness	7

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Age
Disability
Gender
Race
Family Status
Marital Status
Sexual Orientation
Traveller Community
Religion

