



Galway City Community Network
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Galway City Community Network CLG

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Galway City Community Network, The Public Participation Network in Galway City

Review of the Equality Legislation 2021

GCCN Submission

December 2021

Preface

Established in 2014, **Galway City Community Network** (GCCN) is the Public Participation Network in Galway City. It represents groups and organisations in the community, voluntary and environmental sectors in Galway City. The twin objectives that GCCN pursues are to:

- Advance the values of sustainability, equality, culture, community, empowerment and inclusivity and embed these in the policies, programmes and practice of local government, state organisations, national government and civil society.
- Develop and implement progressive models of and approaches to representation, participation and engagement for civil society in informing and shaping policy development and implementation.

GCCN welcomes the opportunity to make this submission to the development of the National Recovery and Resilience Plan and does so after consulting with GCCN members.

Background to GCCN Engagement

Galway City Community Network has been a member of a consortium in Galway City that has been working on equality and human rights and the public sector duty for a number of years. We initially produced an ***Equality and Human Rights Statement*** and subsequently, with the support of the Irish Human Rights and Equality Commission (IHREC), produced the toolkit, ***Realising Potential: Public Sector Equality and Human Rights Duty Implementation Manual***.

Up to 2020, the work was focused on supporting duty bearing organisations to meet their obligations under the public sector duty. Most recently, with further support from IHREC, GCCN has been implementing the ***Building Collective Capacity and Engagement of Rights Holders in Galway City: Establishing and Enabling the Galway City Civil Society Panel*** initiative. This initiative established and supported the capacity building of a Civil Society Panel, comprising of a range of people that reflect the nine grounds of the equality legislation and an additional socioeconomic ground.

The Public Sector Duty is a focus of the Galway City Local Economic and Community Plan and GCCN has led the process of developing a Collaborative Forum, comprising public sector and other bodies that at various stages or the beginning of implementing the PSD.

We have been directly involved in the assessment stage of a number of strategies from public bodies including the Galway Mayo Educational and Training Board, the Galway City Arts Strategy and others. We are currently working to support GMIT, now called the Technical University of the Atlantic, and University College Hospital, Galway to support them to commence the process of implementing the PSD.

The Submission

Galway City Community Network participated in the process of developing the submission from Community Work Ireland (CWI) and would like to lend our support to the calls for action below.

GCCN's member groups include organisations in the community and voluntary, social inclusion and environmental sectors in Galway city. Member organisations represent communities across the equality grounds in their work for the realisation of rights of disabled

people, the LGBT+ community, the Traveller community, communities facing racial discrimination and older people. Our member organisations also work with groups that are not currently covered under the current legislative framework including communities experiencing socio-economic disadvantage and young people.

GCCN and our members believe that equality needs to be at the heart of policy and associated strategic and implementation plans nationally, regionally and locally.

As set out in the CWI submission, GCCN members believe that protection under the equality legislation for the protected individuals and communities has been diluted over the past number of years and seeking redress has become much less accessible. This review needs to **significantly improve protection, significantly extend protection and make redress under the legislation significantly more accessible.**

Ensure Comprehensive Equality Legislation

GCCN members are acutely aware that there are communities that experience significant levels of discrimination that are not protected by the equality legislation.

GCCN supports the CWCI call for:

- Inclusion of a new socio-economic status ground, defined in terms of situations of socio-economic disadvantage (Employment Equality Acts and Equal Status Acts)
- Inclusion of a new ‘previous criminal conviction’ ground (Employment Equality Acts and Equal Status Acts)
- Inclusion of an Irish language ground to ensure that those that speak Irish are not discriminated against in relation to employment or goods and services
- Expansion of the gender ground to explicitly reference transgender, non-binary and intersex people in covering gender identity, gender expression and sex characteristics (Employment Equality Acts and Equal Status Acts)
- Expansion of the age ground to remove the current age limit and to cover those under 18 years of age (Equal Status Acts)
- Explicit prohibition of intersectional discrimination, with an associated definition, and attracting additional sanctions for its cumulative impact on complainants.

Address Deficits in the Equality Legislation

GCCN members that are and work with disabled people are acutely aware of the limitations of the equality legislation in the context of the UN Convention on the Rights of People with Disabilities.

GCCN members are also acutely aware of the failure of the legislation to protect those that experience discrimination on socio-economic grounds, and those that are referred to as ‘non-nationals’ that are explicitly prohibited from availing of the protection of the legislation. These ‘non-nationals’ include some of the most marginalised migrant and asylum seeking communities and it is abhorrent that they should be explicitly excluded from protection under this legislation.

GCCN supports the CWCI call for:

- Levelling up of the provisions in relation to reasonable accommodation on the disability ground to the standard set by the UN Convention on the Rights of Persons with Disabilities,

requiring employers and service providers to make reasonable accommodation to secure access for and participation by disabled people, unless it can be demonstrated that this would impose a disproportionate burden.

- Expansion of the definition of services to include the performance of their general functions by public bodies.
- Deletion of the exemption for actions carried out on foot of legislative provision, Section 14 of the Equal Status Acts.
- Deletion of the exemption of certain actions by public authorities relating to ‘non-nationals’, Section 14(1) (aa) of the Equal Status Acts.
- Extension of the provisions for, and requirements in relation to, reasonable accommodation in relation to the disability ground, to all grounds covered under the equality legislation.
- Application of a single definition of positive action which would apply to all grounds and all contexts, set out in terms of initiatives and measures to ensure full equality in practice.

Build on Recent Improvements to the Equality Legislation

GCCN believes that the Public Sector Duty has the potential to be transformative. As outlined in the opening section, we have been to the forefront of urging public bodies in Galway City to implement the duty and have been proactive in the development of tools, resources and support to them. While a number of bodies have, with this encouragement, engaged with the PSD, many others have not. The failure to provide an imperative, including sanctions for non-compliance, has been a significant failure and is failing the communities protected under the legislation.

GCCN supports the CWCI call for:

- Introduction of dissuasive sanctions for public bodies that fail to implement the public sector equality and human rights duty or to implement it to the standard set by the Irish Human Rights and Equality Commission.
- Provision for a statutory duty on private sector organisations to take action to inform employees and service users of their rights under equality legislation, to put in place and implement an equality policy, and to prepare and implement an equality action plan.

Ensure Access to the Rights Enshrined in Equality Legislation

Protection that is not accessible is worthless. GCCN members have found that accessing protection under the equality legislation increasingly difficult. Affordability is one significant barrier, as is the fact that many hearings are now heard in Court, which many people find intimidating to the point that it dissuades them from taking action.

GCCN supports the CWCI call for:

- The provision of free Legal Aid in discrimination cases, with the Legal Aid Board empowered to provide for representation for complainants before the Workplace Relations Commission in such cases.

- Reversal of the jurisdictional change for discrimination cases against licenced premises, with jurisdiction for such cases being accorded to the Workplace Relations Commission.
- Reinstatement of the specialist Equality Tribunal.